



## SEANAD ÉIREANN

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*Déardaoin, 27 Eanáir 2005.  
Thursday, 27 January 2005.*

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Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Paidir.  
Prayer.*

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### Business of Seanad.

**An Cathaoirleach:** I have received notice from Senator O'Meara that, on the motion for the Adjournment of the House today, she proposes to raise the following matter:

The need for the Minister for Communications, Marine and Natural Resources to finalise an agreed plan for the rehabilitation of old mine sites in Silvermines, County Tipperary, in light of new evidence showing that the health of the community, particularly of children, is at risk from airborne toxic materials emanating from the eroded areas of the surface of the tailings pond at Gortmore.

I have also received notice from Senator Cummins of the following matter:

The need for the Minister for the Environment, Heritage and Local Government to meet with a deputation from Waterford County Council to address the waste management crisis which exists in the county.

I regard the matters raised by the Senators as suitable for discussion on the Adjournment and they will be taken at the conclusion of business.

### Standing Order 30.

**An Cathaoirleach:** I have notice of a matter of concern from Senator Finucane under Standing Order 30, namely, the proposed closure of the Kerry Foods chicken processing plant at Kantoher, County Limerick, and it will be taken at 12.50 p.m. Notwithstanding anything in Standing Orders, is it agreed that the matter raised under Standing Order 30 be taken before the conclusion of business, should the need arise? Agreed.

### Death of Former Member: Expressions of Sympathy.

**Ms O'Rourke:** I pay tribute to Mrs. Eileen Desmond, a former Member of the Oireachtas who was a Member of this House for a period. She was a Member of the Dáil, the Seanad and

the European Parliament. During her tenure of those various positions she displayed considerable intelligence and political acumen. I do not often agree with Fergus Finlay, nor he with me, but he wrote a wonderful article about her in which he said: "We have lost a woman of great charm, courage and conviction." It has alliteration, but it also has truth in it.

When I became a Member of the Dáil at the end of 1982, having been in the Seanad for the previous six months, she was Minister for Health. She was a woman one could approach on the corridor and tell a tale from the midlands which she would remember when one next met her. She was approachable, but also very interesting. She became a Member of the Dáil as a young woman, aged 32, and was one of only five women in that Dáil. She got her seat first in a by-election, but did not hold it. However, she graced the Dáil on many occasions.

I particularly remember that during one of those awful periods when there were pro and anti abortion campaigns she displayed great courage for a female rural Deputy. I remember speaking to her one day when she was sitting in her car about to head off for Cork. The car was piled full with boxes of leaflets she was going to distribute when she got home to her branch meetings. She took a very courageous stand on that issue when other people, certainly other women or Deputies from other parties were not doing it. We all talk about the feminist revolution and the very worthy women who led that cause and went to and from Belfast on the train. All of those events were necessary to highlight the absurdity of a position but in her own quiet way Eileen Desmond was campaigning in the depths of County Cork where it cannot have been easy to have taken the position she took and to have others follow her.

As we know, Eileen was dogged by bouts of ill health but the reason for this was not the cause of her untimely passing. This prevented her from standing for office or from being considered for Cabinet at a later stage. She was a very fine person of considerable worth. I mourn her passing personally and on behalf of my party. She was not old by modern standards. She could well have continued her political career. She had two lovely daughters, both of whom I met on several occasions, Honor and Paula. One in particular has followed on in the political tradition. I extend my sympathy to her daughters, her wider family, friends, acquaintances and the Labour Party of which she was such a sterling torchbearer.

**Mr. B. Hayes:** On behalf of my Fine Gael colleagues in this House, I join with the Leader in paying tribute to Eileen Desmond and extending our sympathies on this terrible loss to her family and to her Labour Party colleagues in the House. I did not know Eileen Desmond and never met her but as someone growing up in the 1980s I was very much aware of her contribution to politics from the television and reading newspapers.

[Mr. B. Hayes.]

One of the great mistakes made by Fine Gael and Fianna Fáil in that very turbulent period in the early 1980s, to which the Leader referred, was the concession we made to put the issue of abortion into the Constitution. She was the only female Deputy to vote against that in the Dáil at a time when there were many female Deputies in both parties. She showed great understanding as well as the courage to which the Leader referred. Given her rural base it was very difficult to take that stand in 1981 and 1982. She also showed great intellect in knowing the difference between statute law and constitutional law and knowing where things should go. It is a living testimony to her intellect that she had the courage to say it would be a great mistake to put the issue of abortion into the Constitution. She understood how the apparatus of the State worked.

She also showed great courage in 1979 when she was elected to the first directly elected European Parliament elections for the Munster constituency. I understand that in 1981 she was asked by Frank Cluskey to stand back from the European Parliament to contest a Dáil constituency. With fixed term parliaments and financial security, it would have been easier to stay in Strasbourg because the 1980s was a turbulent period here in which we had five general elections. Eileen did not take the easy option, which was a great sign of her fidelity and real commitment to the Labour Party. She decided to contest the election when she was asked to do it by the party leadership. We underestimate in politics now the importance of party politics and the very strong convictions of members of political parties about party values. Eileen showed that in great measure in 1981.

The third issue I wish to raise in tribute to Eileen is the fact that her entire family was given over to the Labour Party. Those of us who are members of political parties often take it for granted that this is not just an individual business, but a family one. Eileen's husband, Dan Desmond, who died at a very young age gave his life to party politics, as her daughter Paula is doing on a daily basis as a member of Cork County Council.

They are my reflections on this great parliamentarian, this great woman whom I suspect was a role model for other women at a very difficult time in Irish politics. I hope her memory will be treasured in this House as someone who made a great contribution to this country. It is only right and fitting that we remember her today.

**Mr. O'Toole:** We on the Independent benches would like to be associated with the words of condolence to the family of the late Eileen Desmond. I did not know her in political life as she was gone when I came in here but I met her two or three times. She was one of those iconic figures I associated with political life before I was elected to national politics. She had a great presence which came across in the media and in person. One

always remembers the curl in her hair, which was almost like a trademark. She always had a word for people around her.

I would like to reflect on the significant contribution Eileen made. She was a role model, not just for other women but for politicians. As one who was principle-driven, she is a role model for the many politicians today who are opinion poll-driven. She was a woman who took the hard stance, who made the hard decisions in public and who faced her electorate and explained and sold her position. That is the reputation she leaves behind. I thank her on behalf of all of us for the contribution she made as a young widow coming into political life, finding her way and making an impact at local, national and European level. We owe her a debt of gratitude. She was the kind of person we need in public representation. She was a good role model for people looking to take on that kind of lifestyle. I offer our condolences from these benches to her daughters, her family and her colleagues past and present in the Labour Party.

**Mr. Ryan:** I cannot help thinking that if Eileen was here she would blush because although everything that was said about her this morning is true, she would not thank one for saying it like that. In thinking of her the word that springs to mind is "courageous" and it has already been used to describe her. We referred to courage in the political context but she was also extraordinarily courageous personally. When she was widowed 40 years ago at the age of 32 she ran in a by-election. She did not run just because she was a Deputy's widow. I never asked her about it directly but she was reported to have said she was a member of the Labour Party before her husband was a member. She ran because she was a committed person.

We know the level of success Eileen had in her political career but she was also an extraordinarily successful mother. I cannot think of anybody whose relationship with her adult children I would more like to emulate. They had grown into a community of friends who only differed in age, particularly Eileen and Paula, both of whom I had the great fortune to know well.

I voted for Eileen on occasions when I was in the constituency. I campaigned on her behalf even when I was not a member of the Labour Party because people's comments about her caught my imagination and inspired me as an observer of politics in those days. As the years went by and I got to know her both inside and outside the Labour Party I found her a committed ally of all of the causes in which people with hearts and convictions on the left of Irish politics would like to be involved. She was never irresolute or in doubt; she knew where she stood. That was not just 20 years ago, it continued until recently. Last June, she canvassed on behalf of Paula and me in the local and European elections. The bringing about of political change as she saw it never ceased to be a central part of her

life. However, she was more than that to me — she was a good friend who had a good sense of humour, particularly about herself. This is why I stated at the outset that she would have been somewhat embarrassed by these tributes and her response would have been a humorous put down about herself.

The Labour Party, both locally in Cork South-Central and nationally, will notice her absence and miss her. As Senator O'Toole quite rightly stated, she was an icon and a remarkably brave woman but, most fundamentally for members of the Labour Party, she was a lovely woman to whom one warmed and responded. She was also perhaps the most effective canvasser with whom I have ever knocked on doors. She had a capacity to resonate with people and remember them and people remembered her. Anywhere one travelled in Cork South-Central, Mrs. Desmond was a figure with whom people immediately identified.

Paula, Honor, Feena and Max — her daughters and two grandchildren — will miss her desperately. She was the linchpin in a close and very united family and her absence will be a very significant gap in all of their lives. It is to them, on behalf of the Labour Party, that I extend my deepest sympathy because they deserved to have her for much longer. She was very much herself still and it was a great tragedy that she was taken from them so soon, so suddenly and so comparatively young. *Ar dheis Dé go raibh a hanam dílis.*

**Mr. Minihan:** On behalf of the Progressive Democrats, I join with previous speakers in paying tribute to the late Eileen Desmond. Whereas I was not involved in political life at the same time as Eileen Desmond, as a young man growing up in Cork I knew her and her daughters quite well. As a woman who took on the challenges she did in those days in Cork, she became something of an icon for all the right reasons. As previous Senators have outlined, we should consider the era to which we are referring, namely, 1965 and a very young widow with two very young children taking on the daunting task of standing in a by-election, succeeding in it and moving on through her political career.

The Leader used three words to describe her, namely, “charm”, “courage” and “conviction”. These qualities have been clear throughout her life. One must consider the political stances she took, the relationship she had with her electorate and the affection in which she was held by the people of Cork South-Central, an affection which continued in respect of her whole family. As Senator Ryan stated, her daughter Paula has continued the political tradition and is a very prominent and active member of Cork County Council.

Eileen Desmond is a role model for women in public life, particularly in the profession of politics in which she carried out her responsibilities and duties of public service. This did not come cheaply for her because, although as politicians we all make sacrifices in our family lives for the role we play, the difficulty is compounded when

one is a widow with two young children. The people owe a great debt of gratitude for the service and commitment of Eileen Desmond. In particular, she is very fondly remembered by the people of Cork who are very grateful for the service she gave. I extend my sympathy not only to the Labour Party and the people who supported Eileen Desmond, but particularly to her daughters, Paula and Honor. *Ar dheis Dé go raibh a hanam.*

**Mr. McCarthy:** I share the sentiments expressed by Senators about the late Eileen Desmond. To put her political career in context is quite amazing as she came into politics as a result of tragic circumstances. Her husband Dan, who was a Dáil Deputy and deputy leader of the party, died suddenly leaving her with two young children. She won the subsequent by-election and the result of her victory was the decision by the then Taoiseach, Seán Lemass, to dissolve the 17th Dáil so she never had the opportunity to take her seat in that Dáil. However, she went on to retain the seat in the general election.

Eileen Desmond made great sacrifices, not just for the people of Cork but those of Ireland. She campaigned on very sensitive issues and took stances that would have been largely unpopular from many viewpoints. However, she took a political position based on merit and principle — it had nothing to do with electoral dividend, which is plain to see in the example given by the Leader.

I recall meeting Mrs. Desmond at a funeral of a good friend of hers, former councillor Carmel Harrington, in Bantry two years ago. She told me then that she had to get back to Carrigaline that evening for a leaflet drop for the referendum campaign. She was still very active at that point — canvassing during the local and European elections last June — and was a prominent figure at Labour Party conferences. Every time she spoke she commanded a level of interest and attention and there was a great deal of focus on her. She was an icon. She represented an area which stretched from her native Carrigaline to the Limerick and Kerry borders — the old Mid-Cork constituency, which took in towns such as Charleville, Kinsale, Bandon and into Cork city. She serviced the area well, visiting every town and village in the constituency on a regular basis and was a regular feature at late night clinics and branch meetings.

Mrs. Desmond has the distinction of having served in every forum the membership of which she contested. She was a county councillor, Senator, Deputy, Minister and MEP. This is a recognition of her dedication as well as her many understated talents. She never sought any quarter on the basis of her being the first woman to be appointed to a senior Cabinet post. She was one of only nine women Deputies in the history of the Labour Party and was the second ever female Labour Party Deputy.

She would be embarrassed by the tributes in the House this morning because she was very

[Mr. McCarthy.]

modest. She never once kept a newspaper clipping about herself even though she dominated the media for many years. It was not the way she viewed herself. The Desmond family's service to Cork politics is being continued by Paula, who has the distinction of being the first female cathaoirleach of Cork County Council. Eileen was a wonderful colleague and friend and was a great mother. She had many talents but it is appropriate to point out the relationship she had with her family. She was a mother, father and grandmother to that family and they will miss her dearly. I subscribe to the warm tributes paid to her in this House this morning.

**Mr. Callanan:** I join in the tributes to the memory of the late Eileen Desmond who died recently. I was at the funeral. I was good friends with Eileen for many years. I served on Cork County Council with her and knew her as a political person as well as on a personal basis. I knew all her family and extended family. We lived in neighbouring parishes and when one lives in rural Ireland, everyone knows one another. We all know the good points about people, it is just a pity they are only remembered when a person is dead. How many people would stand up and say these things about Eileen Desmond if she was seeking election?

Nonetheless, she deserves the tributes which have been paid to her and the fine words said about her this morning. I do not intend to repeat any of them. I knew her as a gentle, caring and wonderful person. Ar dheis Dé go raibh a hanam.

**An Cathaoirleach:** I too wish to join in the tributes to Eileen Desmond, who was a remarkable woman and a remarkable politician. She served the people of this country and Cork in particular with honour and distinction and will be remembered as one of the most outstanding women to serve in these Houses. She was the first woman since Countess Markievicz to be a member of Government. This was a wonderful achievement for a lady who entered politics reluctantly after the untimely death of her husband, Dan. At the time it was a most courageous step for Eileen as she was only 32 years of age with two young children. I remember the by-election as the constituency was several miles from where I live. Eileen won the by-election and, as a result, a general election followed. An interesting note is that the three candidates in the by-election were elected to the Dáil in the ensuing general election. I do not know whether this is a good omen for future by-election candidates.

Both Eileen and her husband, Dan, served the Mid-Cork and Cork South-Central constituencies. She also represented Munster in the European Parliament and was elected to the Seanad in 1969 on the industrial and commercial panel. All were wonderful achievements. I wish to extend my sympathy to her daughters, Honor and

Paula, the latter has followed her tradition of sitting on Cork County Council, their children and the rest of the Desmond family.

*Members rose.*

### Order of Business.

**Ms O'Rourke:** The Order of Business today is No. 1, Criminal Justice (Terrorist Offences) Bill 2002 — Second Stage (resumed), to be taken on the conclusion of the Order of Business and to conclude not later than 1 p.m. Senators may speak for ten minutes and the Minister to be called upon to reply no later than ten minutes before the conclusion of Second Stage.

**Mr. B. Hayes:** We have no objection to today's Order of Business.

I welcome the Taoiseach's comments in the Dáil yesterday concerning Sinn Féin. Hard words were said and I welcome the way in which he put his case to the Sinn Féin leadership. The political establishment has finally woken up to the criminal threat posed to our State as a result of the continuation of a paramilitary political party — Sinn Féin-IRA. I welcome the emergence of this new reality.

For many years I have spoken about this threat and it is welcome that Members now seem to recognise the threat posed. The Taoiseach must also state the same to some members of the Fianna Fáil Party, particularly the Member who made the naive assumption before Christmas that this paramilitary political party would likely be in Government in the Republic in the future. That is not only naive but wrong. The new dispensation that the Taoiseach has enunciated needs to be continued with more hard words.

The report of Mr. Quigley's investigation into the Minister for Transport, Deputy Cullen, asked for by the Government, will be published today. I have not commented on this issue and, therefore, have not prejudged the matter as we await the report's final outcome. However, having watched politics for some years, I note the Government now employs 71 full-time public relations people. I admit all Governments have done so in recent years, including the Fine Gael one. A total of 160 civil servants and others have the full-time job of making Ministers look good. A sum of €10 million is paid each year to keep these people in their jobs. It is not healthy as far too much money, on an annual basis, is wasted. Much of this work is really about electioneering. It breaches the line of the work civil servants have to do on behalf of Ministers in various Departments. If there is one lesson to be learned from this entire controversy, it is that we must seriously examine the large sums of State money spent annually at puffing up the public relations of Ministers, most of whom the public would not recognise.

**Ms O'Meara:** Hear, hear.

**Mr. B. Hayes:** This issue must be addressed and I ask that it is debated in the House. Government has expanded radically over the past ten years. I am not just attacking the Government as it was as much applicable when the Fine Gael Party was in Government. The size of government and the apparatus around it has expanded rapidly, yet I do not know what half these people do. Much of it is based on parish pump politics of the worst type and electioneering for the next election. It does not give politics a good name. I hope this controversy will lead to a genuine debate on this issue.

**Mr. O'Toole:** Too many Departments have not made the distinction between media and public relations officers. Their biggest problem is a lack of understanding of the media. I would welcome an informed debate on this issue.

On the issue of Northern Ireland, it must be recognised that little will happen this side of the Westminster election. Little else will happen between that election and the next Irish election. Instead, a political vacuum will exist over the medium term. While there will be contacts between the parties, I believe we should focus on the fallout and consequences of this situation. I am particularly worried about a community vacuum. The Seanad has had significant discussions on the Good Friday Agreement. On the two occasions I recall, we finished up with an understanding that the east-west dimension of the Agreement was being ignored. I now believe that the North-South aspect has suffered badly over recent years. There must be a focussed discussion, not just on Sinn Féin and the talks. I want to hear positive proposals as to how we can deepen the involvement of cross-community efforts, North and South in the island and east and west between the two islands.

The focus must not just be on the Irish language issue but also include Scots-Gaelic and Welsh aspects. We have not done enough in this regard and I have given examples. People on this and the neighbouring island are concerned where the main economic corridor between the two islands will exist. Will it be at Belfast, Dublin-Holyhead or Cork and Wexford to south Wales and England? We should be declaring that it will be all three points. We must also look at the involvement of groups such as Co-operation Ireland and how it can make an input. I must declare an interest as I am involved with Co-operation Ireland. I ask for a debate on these aspects of the Good Friday Agreement which can now be moved forward.

Hanging on this is the question of an understanding in the North of what is being discussed in the South, particularly over the past three days. Whether one agrees with the Government's position, coverage of the debate does not reach east Belfast, as there is no RTE reception there. Under the Good Friday Agreement, we must ensure all parts of the island have access to all television stations broadcasting on this island.

RTE should be as available in east Belfast as it is in west Belfast where it is freely available. It is simply a matter of turning the transmitter to ensure this happens.

I wish to make one other point. Before Christmas, the Leader raised the issue of the Personal Injuries Assessment Board, of which I am vice-chairman. Members will be aware that it has not been a good week in terms of the legal outcome. I am happy to brief people on the issue. The chief executive, Ms Patricia Byron, or the chairperson, Ms Dorothea Dowling, would be happy to brief Members of the House who wish to hear more about the matter. The Personal Injuries Assessment Board is still doing its business and dealing directly with customers. It will be producing rewards and bringing finality to claims processed in the past six months, beginning from the first week or two in March. As we said when the Bill was going through the House, it will at least be clear that this business can be done without solicitors and quickly. Certain cases require solicitors but we must make the distinction between the two types of cases.

**Mr. Ryan:** I accept fully that we must all be careful about what we say. However, for ten minutes or so in the Dáil yesterday, every democrat in the Oireachtas — I believe that represents all of us bar five — was firmly behind the Taoiseach. Let me say unequivocally that there is no comparison between someone who fiddles their taxes or takes bribes and someone who conspires to shoot in the back of the head a widow with ten children.

**Mr. B. Hayes:** Hear, hear.

**Mr. Ryan:** I am as good as anyone in this House at making comments about the misbehaviour of former members of the Oireachtas, but there is an infinite gap between these two offences. Let there be no equivocation that what the Taoiseach said yesterday was said on behalf of all of us.

Politicians are often further ahead than people realise. It is time the organs of the media began to realise what has happened. I was astonished when watching the nine o'clock news yesterday to see at the beginning the correct response of the Taoiseach. However, I later discovered RTE interviewing a prominent member of Sinn Féin in Washington. I have a feeling that if Deputy Kenny, Deputy Rabbitte or Deputy Sargent was in Washington and a Government Minister was present, similar attention would not have been paid to their comments. Sinn Féin is an important political party but it is not the most important political party. It has five Members in the Oireachtas. The media must realise that it is not just about Sinn Féin but about the rest of us being satisfied that everyone understands what the rules are for democracy. It is up to the media to realise that it cannot give special prominence to

[Mr. Ryan.]

Sinn Féin. I appeal to all branches of the media to take this on board.

I have noticed for some time many radio advertisements encouraging older people to become involved in shared home investment plans and so on. As the advertisements do not indicate that the agencies that offer to buy part of these homes are regulated by the Irish Financial Services Regulatory Authority, we rang them and it turns out that they are not regulated by anyone. They are not covered by consumer law because there is a solicitor involved. I love the assumption that because a solicitor is involved, nothing will go wrong. These agencies are not regulated by, consumer law or the Irish Financial Services Regulatory Authority. People over the age of 70 are among the groups in society who are vulnerable and exposed and it is time financial regulations were extended to encompass such agencies. I am not suggesting that they are doing anything wrong, but older people deserve that sort of protection rather than letting them be exposed to manipulation. There is no cooling off period or any other guarantees in place and it is an issue which will become much more real as people's assets become much more valuable. It is time we pro-actively protected our old people from possible misrepresentation.

**Ms Cox:** Will the Leader arrange a debate with the Minister for the Environment, Heritage and Local Government on waste management? As we head into 2005, it is timely to look back over the success of the recycling, reuse and reduction strategies that have been in place, and supported by the Government, at all local authority levels. It is important to focus on the possibility of rewarding the efforts of people involved in these programmes throughout the country by once again examining the issue of incineration and deciding whether it is the way to go in the short term. I ask the Leader to invite the Minister to come to the House to debate the matter.

**Mr. Coghlan:** I support fully the views of my colleague, Senator Brian Hayes, on the phenomenal growth of the PR apparatus attaching to Government. Much of it is both unnecessary and wasteful. It is difficult to see what service it provides to the people it is sometimes supposed to serve. I look forward to a debate on the issue, presumably arising out of the Quigley report which I believe will be published today.

What does the Leader believe the so-called crucial infrastructure Bill will contain? It was much heralded some time ago to speed up the necessary major infrastructural work and to bypass the planning authorities. I look forward to hearing what the Leader has to say on this matter, including when it will come before the House. When does the Leader expect the Finance Bill to be published? Does she anticipate that it will contain some items that were not anticipated in the Minister's budget speech?

In regard to the Inspector of Prisons report, we had a very useful debate in the House on his first report. I understand his second report has been with the Minister for Justice, Equality and Law Reform for some time awaiting publication. Will the Leader inform the House when she expects the Bill to be published?

**Labhrás Ó Murchú:** There have been several debates in the House in recent years on the peace process and the Good Friday Agreement. In many ways the pendulum has swung from euphoria to dejection, but significant progress has been made in the peace process. We have praised the leaders of the different political parties for their persistence only to see the prize taken from them. However, they are still prepared, together with their civil servants, to go back to the table to try to find a solution. Looking at the history of Ireland, I do not think anyone believed throughout that period that it would be an easy task. If one travels to the North of Ireland today, one will find there is a different perception there from in the Republic. However, it is absolutely vital to hold on to that prize which is still within our grasp.

I do not think it is helpful to suggest that one can move forward without bringing everyone on board, which must be done. It is very easy to put forward in the House a litany of atrocities, which is the correct thing to do. It is right that we do not ignore humanity when trying to achieve this solution. It is right that cases were mentioned here today. We mentioned Bloody Sunday, Pat Finucane and Rosemary Nelson here previously. There are so many people who could be mentioned. As democrats, it is absolutely vital to make an effort to solve this problem. I was particularly taken yesterday morning by the brief contribution of Senator O'Meara on this issue. As she said, let us get back to business. Let us establish a real democracy in Northern Ireland and throughout the entire island. That is my appeal today. One is putting one's head above the parapet in saying something like that but the prize is too great to let it slip at this stage.

**Mr. Quinn:** A number of Senators spoke yesterday about the tsunami disaster which occurred on St. Stephen's Day and about the good response of the Government and the Irish people. However, what we are doing will only at the very most bring the situation in the stricken areas back to where it was. We must take this opportunity to consider how one might eliminate poverty from those areas. The Government has made commitments in the past to which it has not always lived up and it now has an opportunity to do something. Dóchas, the association of non-government agencies, is calling on the Government to use this opportunity to force a change in national and international policies.

I will touch on one other aspect of deaths over the Christmas period, namely the number of deaths on our roads. Last year the figure was 29

for the few weeks from before Christmas to the end of the year and that figure has jumped to 42 for the same period this year. We hoped we were getting somewhere in the past but seem to have gone the other way. The number of drink driving arrests also increased this Christmas as did arrests for speeding. I think there were some 19,000 charges for speeding over the Christmas period.

We know there are answers and we have seen that we can do something about this. Just before Christmas we discussed in this House the introduction of the metric system speed limits and we came up with a number of ideas to address the speeding problem. Will the Leader give attention to this matter and consider inviting the Minister for Transport to the House so that we can debate the matter in the immediate future, because it is something on which we can take action? The longer we leave the problem without addressing it, the more deaths will occur.

**Mr. McHugh:** I agree with Senator O'Toole regarding the situation in Northern Ireland. If his prediction that there will be no settlement or any negotiation until 2007 is correct, we will find ourselves in a very frightening vacuum. I echo the call for much more North-South and east-west involvement. We can show the lead in this House on a joint parliamentary basis. I know hindsight is 20-20 vision but when we eventually look back, history will tell the tale. The DUP and Sinn Féin called the shots in the last negotiations so why can we not show the lead this time?

We should also give agencies on a cross-Border basis more teeth, involvement and funding, whether it be Co-operation North, the International Fund for Ireland, INTERREG III or the Peace and Reconciliation Fund. We cannot create a community vacuum in terms of the peace process. We can still carry on and we can give local authorities in the Border counties more teeth and more involvement. There are many very good and effective cross-Border agencies at a local authority level which are working hard, coming up with good proposals and ideas, but which do not get the funding backup by Government. We owe that to them and we can bring the peace process forward if we show the lead.

**Mr. Browne:** We had the Minister for Education and Science in the House to debate the school building programme and hopefully we can ensure that the money is correctly spent this year, unlike last year when money went unspent and projects were not in a position to advance. I hope the Minister will learn from that mistake and ensure that she has regular meetings with the relevant section of her Department. A debate in the House to discuss long-term funding for school building would be opportune.

Could we also include a discussion about a university for the south east? The Minister for Transport appears lately to be doing all the running on this issue. I did not know the Department of Transport had responsibility for education

matters but the Minister seems to be the leading spokesperson on a university for the south east. The Minister for Education and Science might attend the House to outline whether she has a role in that area and explain what plans she has to ensure a university for the south east.

**Mr. P. Burke:** Will the Leader arrange a debate on public private partnerships and how they impact on local authorities with regard to water and sewerage services? The Department of Finance is now seeking a 20% contribution from local authorities with regard to capital grants for sewerage schemes. Quite a number of such schemes around the country have cost approximately €50 million. If one considers a town like Castlebar, where the scheme is costing €50 million, the local authority must come up with 20% of that figure, which is €10 million. That is a huge cost which must be borne by the ratepayers and by the commercial side. They will be levied with that figure. Some way forward must be found so it is a matter of urgency that a debate should be arranged on public private partnerships and how they will impact on local authorities in this regard.

**Mr. Feighan:** Members will be aware that today is the 60th anniversary of the liberation of Auschwitz, where more than 1.5 million people were killed. The House should reflect on the memory of those who died there.

**Ms O'Rourke:** I thank Senator Brian Hayes, Senator Ryan and others for their comments about the Taoiseach and his remarks in the Dáil yesterday. It is important that we show solidarity on this issue and I will ensure that the comments of this House are passed to the Taoiseach and his office. They are significant and I welcome them.

I said yesterday that the scales had fallen from many people's eyes and indeed they have. At the same time the challenge remains to keep the peace process moving forward with all the participants. That is the biggest challenge facing everyone. Clearly there will be no significant movement before the general election in the UK but at the same time talks must continue. The challenge will be to make the Irish people's feelings known, as the Taoiseach has done, and ensure at the same time that talks continue.

Senator Brian Hayes also referred to the imminent publication of the Quigley report and the proliferation of public relations and media people in Leinster House. One has only to walk around the building to meet them. Like Senator Hayes I wonder what they are all doing. I do not know if their work is a great help to the Government and on that point I agree with the Senator.

Regarding Northern Ireland, Senator O'Toole rightly demanded much more significant movement, talks and activity, north, south, east and west. He thought that would be greatly helpful. I thank him for his comments on the PIAB and especially for his offer that he or others in the

[Ms O'Rourke.]

PIAB would be available to talk to Members and reassure them. That offer will be taken up.

I welcome Senator Ryan's support on behalf of the Labour Party for the Taoiseach's comments in the Dáil yesterday. I take his point regarding the definition of criminality *vis-à-vis* the comments made yesterday and the need for a reasoned approach to be taken to people who in terms of conduct might have been perceived to be the darlings of the media.

Members will recall that we had a light debate in this House about those advertisements urging people to surrender part of the value of their houses to various agencies. The following day I was contacted by the person behind the latest advertisement who said we did not know what we were talking about. He then sent a letter, to which I replied, saying I was keen to meet the people involved, but I heard nothing further. This is a serious matter. People are clinking glasses and perhaps someone is saying "Oh Maureen, this is how we thought we would have lots of money when we got older together", but the money is obtained by brokering one's house away to the lenders who then presumably move in and take one's house. It is serious because there are gullible people who believe the clinking of glasses in the Canaries or somewhere is wonderful. I agree with the Senator that it is seductive in the wrong way. If people have a house they should hold onto it and not be dissipating their equity.

I agree with Senator Cox's comments on waste management. The Senator called for a debate on incineration. Senator Coghlan talked about the enormous growth in PR personnel. If I may say so, Senator Coghlan is his own best PR man.

**Mr. B. Hayes:** He does not need any help.

**Ms O'Rourke:** He is around the House bustling and busy, talking and mingling.

**Mr. Coghlan:** Is this mockery or a censorious note from the Leader?

**Ms O'Rourke:** It is a compliment. He certainly projects himself, in the best possible way. He will never need a PR representative.

**An Cathaoirleach:** The Leader might forget about Senator Coghlan.

**Ms O'Rourke:** All right, I will forget about him.

**Mr. Coghlan:** I thought the sin bin had been done away with.

**Ms O'Rourke:** The Senator asked about the critical infrastructure Bill which is currently being prepared in the Department and also about the Finance Bill. I have bad news in respect of the latter for the entire House. It appears we may have to be back in the House on 22 and 23 March to debate the Finance Bill. That is Holy Week, so

Members will have their penance done in advance of Easter. This has yet to be confirmed but it looks as if the House will be sitting on those dates. Members will be able to say they heard it here first. We should know by the end of the week.

I agree with the comments made by Senator Ó Murchú and I believe I have echoed what he has said. We have to move forward and bring everyone with us. The challenge is to match the way in which the Taoiseach spoke yesterday in the Dáil with a continuation of the peace process. Senator Quinn spoke about the tsunami disaster. We thank him for his comment and note that there is to be a debate on this matter next week, as it was raised yesterday. As regards road deaths, I will investigate that matter.

Senator McHugh wants more work done through the various North-South and east-west agencies. Senator Browne dealt with the schools building programme and asked that the Minister come to the House. As regards the Minister for Transport, Deputy Cullen, it is natural that he should talk about the south east. While he is a Minister, he is also a Deputy for that constituency and he has brought up the matter of a university for the south east.

**Mr. Coghlan:** And rightly so.

**Ms O'Rourke:** The Department of Education and Science is the lead player in that regard. Senator Paddy Burke raised the matter of public private partnerships. That question arose in the House before Christmas in the context of education. However, the broad question of public private partnerships should be dealt with, comprehensively. I will seek to arrange a debate on that matter. I believe Senator Feighan is correct that today is the actual anniversary of the Russians moving into Auschwitz and liberating the few remaining prisoners. It is proper that this matter was raised in the House and I thank him for so doing.

Order of Business agreed to.

#### **Tributes to Usher of Houses of the Oireachtas.**

**An Cathaoirleach:** On behalf of Seanad Éireann I wish Mr. Des Edwards, who is retiring as an usher of the Oireachtas from today, many happy and healthy years in his retirement. I want to thank him for his commitment to Leinster House and his hard work and courtesy throughout his many years of service to the Oireachtas.

**Ms O'Rourke:** I believe the entire House agrees with the Cathaoirleach and wishes Mr. Edwards a happy retirement.

**Mr. B. Hayes:** Yes, we agree with those sentiments.

**Criminal Justice (Terrorist Offences) Bill 2002:  
Second Stage [Resumed].**

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

**Mr. McHugh:** I welcome the Minister back to the House and I intend to recap on some of the points I made yesterday. I did not get a chance to sum up, which was unfortunate, as the Minister was left hanging and——

**Mr. Morrissey:** Waiting for the punchline.

**Mr. McHugh:** ——waiting eagerly for the punchline when I was interrupted by the Leas-Chathaoirleach. To reiterate, the Criminal Justice Bill is important legislation. From an international viewpoint it is necessary and people demand it. Procedures must be put in place for people to feel secure. From the international viewpoint, however, the "Homeland Security" initiative in the United States has a downside for Irish expatriates living in America. We should endeavour to do whatever we can on this side of the Atlantic to help ease the strict procedures that prevent many Irish people who may have been living there for 15 years or more from coming home, whether to a funeral or a wedding.

To return to the domestic scene, I would again allude to my part of the world, the north west, where there is much confusion and ambiguity. As I said yesterday, one can travel 20 miles from Letterkenny to Free Derry Corner to be confronted by a mural of the Palestinian flag. If one picks up the *Irish News* one reads it is possible to get £1,000 sterling in a night club, a bar or in a certain business establishment, if one is prepared to pay £250 sterling. That effectively is money laundering. The Criminal Justice Bill is seeking to counteract money laundering, so how does the legislation deal with it on a cross-Border basis? How are we prepared to work towards eliminating this type of activity?

It is operating on a large scale throughout the North at the moment. So far as I am concerned I will go on the record and say that this is money from the Northern Bank in Belfast. Whatever legislative measures are put in place, there still needs to be close co-operation with the PSNI in Northern Ireland. This legislation cannot work if we do not have direct contact and communication with the PSNI. Many people in Border areas allude to the fact that certain elements of both Nationalist and Unionist communities have come to accept criminality as a way of life on a cross-Border basis and we must examine how this can be counteracted.

As regards the confusion and ambiguity, I mentioned Nell McCafferty's article yesterday. She is a well-known Irish journalist who believes the IRA was not part of the bank robbery in Belfast. I believe that is wrong and that there are so many conflicting opinions and there is so much ambiguity and confusion in Northern Ireland that people do not know where they stand.

I will finish on a note I raised already today on the Order of Business. The onus is on politicians to show the lead on a cross-Border parliamentary basis. We have to do this because this Government allowed the DUP and Sinn Féin to take the lead in the last round of negotiations. They were given an opportunity. History will tell the tale and hindsight has 20-20 vision. They should be given the benefit of the doubt. On this side of the House, my colleague Senator Hayes has never given a certain party in the North the benefit of the doubt in its association with a paramilitary wing. The onus is on us to show the lead. We have to do so because there is no point in letting them carry on in the North. The Six Counties is so much a part of Border life and that of other parts of the Republic. The Six Counties are not an entity any more as there is too much cross-Border business and socialising. The Six Counties are a state of mind as well as a political boundary. We have to up the ante in using this legislation and in working with the PSNI through the Garda Síochána. There is no point in empty rhetoric in order to maintain an electoral mandate for any party. Cross-Border co-operation has to be improved through the cross-Border agencies. The effective measure of this Bill to counteract money laundering will not happen if gardaí do not have communication with their colleagues in the PSNI.

**Mr. Minihan:** I welcome the Minister to the House to put through this important legislation. Events such as 11 September 2001 and the Madrid bombings left us all shocked and saddened as the full horror of a major terrorist act sank in. With the advent of global media coverage of events as they unfold, the terrorist market has widened. Not only can an atrocity now affect the terrorists' target, their victims and the wider community, but those removed by location can also be terrorised by viewing these events as they happen.

Having recovered from the initial shock of 11 September 2001, we entered a period of reflection. Traumatized by these events we asked ourselves why, what would be next and how would it end. President Bush referred to the first war of the 21st century. He vowed to rid the world of this evil. Countries lined up to offer support; some more willingly than others, some backing down from the initial offer of a *carte blanche* to conditional support. Western democracies were in turmoil as the scale of the task unfolded. This is a new war that has never been fought before. There is no direct enemy, no sovereign state to strike and none of the traditional conventions of war within which to work. It is a war that cannot succeed by stealth alone. It is a war in which not only the military have to partake but also politicians, economists, business people and the ordinary man in the street. In bringing forward this legislation we are playing our part.

What is a terrorist? Who are these people who kill civilians indiscriminately? Statistics show that they are mainly young males, but they have little

[Mr. Minihan.]

else in common. Today's terrorists are as diverse as the nations from which they come. They can be highly educated or at the bottom of the socio-economic scale. Their goals range from the narrowly political, such as those of the IRA, to the wide-ranging, like the desire of al-Qaeda to halt the spread of western culture and promiscuity.

Sometimes different groups work together and there have been numerous summit meetings of terrorist groups. To wage a war on international terrorism requires a new set of principles for an effective strike and that means international co-operation to produce a charter to combat terrorism. I am glad we are playing our part in such a charter by enacting this legislation, which I enthusiastically welcome.

This legislation makes it incumbent on us to comply with counter-terrorism efforts against terrorist organisations and even against the states that support them. All states that carry out terrorist attacks, have attacks carried out on their behalf, or provide ideological, economic, military or operational support to terrorist organisations, must be identified and branded as sponsors of terrorism. This must include states that provide terrorists with safe havens and refuse to extradite them, as well as states that incite others to commit terrorist acts or to support terrorist activity.

Based on the above premise, the international community must declare an economic embargo on all such states and their economic interests, both private and public. A secondary boycott should be declared on states and companies that do not respect these sanctions. Terrorist organisations have infiltrated the western world. Some organisations are active and some have sleepers lying in wait for their day. In the interim they become part of the community they are about to terrorise, which could be for months or even years. The ultimate weapon is the neighbour one does not suspect as a suicide bomber.

It is not only these terrorists we should fear but all mutually supporting groups and organisations. They may have different goals and objectives but they have a common bond, which is to inflict terror in order to achieve their aims. Terrorist organisations breed off each other and that is their strength. No single organisation could survive without the finance, the weaponry, the technology and the training. They all help each other and that is what makes them the force they are. Greed among business people allows them make financial investments, or buy the equipment or expertise they require. There is often a degree of tolerance by society in accepting their cause as just, turning a blind eye, or supporting them in a tacit way. American citizens give great financial support to the IRA. Are they willing to give it up? Are they willing to address the support given to terrorist organisations by their own people?

It is necessary to address the wrongs in our society that lead to the formation of terrorist organisations. We have to look at the causes behind them. Some are as a result of previous

wars, some are due to religious differences and some are due to poverty and famine. We have to ask what we can do to address these wrongs. When President Bush states he will whip terrorism, he is being naive or political, or both. At best, he will destroy some terrorists, which may be a necessary consequence of 11 September 2001.

Terrorism is supported by a root network and while terrorism might be evil, the same cannot be said of this root network. This network consists of people who live with oppression, repression, poverty, hunger, despair and hopelessness. These are people desperate to survive. Hatred feeds the network of terrorism. We must address this side of the issue as well. It is also the case that some people play on these emotions to stir up feelings of hatred for their own personal gain, be it financial or ideological. They are the silent terrorists; the ones who use others and their issues for their own ends.

Recent events in our own country have resulted in the removal of the mask from some of our own terrorists. This is a mask that we have tolerated for far too long in an effort to bring peace to this island. We in Ireland have to ask ourselves many questions in this regard. Decommissioning and criminality are no longer an issue for the vast majority of the Irish people. It is no longer a grey area. If Sinn Féin representatives wish to become real democrats, they must face up to the responsibilities that go hand in glove with democracy. That includes decommissioning terrorist weaponry now, which does not mean selling it to a sister terrorist organisation but destroying it or handing it over to the authorities. The IRA must not only disarm, it must disband.

Are we willing to put our foot down now or will we continue a hypocritical rhetoric where one foot is at either side of the fence? There can be no further dilution of our democratic values. There can no longer be a tolerance of Sinn Féin's *à la carte* version of democracy and a two tier interpretation of what is and is not a criminal offence. The questions our political leaders and every citizen must ask themselves are: "Were the murders of Jean McConville and Jerry McCabe criminal acts? Was the Northern Bank robbery a criminal offence"? When we answer these questions, first, to ourselves and, second, as a society, we can fully remove the mask from Sinn Féin representatives and look them in the eye. The members of Sinn Féin have answered these questions; we know where they stand. We must reflect carefully on their responses as we proceed in enacting and supporting the legislation before the House today.

Yesterday, Deputy Ó Caoláin said he is against criminality in all its forms. That is great but there is one big problem. The language sounds right and appears to be the same language I am speaking but there are two completely different meanings. That is the problem this country has had for the last number of years. The language the members of Sinn Féin, the Irish people and the

Government speak sounds the same but does not mean the same thing. The Sinn Féin definition of criminality and the citizen's definition of criminality are two vastly different interpretations. It is time we confronted this.

Unlike other people, I welcome recent events. I have been of the opinion for a number of months that in an effort to achieve a great prize we have allowed a dilution of our democratic values. We took our eye off the ball. It is time there was some straight talking. I commend the Taoiseach on his performance in the Dáil yesterday. He looked Sinn Féin Members in the eye, their mask removed, and said what had to be said in plain English. I compliment the Minister for Justice, Equality and Law Reform on his performance in recent months and on his insistence on drawing a line on the issue of criminality.

Some people accuse me of taking the easy option for continually criticising Sinn Féin and for not having the political vision of something bigger. I have a political vision. I love this State; I am a citizen of the State, as are my children, and I know the type of State I want it to be. I know the democracy I want. For that reason I will continue to address this issue until everyone is speaking a common language.

On a previous occasion in this House I asked Sinn Féin to convince me and people who share my views that its members are serious about democracy and, most important, the responsibilities of democracy. When Sinn Féin members recognise and support the institutions of this State, like any law abiding citizen, they will be accepting their democratic responsibility. However, when Sinn Féin Members of these Houses publicly state that they would not encourage their supporters to talk to representatives of the institutions of this State if they had evidence or information about a criminal act, what type of responsibility is that? That I not the State in which I wish to live.

We came close to witnessing one of the greatest con jobs on the Irish people. It was a great seduction. I thank those who held the line and stood up in the face of this threat to our democracy. Of course, we must continue to talk but we should be firm when talking. I also advocate a time for reflection. Some hard words have been spoken and they need to be taken on board. However, when we continue to talk, we must try to find a common language — not a language that sounds the same but one which has the same meaning. That is the key to advancing this process. There must be trust and sincerity.

If Sinn Féin members come forward with a sincere, honest and up front approach to the future negotiations on Northern Ireland, the process will advance. They will be met with equal sincerity by both Governments and it will be possible to move the process forward to the resolution the people on this island want. However, there has been an awakening of the Irish people in recent weeks. They are saying they will go so far but no further. In that regard, the State has been done a service.

The legislation before the House is necessary. We should not fear it. Passing this legislation is, unfortunately, the price we must pay for the terrorism that grips the world today. There must be co-operation. We must break the chains of co-operation between terrorist organisations. That is their economy, it is what they live on. While some might be concerned about people's liberties and so forth, the security of the State, its people and of the world must be the primary objective when putting forward legislation such as this. I welcome the Bill and I compliment the Minister and his officials on its preparation.

**Mr. B. Hayes:** I am grateful for the opportunity to comment on the Bill before us. It transposes into domestic law international obligations we have undertaken as a result of our involvement with the EU and the United Nations. The Minister has been a regular visitor to this House in recent months and I welcome his return.

I will comment later on the domestic situation, on which Senator Minihan commented. I was appalled that a terrorist act in Madrid last year could affect the result of a freely held election in Spain. That is what happened. People who are naive enough not to believe this should look at what happened in Madrid. It was clear that the Partido Popular, led by Jose Maria Aznar, was going to win a third successive victory in the elections. However, in a deliberate terrorist act, a decision was taken to explode bombs in Madrid. This directly affected an election result in a liberal democracy. This took place in a country that is a two hour flight away. If it can happen so easily in Madrid, it can happen in London, France and in Ireland.

We must be conscious that free people can, in a weak moment, decide to change their government as a response to a terrorist act. Listening to the ridiculous commentary at the time, one would have believed that those responsible for the bombing were Jose Maria Aznar and his party. As Senator Minihan said, terrorist organisations, because of new technology and the lack of national borders on such organisations, have a capacity to move seamlessly throughout the world. This is especially so under the freedoms we have worked to achieve, particularly in the European Union.

Throughout the EU because of the freedom of movement of people, we must be cognisant of our obligations under this legislation to ensure every effort is made through Europol and other organisations to harmonise work in this area to identify suspects where they become known. Ireland cannot be neutral on this issue. The State was neutral in the Second World War for an obvious reason, although the 60,000 citizens who joined the allied forces were not neutral when they took a stand against fascism and Naziism in the 1930s and 1930s. I say this on the day we remember the Holocaust. We cannot be neutral on this issue as free people in a free world.

12 o'clock

[Mr. B. Hayes.]

A number of liberals have put forward the assumption that once the Middle East conflict between Palestine and Israel is resolved, the continuous threat of groups such as al-Qaeda will subside. That is utterly naive. The notion that a political settlement will be negotiated which will immediately eradicate international terrorism and address the grievances involved is nonsense. There are fanatics in the world and in this State who should only be dealt with through close co-operation between the police forces of various states.

The British Government's courting of Colonel Gaddafi of Libya, given its knowledge and ours of his support for international terrorism in this State and in Northern Ireland, is pathetic. The Blair Government stands accused. As well meaning as his Government members were in bringing him into the international community, they should hang their heads in shame given what they knew about his exporting of arms to the IRA. I was astonished at the pace of international relations between Britain and Libya given Gaddafi's support for international terrorism for many years not only in Ireland but elsewhere.

Irish Americans should cop on to themselves and acknowledge their contribution to terrorism in this State over many years. Finally the message has got through, thanks to the efforts of people such as Senator Ted Kennedy, that their fundraising to support the IRA down the years has had a dreadful impact in Northern Ireland and this State.

I agree with Senator Minihan's contribution. It is important that the Bill should come before the House today because this week we have finally managed to expose a revolutionary criminal conspiracy on the part of Sinn Féin-IRA to be at the heart of democratic life in this State. Those of us who have taken this line for many years welcome that the entire political establishment has finally woken up to this criminal threat, which comprises a party that alleges to be democratic during the day and a paramilitary organisation at night, free to do everything it wants.

There is a historical precedent in this regard. The Official IRA stated in the early 1970s that it would, once and for all, pursue its politics through the democratic course, that course being a strong socialist model. However, the criminality continued for the next two decades. Racketeering, money laundering and trips to North Korea continued. Will we fall into the same trap with another offspring of the "irregulars", namely, the IRA? The Government and the IRA have been at it ten years and the time has come for the IRA to decide what it is about because it cannot continue.

The Bill transposes international obligations into domestic law. We must think hard about this issue. We have not just got to say difficult things to the IRA; we must do hard things. Efforts must be redoubled to establish where are its arsenals and surveillance must be maintained on its

members. There is a perception that because the peace process has been allowed to dominate the agenda, the Government has gone soft on them. How many recent large-scale finds of explosives have there been? As the Taoiseach correctly stated, the IRA can turn it on and off whenever it suits its agenda. There were no punishment beatings in the run up to the talks but since then, there has been a bevy of attacks on young men in Northern Ireland because it suits the IRA's agenda to terrorise and control certain communities in Northern Ireland, which it also wants to do in certain parts of Dublin. If the legislation is taken seriously, there is an obligation on the State to pursue these people and bring their apparatus to an end.

I congratulate the Minister on his performance on "Questions and Answers" recently. I was cheering him to the rafters as I watched. When Mr. McLaughlin asked the Minister whether Bobby Sands was a criminal, he did not hesitate because Mr. Sands was convicted of a crime. He was a criminal and the difference between Mr. Sands and Mrs. Jean McConville was he chose the time of his own death. Mrs. McConville and all the other victims of the IRA had no right to decide when they would die. We must be absolutely clear on this issue.

Unfortunately, in the years gone by, there was an ambivalence to terrorism in the State. For example, in the 1980s the Fianna Fáil Party was in convulsions on the issue of extradition, which is absolutely essential if international obligations are to be met to pass people from one jurisdiction to another to ensure a trial can take place. The Minister did not flinch on that programme and I appreciated that because Mr. Sands was a criminal. He died on hunger strike but it was his own choice, even though it was a terrible tragedy for him and his family. The 1,800 people murdered by the IRA had no choice but he had and he was a criminal. There must be a consistent, direct response, rather than ambivalence.

The Minister should pursue the financing of all paramilitary organisations and terrorism. Senator McHugh referred to this issue. He has evidence of money laundering in County Donegal by a paramilitary political party. It must be closed off if we are serious about this legislation. The Criminal Assets Bureau must also be employed to pursue warlords and close them down. I have received two letters from people in a town in Donegal who allege that legitimate businesses are a front for Sinn Féin-IRA to launder money and to control parts of the town. We are obliged to go after them.

I agree with other speakers in that we must co-operate with all agencies on the island of Ireland in terms of our efforts in these matters. One such matter was recently brought to my attention by the SDLP concerning the electoral returns office in Northern Ireland and our own public offices commission in terms of the scrutiny of expenditure by some political parties during election time.

I am very proud of this State and its parliamentary democracy. Although we are a young State, we are the fourth oldest parliamentary democracy in Europe. We did not experience fascism in the 1930s and 1940s. We held the line. Our great achievement was that by 1932 those who vigorously opposed the State were in Government. This was a great achievement on the part of Éamon de Valera and Fianna Fáil. I regard de Valera as one of the country's great patriots because he immediately closed down the Civil War and the attack against the young State, as it was at that time. We cannot ever take this for granted. We must always defend it and ensure those who have had a clear conspiracy to undermine and overthrow the State since its foundation are vigorously dealt with by the State. The vast majority who want the State to prosper and grow are allowed have that view enunciated by a free Parliament and Government. All of us have a role to play in that regard.

**Mr. Lydon:** This is an important piece of legislation. Perhaps it would not have been contemplated but for the events of 11 September 2001, a defining moment for the world. I was in a taxi in Malaga when I heard the news. The driver told me that the Palestinians had bombed the White House. Needless to say, I was not long in getting to a television. However, terrorism did not begin on 11 September 2001, and it did not end there either. It has existed for a long time. We need only think of the horrific bombings in Bali and Madrid and the suicide bombings, which continue to plague the Middle East, to realise terrorism has not gone away. Several months ago we watched the Beslan siege with horror when schoolchildren were blown up, destroyed and shot.

The events of 11 September 2001 highlighted the challenge of international terrorism and resulted in a necessity of greater co-operation by the international community as well as action on the part of individual states. Terrorism knows no boundaries. I should be able to go on holidays to places such as Alicante without having to worry about an ETA bomb. However, that is not the case with terrorists. Increasingly they have been extending the boundaries because it has more effect. As Members of the Oireachtas, we have a duty to ensure terrorists, particularly in this country, find no comfort.

UN Security Council Resolution 1368 condemned the attacks of 11 September 2001 and called on states to work together to bring the perpetrators to justice and to redouble their efforts to prevent and suppress terrorist acts. Resolution 1373 specified a range of measures on which states are required to take action, especially in the area of combating the financing of terrorism.

The EU has responded quickly to this challenge. The EU framework decision on combating terrorism is the result of increased co-operation at European level in this area over many years and increased commitment among member states

to tackling the terrorism threat in the wake of 11 September 2001. Framework decisions are binding on member states as to the result to be achieved, but leave to national authorities the choice of form and methods and do not entail direct effect.

The EU has long been concerned about the need to improve co-operation among member states with a view to combating terrorism. Article 29 of the Maastricht Treaty specifically refers to terrorism as one of the serious forms of crime to be combated at EU level by developing common action in the fields of police and judicial co-operation and by approximating, where necessary, rules on criminal matters in member states. Terrorism was also specifically referred to in the conclusions of the European Council meeting in October 1999 and in the European Council meeting in June 2000.

Political agreement in December 2001 of a framework decision on combating terrorism was formally adopted by the Council in 2002. This represents an EU level agreement on a definition of terrorist groups and offences. The agreement of common definitions and penalties relating to terrorism in all member states will ensure there is no soft jurisdiction in the EU in which terrorists can operate.

This Bill will give effect to a number of international instruments directed at terrorism and enable us to meet commitments which the State has undertaken as part of the EU and the broader international community, including those arising from UN Security Council Resolution 1373. Simply put, this Bill will combat terrorism. It makes provision, for the first time, for terrorist offences to be defined as a separate and distinct category of offence in our law. It will ensure those who commit terrorist offences, whether based inside or outside the State, will infringe the Offences against the State Acts 1939 to 1998. The Bill creates new offences of hostage taking, terrorist bombing and offences against internationally protected persons, such as diplomats. It will ensure Ireland does all it can to make the framework as effective as possible and we stand in solidarity with our partners in the EU and the UN in working to ensure terrorists are denied both the means and opportunity to carry out further atrocities.

The last main provision of the Bill will be to give effect to the United Nations Convention for the Suppression of the Financing of Terrorism, which has been remarked on as important by Senators. It will mean, in effect, that our financial institutions will be legally required to play their part in preventing, detecting and reporting suspicious financial transactions which may relate to the financing of terrorism. This Bill will enable the courts to freeze and confiscate funds used, or allocated for use, in connection with the offence of the financing of terrorism or funds that are the proceeds of such an offence. It will extend the provisions of the Offences against the State Act relating to the property of unlawful organisations to that of terrorist groups. It will mean we have

[Mr. Lydon.]

the most sophisticated procedures for identifying and tracing the financing of terrorism and for punishing those guilty of financing terrorism and receiving funds which have been used to finance terrorism.

The term “terrorist activity” is defined as offences under our law committed inside or outside the State with the intent of seriously intimidating a population, unduly compelling a government or international organisation to perform or abstain from performing any act or seriously destabilising or destroying the fundamental political, economic or social structures of a state or an international organisation. Such offences, for the purposes of the Bill, will include those involving violence against persons or property and related firearms and explosives offences or offences involving chemical or nuclear weapons. The Bill also covers terrorist-linked activity, including aggravated burglary and robbery, blackmail, extortion and certain forgery offences.

The term “terrorist group” is defined by reference to the EU framework decision, namely a structured group of more than two persons established over a period of time and acting in concert to commit terrorist offences.

Bills such as this are somewhat oppressive. There has been some concern in Opposition circles about the impact it will have on human rights. It has been frequently and irresponsibly suggested that it defines terrorism as any activity which unduly compels a government or an international organisation to change course. The Bill is not directed at ordinary, peaceful, democratic activity, the free expression of convictions and free political association.

The Bill does not criminalise the anti-globalisation movement because that movement seeks to reform world trade. Nor would it have had any application to the anti-apartheid movement, as has been suggested, because it campaigned for the replacement of the apartheid regime in South Africa. It upholds Article 6 of the treaty of the European Union, which has reference to the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, which are common to member states, as well as to the fundamental rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

One man’s terrorist is another man’s freedom fighter. Sometimes a case can be made with regard to oppressive regimes where people take to arms. However, this is not what this Bill is about. The Minister took the concerns into account. The Bill means people and organisations who have recourse to serious offences involving violence, such as hijacking, explosives offences and murder, with the intention of intimidating a population, unduly compelling a government or international organisation or seriously destabilising a state or international organisation will, in keeping with that intention, be guilty of a terrorist offence instead of the offence of which they

would otherwise have been guilty under our criminal law. The Bill will equip the State more fully to respond to the threat posed by national and international terrorism. It will enable the State to honour important international commitments and play its part fully as a member of the international community in the fight against terrorism.

While the Bill cannot tackle the state terrorism which exists in certain parts of the world, we must start somewhere. Though, as I said earlier, one man’s terrorist may be another man’s freedom fighter, terrorism is not to be confused with the actions of people rising against a repressive regime. Terrorism knows no boundaries. The terrorism we have witnessed in modern days places bombs where innocent people die. Senator Brian Hayes mentioned the number of people killed by a certain group in the North all of whom were innocent and none of whom deserved to die. There was no justification for it. In a democracy there is a way to topple a government if one does not like it and of changing the rules of certain organisations. It is the democratic way. Once we have recourse to another way which involves arms, bombings or threats, the rule of law disappears and innocent people suffer all the time.

It does not matter which organisation one considers. There are terrorist organisations all over the world like ETA, Shining Path and al-Qaeda and, in general, they act indiscriminately. They do not adopt the democratic method which is available to everybody. It is possible in this country and in most democracies to change a government if one does not like it by using democratic means including free speech and freedom of organisation without violence. The best way to combat terrorism nationally and internationally is through the establishment of democracy. Within a democracy people tend to live peacefully and adopt methods other than the violent ones the organisations in question do. The Bill does not address state violence as that is a different matter involving war and the United Nations.

It is important on days like this, especially as we remember the Holocaust, to realise how quickly things can creep up on us. We should remember the 500,000 Romany people murdered by the Nazis and the approximately 15,000 homosexuals who were killed for no other reason than their sexual orientation. Children were killed by the Nazis as were people whom they removed from psychiatric hospitals and homes for the handicapped. Today we ask ourselves how those people could be wiped out within a state. On radio this morning, I heard a Jewish person who had spent his whole life studying the Holocaust say he could not explain how one nation could have done it. It is wrong to think in remembering the Holocaust that only Germans could do it. It happened with Pol Pot and in other countries across the world including Ireland to a small extent.

Terrorism occurs when people take the law into their own hands and is often a response to a

perceived threat. The best defence we have against it is the establishment of democracy and the upholding of democratic freedoms. We need laws like those set out in the Bill. The legislation is important as a step along the way. While the Bill will not stop a terrorist or prevent the actions of a madman who wants to place a bomb at a holiday resort to kill people, it means that if these people are apprehended they will be dealt with as they should be. That is what is important about the Bill and the reason I recommend it to the House.

**Ms White:** There can be no doubt that this is a crucial Bill. The threat posed by al-Qaeda and, especially, the fundamentalist, anti-western ideology is clear for everyone to see. Attacks have been carried out in the cities of Madrid, New York, Bali, Washington and Karachi while countries which have been attacked include Kenya, Tunisia, Pakistan, Tanzania, Saudi Arabia, the Lebanon, Indonesia and the Philippines. The threat is posed by a terrorist ideology and we have our part to play in ensuring that terrorists and terrorist supporters find no safe haven in Ireland.

I am acutely aware that our legislation has to date been primarily framed with domestic terrorism in mind. The Bill is thus required to bring our legislation in line with that of our EU partners. While the Bill will bring the State up to speed with international anti-terror agreements, I am concerned that legislation which was brought before the Dáil in 2002 has only come before us in 2005. Given the dangers posed by terrorism which we know only too well, why has it taken so long to legislate for the UN conventions? What measures are to be taken to ensure the speeding up of this process in future?

I note that some Opposition parties have sought to twist the wording of the definitions, most notably "terrorist activity", to claim that peaceful demonstrators will be at risk of arrest under the legislation. These claims are wholly irresponsible as the Bill does not criminalise movements like the anti-globalisation movement nor does it intend to do so. Movements like the one referred to do not carry out highjackings, bombings or other types of terrorist activity. Fundamental rights and liberties are enshrined not only in our way of life, but in Article 6 of the Treaty on European Union. The Bill is not our version of John Ashcroft's infamous Patriot Act.

I raise with the Minister the ability of terrorist groups to filter and launder money through businesses and charity organisations in this jurisdiction. I would like to hear what he has to say on the matter. Fianna Fáil representatives, including Deputy Pat Carey and me, had a meeting two weeks ago with Seán Farren of the SDLP. Mr. Farren said he would meet the Minister after his meeting with us. I said I would like to raise an issue Deputy Pat Carey raised at the Fianna Fáil parliamentary party about money laundering and illegal activities in his constituency. I ask the

Minister why the Criminal Assets Bureau is unable to convict people if criminal activity is taking place in areas of the city. I find it extraordinary that this is happening in our society. Can the Minister explain why this occurs and why the people involved get away with it?

I strongly argue that while the Bill and the international effort to counter anti-western terrorism are important, one must also tackle the root causes of the fundamentalist ideology. Tackling the threat through judicial and military avenues is insufficient to challenge and counteract this dangerous ideology. Al-Qaeda and fundamentalist terrorist groups find sympathy among disenfranchised, impoverished people who are susceptible to anti-western propaganda. In late 2001, at the Richard Dimpleby lecture, former President Clinton argued that the atrocity of 11 September 2001 was a manifestation of how abject poverty accelerates conflict and creates recruits for terrorists bent on economic and social disorder in the West. The twin towers were chosen because in the view of terrorists they were symbols of corrupt power and materialism. Terrorism flourishes in countries ruled by despots and dictators who happen to have friendly relations with the United States and the West. Relations are friendly because this helps to guarantee oil supplies.

People have been saying for the past few days that their eyes see clearly for the first time. I would like to hear more about why the United States went to Kuwait for no reason in order to prove that Bin Laden, *et al*, were in Iraq. Most of the people found guilty of the attack on the twin towers were from Saudi Arabia, not Iraq. I find it amazing. We will probably get excited in a number of years time over what this attack on Iraq and all the thousands of innocent Iraqi people, not to mind the thousands of innocent American soldiers, has meant.

Prime Minister Wilson was able to keep Britain out of the war in Vietnam. Senator Brian Hayes twisted the facts about Spain. The majority of Spanish people did not want to participate in the war in Iraq.

**Mr. Cummins:** There are many people in Colombia who did not want the Senator to participate there either.

**Ms White:** I went to Colombia on a human rights mission. I am glad I had the courage to put my head above the parapet. We need more of that here.

I do not like the current frenzy here —

**Mr. B. Hayes:** It does not suit the Senator.

**Mr. Cummins:** The tide is turning.

**Ms White:** — but matters will change in a couple of months time. The politicians in the North and South have a responsibility not to leave a vacuum. One was left by the delay in elec-

[Ms White.]

tions in the North which resulted in two extremes and cut out the SDLP, which is very sad.

Britain and the United States have military bases in Saudi Arabia which is home to Islam's holiest sites. This is irritating and it is destructive to see them near Mecca and elsewhere. The people are very sensitive that the United States is reaching out and wants its bases there to protect its oil. A further irritation are the awful sanctions against Iraq, sponsored most vainly by the United States. It is estimated that 500,000 children perished in Iraq.

My heart was lifted this morning when I heard on CNN news that President Chirac of France, whom I admire, said in Davos yesterday that there must be global warfare against poverty. My heart lifted because that is the kind of talk I want to hear, a call to fight against poverty. I guarantee that fighting poverty and inequality, not only in the Middle East, Asia and Africa, will have a significant impact on support for terrorism.

I will finish by quoting former President Clinton. He stated: "We in the wealthy countries have to spread the benefits of the 21st century, and reduce the risks, so that we can make more partners and fewer terrorists in the future."

**Minister for Justice, Equality and Law Reform (Mr. McDowell):** I thank Senators for their considered response to the Bill being debated over the past two days. I thank the generally supportive Senators for their comments also.

I should explain the delay with this legislation. I introduced the legislation in 2002 in the Dáil where we had a very interesting Second Stage debate which was informed by a number of criticisms made of the Bill. Those criticisms included the views of the Human Rights Commission. I found myself facing a fundamental dilemma that the Bill as introduced failed to distinguish between resistance to tyranny on the one hand and terror on the other. The dilemma I faced in a criminal law measure was how I could accommodate that distinction. This is not something that is easy to reduce to a paragraph or a number of sections, or even a Part of a Bill.

If we left it as the case that somehow it was a defence against a prosecution that the object of the terrorist act was somehow supportive of a tyranny and therefore it was no offence to commit the various acts in Ireland, we would have been left with a very strange outcome where juries would have to sit for hours on end working out the politics of whatever it might be, for example, *Polisario v. Morocco* or contending factions in various countries around the world. This is without resorting to the analogy used yesterday in debate about where Count von Stauffenberg would have stood with his bomb in eastern Prussia under the terms of this Bill.

It was not easy to deal with this issue and it required much debate. It required debate among the various parts of Government. The Department of Foreign Affairs, the Office of the

Attorney General and my Department all had to be involved. Eventually it became clear to us, not without considerable and vigorous debate, that the only mechanism we could deploy in criminal law was the Attorney General's intervention. Otherwise juries or non-jury courts would have to consider broadly political issues in deciding whether a person did or did not have a defence. Imperfect as the Attorney General's formula may seem to some, I challenge anybody to come up with a more workable one. If another had been apparent to us, we would have acted more quickly.

By the time that lengthy, philosophical and procedural debate was over, approximately 18 months had elapsed. We had to return with the legislation to the Dáil and fight for time for Committee Stage and on completion bring it to this House, which explains the delay to some extent. The delay was not due to indolence of any kind, but to the consideration of the powerful points made on Second Stage debate, coupled with outside criticisms from bodies such as the Human Rights Commission.

We have international obligations. An added complexity was that it was not open to me simply to write the legislation exactly as I would wish. Having agreed to a framework decision with a particular definition of terrorism, and even though there is latitude with the framework decision procedure, I had an international law obligation and a constitutional obligation under Irish law to implement the framework decision. That is another reason it was desirable that the Attorney General's formula should be included in this Bill. If I had tried to approach the issue from some other avenue, I could have been accused by fellow Ministers in the European Union of seeking to repudiate my obligations under the framework decision with regard to terrorism.

The Bill is as it is. There will be Committee Stage debate in this House where I intend to bring and to listen to proposals for further amendments. I indicated that one of the things I propose to do with regard to Committee Stage amendments is to deal with the question of data retention in so far as it is necessary to underpin the fight against international terrorism. It is desirable that our law on this matter should be beyond debate. It should never be a question of differing interpretations, let us say, for example, between the Data Commissioner and the Minister for Communications, Marine and Natural Resources, as to what is or is not a legitimate use of the power to require telecommunications companies to keep records of communications so that they can afterwards be examined in the context of criminal investigations. The Bill is largely to do with the introduction of provisions into Irish law to extend our law in an adequate way to deal with international terrorism, as is required by various international instruments to which we are party.

In the course of the debate it was understandable that the domestic situation and the

question of the use of violence in criminality for political purposes, which is really the heart of terrorism, was bound to come to the fore. I thank Senators who supported the Government's position in taking a stance for democratic values against those who would seek to dilute, pervert or distort them for their own political purposes.

I am not an avenging ideologue. I am not a person who believes in obscurantist ideology or purity of position, which abandons the necessity for politicians to compromise properly on occasions. One must be able to see the other side of the coin, to take risks and be pragmatic so as to forward the process of reconciliation by whatever means are at our disposal. Therefore, when I speak and act on the question of the rule of law, the criminal challenge to it and the use of terrorism to challenge lawful authority in Ireland, I do not do it from some kind of moral pulpit. I do so purely on the basis of what I believe is pragmatically necessary on a day-to-day basis. As I previously said in this House, it would be easy on occasions to take refuge from the challenge of politics by simply resorting to ideologically pure positions and simply washing one's hands of the difficult aspects of bringing about reconciliation on this island.

I have never taken the view that one can take refuge in absolutist positions. That said, I am equally strongly of the view that there are certain standards and thresholds below which democratic politicians cannot go and should not be asked to go. It is a matter of great import for the future of Irish democracy that there should be a clear understanding among the public that their democratically elected politicians uphold the Constitution, the authority of the State and the values and rights that subtend our Constitution and would not allow them to be swept away by anybody's political project. Therefore, I make no apology for taking a strong stance against the attempts by the Provisional movement to pervert the Irish constitutional process and the democratic process on this island and to trample down democratic values and use every means at its disposal, foul and fair, to advance its project without regard to the rights of others and to democratic values.

In particular, I make no apology for demanding that anybody who seeks to have a share in a legitimate democratic authority, the executive authority exercised under the governmental institutions on either part of this island, should abide exclusively by peaceful, democratic and lawful means, first, to further his or her political project and, second, in the manner in which he or she would exercise that executive power. Therefore, if people want to seek election to assemblies north or south of the Border or to represent themselves as people seeking a mandate, they must do so within a constitutional framework and whether it is North or South, the constitutional framework is based on constitutional values.

They are the Mitchell principles at their very least north of the Border. They are the terms of

the Good Friday Agreement north of the Border and south of the Border they are the constitutional values which we all uphold here. There is no circumventing or avoiding them and there is no licence by any mark on any ballot paper in any election held under our Constitution in this Republic to damage that Constitution or to seek to change it other than through the constitutional process envisaged by it. If any Minister for Justice, Equality and Law Reform or other Minister or elected politician in office or otherwise lost sight of that fundamental truth, he or she would be short-changing the Irish people, not simply committing a sin of omission in regard to democracy but also doing lasting damage to our capacity to be an independent democracy which is so important to us.

There are some very basic and simple propositions. There is no room in government, North or South, for anybody under any circumstances who would countenance the use of violence or illegality for political purposes. There is no room for those who, because of their ideological convictions, cannot distinguish between what is and is not an infringement of the law. I was not trying to score some clever point when the status of Mrs. Jean McConville's killing became the subject of debate between Mitchell McLaughlin and me recently on "Questions and Answers". I am not interested in whether George Washington, Eoin MacNeill or Padraic Pearse were rebels in English law. I am not interested in fencing about political theories or ideologies or competing legitimacies. My issue is simply this — as Minister for Justice, Equality and Law Reform, if I am asked to engage in an enterprise which involved taking other people at face value, if they genuinely to this day are of the view that certain actions taken by people allied with them were not illegal and, in fact, were lawful, then I have to view them in a very different way.

The barbarity of what happened to Mrs. Jean McConville was useful as an example only because it underlined that in the current ideology and mindset of the Provisional movement such activity is legitimate. For some reason they can condemn it and say it is wrong but it is also legitimate because they believe in a legal order which authorises the use of such barbarity. Therefore, when it emerged later in another one of these encounters with a Member of the European Parliament, Mary Lou McDonald, that she was not in a position to say that the shooting of Detective Garda Jerry McCabe was criminal and when I heard Mr. Gerry Adams say on the radio that no action by a Provisional volunteer which is authorised is criminal, then I have to ask myself with what kind of language I am dealing, to what agreement I am being asked to subscribe and what understanding I share with people who are trying to negotiate with the Government.

The logic of all of that, which appears to have escaped a number of people in the media, is that if it was no crime to shoot dead Detective Garda Jerry McCabe, it would be no crime to do it

[Mr. McDowell.]

again. The plea of guilty in that court was another piece of fraudulence because the people involved in it believed they had done nothing wrong under criminal law. All the propaganda since to get them out of prison as prisoners of war, as they call themselves in their communications to Sinn Féin Ard-Fheiseanna and in articles in *An Phoblacht*, represents the true situation and carries the endorsement of those who went from the other House to pose with them for a photograph which was published in *An Phoblacht*. I am asked, as Minister for Justice, Equality and Law Reform, to accept that none of this is criminal and people who pose as statesmen stand up in public and state that it is not criminal. When I ask them in a different context to give me a guarantee that a new dispensation will be based on the proposition that neither they nor anyone associated with them would commit crimes, I suddenly realise we are talking about two very different things. They are asking for a licence to do whatever they would do and tell me I am to abide by the laws of this State but that they are not so obliged. That is a very radical proposition and one which we cannot countenance or live with.

What is going on at the moment is of major importance. It is not just political manoeuvring or one group of politicians facing down another. Rather, it is democracy and constitutionalism in Ireland saying to those, who have in part and ambiguously and ambivalently subscribed by some process to the Good Friday Agreement, that the Agreement sticks and carries with it certain obligations on their part which cannot be departed from or diluted.

All ambiguity on this issue is now destructive. Whereas in the past it may have been the case that some constructive ambiguity was required to move people into the democratic process, all ambiguity on these fundamental principles is now destructive.

It was suggested in one of today's newspapers that I was untruthful when I stated that the parties to the discussions with the Taoiseach had agreed that Sinn Féin should go and reflect on its situation. I reject that suggestion entirely. I recall one of the Sinn Féin interlocutors stating that if the Government persisted in its attitude, Sinn Féin would have to reflect on the situation. I recall one of the Government interlocutors saying that was one point of agreement between the parties because it was very clear that Sinn Féin would have to go and reflect on the situation. The Government is not changing its position on these fundamental matters.

There has been discussion in this House about the nature of the provisional movement and it is about time we began to talk in plain, simple ordinary language about that with which we are dealing. The Taoiseach has stated that Sinn Féin and the IRA are two sides of the same coin, which is a very good analogy because each side is not the other side but they are inextricably linked and neither side can say it is independent of the other

— that is the truth of the matter. Neither can either side absolve itself by looking to its characteristics and stating that it has nothing to do with what is on the other side of the coin. The fact is that all leading provisionals subscribe to the proposition that the lawful power of the Executive, Legislature and Judiciary of the First and Second Dáil are now vested in the IRA — it is what they believe. When this is put up to them on television, those naive enough not to engage in prevarication in an Armani suit — those who get caught — admit this is the truth.

This group has in the past carried out appalling atrocities. I am not saying it is the only group in Northern Ireland that has engaged in atrocities, far from it. However, it has engaged in appalling atrocities. The same intellectual activity which drove a man standing at the railway platform in Auschwitz to send people right and left into different groups for different fates was standing in a balaclava at Teebane crossroads when a group of workers was segregated into Protestant and Catholic and the former group was riddled by the Provisional IRA. On this Holocaust memorial week, this spirit is not dead. It is the same spirit which had Ratko Mladic and others separate the boys from others at Srebrenica and bring them to quarries to execute them with the same ferocity. If what happened at Teebane crossroads is not a crime in the minds of Gerry Adams and Martin McGuinness, it is they who have a problem — not us.

**Senators:** Hear, hear.

**Mr. M. McDowell:** Those who naively go along with the provisional agenda should think long and hard about it. It has been argued by those who write to the newspapers that I was a bit tough by stating that Sinn Féin is a Marxist party.

**Mr. Cummins:** That is being hard on Karl Marx.

**Mr. M. McDowell:** FARC is a Marxist communist group which used Provisional IRA methods and technology to herd a group of people into a church in Colombia and mortared the church destroying them. The provisional movement is the only political movement on this island — although it had some difficulty in admitting it — to keep a full-time representative in Havana, the capital of one of the last communist states in the world. The provisional movement is the only party in this country which strongly identifies with ETA and devotes pages of *An Phoblacht* to what is happening in the organisation. The provisional movement is the only one in this country which, when its members were elected to the European Parliament, sat down with the communist parties in the parliament and chose to do so on an internal division — it was not thrust upon them.

I do not like to advertise a newspaper, but it is worthwhile for us to look at *An Phoblacht* and

examine the agenda which is being pushed forward by it. In last week's edition, a whole page was devoted to an analysis of Grigor Gysi's PDS — the former party of Walter Ulbricht and the East German communists — who are their allies in the European Parliament. Two pages of the edition were devoted to Arthur Scargill and a lengthy ideological debate on Marxism was carried over the previous two weeks, if Senators are interested.

**Mr. Cummins:** I hope the Minister is getting a free copy. I hope he is not a subscriber.

**Mr. Minihan:** He should photocopy it.

**Mr. M. McDowell:** When I pointed out these Marxist characteristics and the deeply ingrained Marxist beliefs of leading provisionals who are still in office in a debate at Trinity College, the Sinn Féin general secretary, Robbie Smyth, said "So what?" It may be a question of "so what?" and people are entitled to be Marxists, but Irish-America should ask itself what it has in common with a party whose members swan around in Armani suits in the Irish-American clubs, piling up dollars on the one hand, while at the same time it cannot tell the truth about its relationship with FARC, the European communists and the like. I wonder why Irish-America feels in any way attracted to such a body.

In all of this we must keep our moral compass. Analogies have been drawn with history and, of course, the founding fathers of our State did things to which those who want crude analogies can point to seek some sort of blessing from historical precedent. However, I believe none of the founding fathers, be they Seán Lemass, Éamon de Valera, Michael Collins, William Cosgrave or Eoin MacNeill, would ever have taken a group of people out of a bus, separated the Protestants from the Catholics and machine-gunned the Protestants. I do not believe they would have done many of the horrific things that have been done since, nor do I believe they would have done so many underhand things. We are privileged to have a copy of the 1916 Proclamation in the lobby of Leinster House. Bringing dishonour on its aims is the one thing its signatories committed themselves against. One must remember the abject departure from the standards of the 1916 Proclamation which we have had to swallow from the provisional republican movement. It is not my imagination that Galen Weston was the subject of a kidnap attempt in order to extort money by a party that includes people who now offer themselves for political office. It is not my imagination that Tiede Herrema was kidnapped. It is not my imagination that other businessmen were kidnapped and threatened and that businessmen in Northern Ireland were taken and shot simply because of who they were. This has nothing to do with the ideology of 1916. It is radically different and inferior to it.

I see people running smuggling rackets. I saw an individual who went to the Four Courts and perjured himself to get a large sum of money from *The Sunday Times* because it correctly described him as the IRA chief of staff. Although he perjured himself, he was countered by several witnesses, one of whom was a former member of his movement, Mr. Collins. Mr. Collins sat in the witness box and coldly informed the jury of the true state of affairs with the chief of staff of the IRA. Later, he was found on the side of a south Armagh road close to where the plaintiff lived with his head reduced, because of the ceasefire, to an unrecognisable pulp. This happened because he told the truth, puncturing the perjuring, money-grabbing exercise of the IRA chief of staff. When I recall this event, I ask the media to remember that one man had the courage to tell the truth and a Dublin jury had the courage to fling the case out. That is a serious state of affairs.

Question put and agreed to.

Committee Stage ordered for Wednesday, 2 February 2005.

#### **Matter raised under Standing Order 30.**

**An Cathaoirleach:** I call Senator Finucane on the matter he wishes to raise under Standing Order 30.

**Mr. Finucane:** Kantoher Chicken Products has been synonymous with industry and providing worthwhile jobs in the west Limerick area. The Kantoher area has been involved for some time in poultry production. Yesterday's announcement by the Kerry Group that the factory will close on 4 March left many surprised. There were certain rumours and speculation throughout Christmas that the company was in difficulty. However, many people were still surprised by yesterday's announcement. Many of those affected by the 138 job losses gave an entire lifetime to working with the company. Management and those working on the production side are now confronted with looking for alternate employment.

It is well known that the poultry industry is experiencing difficult times. With the dramatic increase in imported poultry products, many companies are finding it difficult to compete. Many insist when job losses occur that task forces must be sent into the affected area. However, a building is all that will be left in Kantoher, as the jobs will be gone. In fairness to the Kerry Group, it gave ample notice to the workers. It is providing an out-placement service to advise workers of other employment opportunities in the area. It has offered alternate jobs in the Listowel and Charleville plants. However, the Kerry Group cannot quantify the number of jobs that will be created by this effort. The jobs at the Listowel plant will be seasonal and will not address the long-term opportunities the Kantoher workers want. A certain number of jobs will be provided

[Mr. Finucane.]

at the Charleville plant with the expansion of cheese strings production there. However, one cannot be sure how many of the 138 affected workers in Kantoher will finish up in alternate jobs or redundancy leading to unemployment.

It is a regrettable situation and my heart goes out to the workers and their families. Having given a long-term service to the company, they are now faced with unemployment. I know these concerns have been articulated elsewhere. I hope other expanding industries in west Limerick area will have opportunities for the Kantoher workers. I am not sure what anyone can do to provide an alternative within the existing plant. The Government must be made aware of this situation. In recent weeks, there have been other job losses in other counties. However, one feels the impact when it happens in one's own county and one knows many of the people involved.

**An Cathaoirleach:** When is it proposed to sit again?

**Mr. Minihan:** On Wednesday, 2 February 2005 at 10.30 a.m.

### Adjournment Matters.

#### Hazardous Waste.

**Ms O'Meara:** I thank the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Batt O'Keeffe, for attending the House to take this important matter. This is not the first time I have raised this issue. I have lost count of the number of times I have done so. It is a serious and ongoing issue and there is an urgent need for the Minister for Communications, Marine and Natural Resources, to sign off on a plan for the rehabilitation of these mining sites. Information is now available showing the level of toxicity in the air, particularly around the tailings pond at Gortmore in Silvermines, is greater than originally thought. Several years ago, an inter-agency report stated that while there was toxic dust in the area, particularly lead dust emanating from the tailing ponds, it did not represent a risk to human health. However, a report commissioned by the community and reported on in today's *Irish Independent* states that children are at risk from toxic dust. The reason is that the synergistic effect, in other words, the combined effect of lead and arsenic in particular, which is in the dust in the Silvermines area, constitutes a very serious risk, particularly to the health of children in the area because the synergistic effect of lead and arsenic is much worse than the individual effect of lead and arsenic. One can only imagine what that would be. This is a matter of serious concern which needs to be dealt with urgently.

The latest proposal prepared by Mogul of Ireland in November is not acceptable, and remains an unacceptable proposal. My concern, which is shared by Deputy Hocht and the community, is that the Minister, Deputy Noel Dempsey, appears to accept this proposal. He appears to believe that it could constitute a solution to the problem. This is not the case because it has been rejected not just by the community's consultants, but by the EPA, the county council and SRK, the Department's consultants, as being a defective and unworkable solution. Therefore, I fail to understand why the Minister is taking this view. I further fail to understand why he is taking this view because in this House a number of months ago, in the most recent reply in the matter, I was told that a report is being prepared by the Department for the Minister. I was told it would go to the Minister in February, following which he would make a decision on how to proceed. Our concern is that the Minister has made up his mind at this stage. I would like reassurance on where the Minister and the Department are on the matter, which I can then relay to the community.

Department officials intend to meet with members of the community next week. I welcome this initiative by the Department, which is necessary. However, the necessity for a resolution to this issue has become much more urgent. I have been raising this matter since coming to this House in 1997. It is now 2005, which is almost eight years later. How long must people wait? Given the waste, licensing and planning issues involved, the management of very hazardous materials and the fact that a number of sites, not just the tailings pond, are involved, it will take years for a plan to be rolled out and put in place.

I seek reassurance and an update on the matter from the Minister. I am sure it is not the last time we will debate it. I thank the Cathaoirleach for allowing me to raise the issue today.

#### Minister of State at the Department of the Environment, Heritage and Local Government

**(Mr. B. O'Keeffe):** I thank the Senator for raising this important issue. The subject of the proposed plan for the rehabilitation of old mine sites in Silvermines, County Tipperary, was covered in some detail in a previous Adjournment debate on 24 November 2004. Since that date, a summons for failure to deliver on its clause K liabilities was served on Mogul of Ireland in early December 2004. However, by agreement between the respective solicitors, the dialogue on the remediation proposals between the Department of Communications, Marine and Natural Resources and Mogul may continue on a "without prejudice" basis. The legal proceedings may be reactivated if and when it appears the dialogue is not successful.

The additional information to Mogul's plan of 3 November 2004 sought by the Department of Communications, Marine and Natural Resources was received on 17 January 2005. This infor-

mation is currently being assessed by the Department, its consultants, Gortmore action group, North Tipperary County Council and the Environmental Protection Agency. It is proposed to meet with the Gortmore action group next week to ensure that its concerns are reflected in a comprehensive report setting out the available options and recommendations for a way forward which will be presented to the Minister for Communications, Marine and Natural Resources, Deputy Dempsey, in early February. The Department also proposes to discuss Mogul's plans with the local authority and the EPA before finally reporting to the Minister.

The dialogue with Mogul and the necessary consultation with the stakeholders has proved to be protracted and complex. The Department took the view that continuation of dialogue with the company had a reasonable prospect of producing an acceptable plan capable of immediate implementation. The Minister saw no reason to disagree with this view, not least because of the significant slippage in timescales which would occur if the Mogul plan failed and alternative proposals had to be formulated.

Any alternative to Mogul's plan, if and when one was agreed, would take a great deal of time to initiate, fund, secure an implementing agency, etc. In all the circumstances, and having regard to Mogul's acceptance of its contractual liability for the remediation works, the Department had a duty to work with Mogul in endeavouring to produce an environmentally acceptable, sustainable and cost effective plan for the sites. Any health issues associated with the environmental state of Gortmore are a matter for the Health Service Executive's mid-western area. The evidence referred to in the motion has been forwarded to the HSE for assessment and comment. To date, the HSE's position is that there is no direct evidence suggesting that the health of the community, including children, is at risk from the existing state of Gortmore tailings pond. The last major dust blow from Gortmore tailings pond occurred in 1985. Since that date, emergency remedial measures for Gortmore have been agreed between Mogul and North Tipperary County Council.

The former Mid-Western Health Board has also issued a booklet to the local community entitled, Contingency plan in the unlikely event of a major dust blow from the Gortmore TMF. It should also be noted that a report produced by an expert group, published in March 2004, on the effect of lead and other metals in the Silvermines area found, in general, that the area is a safe place in which to grow up, live and work provided that certain precautions are taken.

It is now accepted that a considerable amount of time has been expended in working with Mogul and the Minister, Deputy Noel Dempsey, is not prepared to let the process run for an indefinite time. As mentioned, he has asked the Department to ensure that the latest final proposals are assessed by the stakeholders with all

haste and that a comprehensive report should be submitted to him in early February for a decision.

**Ms O'Meara:** I seek an assurance from the Minister of State that no plan will be agreed with Mogul without the community's assent to it. That assurance has been given to me by the Department but I would like the Minister of State to give me that assurance today.

**Mr. B. O'Keeffe:** All I can say is that the local community group will be given every opportunity at the meeting next week with the officials of the Department to have an input into this report. There will be other strands to the report. We will communicate what the Senator is saying on behalf of the community here today. The Minister will take what is a logical, well defined decision, based on all the evidence, including expert evidence, that will be submitted to him. The assurance is that the views of the action group will be taken into account in line with all the expert advice available to the Minister.

#### **Waste Management.**

**Mr. Cummins:** I welcome the Minister of State to the House. Waterford County Council currently has a waste management crisis. This has been the case for some time. The Dungarvan landfill is full and the Tramore landfill site will be complete at the end of this year. In the meantime, the county council has located another site but it has already spent €200,000 on appeals to An Bord Pleanála in regard to the site.

It currently costs €6 to have a black bin collected in Waterford city while in the county the charge is €13. That is the difference. The EPA recently established guidelines regarding the sites in Dungarvan and Tramore which have obliged the council to take out a loan of €6.5 million for the remediation of those sites. This will put an inordinate burden on the people of County Waterford. As I stated, there is already a significant difference between city and county bin collection fees. As a result, there is quite an amount of illegal dumping all over the country, which has been reported at length in the local newspapers.

The €6.5 million burden which the council must now endure will again increase waste management costs. It is grossly unfair that the council should be burdened with this loan it has been obliged to take out recently. I ask the Minister to meet a deputation from the council soon to address the matter. I understand that the council has sought such a meeting and I hope something can be done to address this waste management crisis in Waterford. The whole question of the new landfill site is of interest not only to people in County Waterford but also those in Waterford city because the city landfill is also almost full. I ask for a meeting between the Minister, Waterford County Council officials and their representatives with a view to solving this major problem.

**Mr. B. O’Keeffe:** I thank Senator Cummins for raising this issue. Waste management issues have assumed increasing importance, both locally and nationally. From being the Cinderella of the environmental service, integrated and coherent waste management policy and infrastructure are now being seen as critical to environmental sustainability.

Improving our waste management infrastructure is vital in achieving ambitious recycling and recovery targets, as set out in the Department’s policy document “Changing our Ways” and reaffirmed in last year’s document “Taking Stock and Moving Forward”. I am committed to ensuring we remain on target and perhaps exceed the targets set.

The EPA’s national waste database 2003 interim report shows that of about 3 million tonnes of municipal waste generated in that year, over 28% was recovered. This is a massive increase on previous years. This continues the positive trend over the past two years and suggests we may significantly exceed our diversion of municipal waste from landfill target of 35% by 2013. Household recovery rates remain relatively low at 13% and although they are improving all the time it will be a challenge to deliver a household waste recovery and recycling rate of 50% by 2013.

In order to meet these targets, capital funding is being provided to local authorities for a range of recycling and recovery facilities. So far, some €50 million has been provided for over 90 projects. In addition, ongoing support is given towards the current costs of operating these facilities, €7 million last year alone, to help local authorities maximise the accessibility of the facilities. This package of measures is further supported by the provision of block grants for environmental enforcement and environmental awareness.

Waterford County Council has been allocated €5,680,000 in grant assistance for civic amenity sites, composting facilities, bring banks and a materials recovery facility. Last year alone almost €330,000 was provided towards the operating

costs of these facilities. A block grant of €212,000 was provided again in 2004 to support Waterford County Council’s programme of enforcement regarding waste activities, helping secure a very visible on the ground enforcement presence. The south-east region, of which Waterford County Council is a part for waste management planning purposes, has also been given €110,000. This grant is to enable the region to create a better awareness of the provisions of the plan for the area, the key role it plays in supporting the overall campaign and the progress being made on the plan’s implementation.

While high levels of Government support are being provided, local authorities must themselves also take a strong role in addressing waste management issues, particularly where there are historical problems to be dealt with. While we have moved from a background of many poorly-managed landfills to far fewer and much more regulated facilities, there are still problems to be dealt with from the older, little-regulated regime. We must ensure that existing and new landfills have a minimum impact on our environment and operate within EU legal requirements. This is a major challenge for local authorities, but given that they are continuously developing their expertise in waste management, it is one which I am confident they will be able to meet.

**Mr. Cummins:** That does not address the matter of the €6.5 million loan incurred by Waterford County Council. The Adjournment motion in effect asked if the Minister was prepared to meet a deputation from the council in the near future.

**Mr. B. O’Keeffe:** I have checked with my Department and my understanding is that no such request has been received from Waterford County Council. When that request is received in the Department it will be given due consideration by the Minister.

The Seanad adjourned at 1.25 p.m. until 10.30 a.m. on Wednesday, 2 February 2005.