



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Céadaoin, 5 Deireadh Fómhair 2016*

*Wednesday, 5 October 2016*

Chuaigh an Cathaoirleach i gceannas ar 10.30 a.m.

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*Machnamh agus Paidir.*  
***Reflection and Prayer.***

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### **Business of Seanad**

**An Cathaoirleach:** I have received notice from the Senator Maura Hopkins that, on the Commencement of the House today, she proposes to raise the following matter:

The need for the Minister for Health to outline the measures the Government is implementing to improve ambulance response times in rural areas, particularly those which have been identified as black spots as regards ambulance response times, in accordance with the National Ambulance Service of Ireland emergency service baseline and capacity review 2015 and the Health Information and Quality Authority's 2014 review of pre-hospital emergency care services to ensure high quality in the assessment, diagnosis, clinical management and transporting of acutely ill patients to appropriate health care facilities.

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

The need for the Minister for Health to update the House on formal and informal efforts being made to relocate the European Medicines Agency from London to Ireland following the decision of the British people to leave the European Union.

I have also received notice from Senator Brian Ó Domhnaill of the following matter:

The need for the Minister for Social Protection to extend the free travel scheme to third level students.

I have also received notice from Senator Gerard P. Craughwell of the following matter:

The need for the Tánaiste and Minister for Justice and Equality to explain the current delays under the Garda vetting programme which have resulted in many participants having to withdraw from community employment in schools for which they were otherwise eligible owing to the four to five month delay in vetting.

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

The need for the Minister for Agriculture, Food and the Marine to secure an EU aid package for Ireland's struggling grain industry.

I regard the matters raised by the Senators as suitable for discussion. I have selected the matters raised by Senators Maura Hopkins, Neale Richmond, Brian Ó Domhnaill and Gerard P.

Craughwell and they will be taken now. Senator Tim Lombard may give notice on another day of the matter he wishes to raise. Senator Gerard P. Craughwell has withdrawn his Commencement matter which I had selected for discussion.

## **Commencement Matters**

### **Ambulance Service Provision**

**Senator Maura Hopkins:** I thank the Minister of State for taking the time to discuss this important matter. Last week I met people living with the impact of a stroke in the community. A new stroke support group has been established in County Roscommon, led by the Irish Heart Foundation. One of the issues raised at the meeting was the concern for people who attended the group and every person living in a rural area. We face real challenges in terms of the ability of the ambulance service to respond quickly in rural areas.

The Lightfoot report was published last May. It examined two performance standard response times, namely, eight and 19 minutes. It found that one in 15 ambulances reached patients in need of emergency care within the eight minutes target in rural areas. It also found that ambulances in the west were meeting the 19 minute response time in the case of about 55% of calls. The report provides evidence beyond question of the strong case for the HSE to increase resources in order that we see improvements in ambulance services, especially in identified black spot areas such as west Roscommon. It shows that people who are living in ambulance black spot areas are exposed to an increased risk in terms of delayed intervention, which has been shown to have a negative impact on functional outcomes. For example, the likelihood of recovery after stroke dramatically improves the sooner the patient is assessed and treated.

We also know that ambulances are sometimes forced to wait with patience outside emergency departments for considerable lengths of time before being permitted to transfer patients into emergency departments owing to overcrowding. This further reduces their capacity to deal with other emergencies.

The 2014 HIQA report shows that people from west Roscommon must, on average, wait the longest for an ambulance to arrive. The new ambulance service based at Loughglynn in west Roscommon is being operated by a crew from Roscommon town. We need to deal with the urgency of this matter. Loughglynn was identified as a particular black spot area, as per a 2014 HIQA report. It is not acceptable that no extra resources have been allocated to this area.

We cannot continue to build a health service supporting an urban centre. We know that medical treatments and procedures have become more specialised and centralised, which is really important in delivering the best possible care for patients. However, we need people in rural areas to be able to access the services as quickly as possible to avail of these benefits.

We have seen the immense impact of the air ambulance service which has been positive in improving response times and getting critically ill patients to centres where they can be treated effectively. However, we need the air ambulance service to operate at night time.

The 2014 HIQA and Lightfoot reports provide stark evidence that urgent action is required. Additional ambulances and personnel must be directed towards areas of greatest need. There

are real difficulties in rural areas and I ask the Minister of State to outline what the Government is undertaking in terms of an action plan, particularly in the light of the recent Lightfoot report.

**Minister of State at the Department of Health (Deputy Marcella Corcoran Kennedy):** I thank the Senator for raising what is a very important matter, not only in her area but also nationally.

The National Ambulance Service has undergone a major programme of reform and innovation in recent years. The programme is ongoing. In 2016 additional funding of €7.2 million has been provided for the service which includes €2 million to fund new developments. The new funding has and will facilitate the recruitment of additional personnel, the acquisition of new technology, the initiation of the first phase of a hear and treat care pathway, expansion of the community first responder network and assist in the delivery of a children's ambulance service. We are now deploying ambulances better. Regional call centres have been consolidated and a single national control system has been put in place in the national emergency operations centre. Ambulance dispatchers now have sight of every National Ambulance Service resource in the country. This enables them to make better decisions on how resources should be deployed. Developments such as digital radio, computer-aided dispatch, mobile data and electronic patient recording allow the National Ambulance Service to deploy resources more effectively and on a national basis rather than within small geographic areas. We also have the emergency aeromedical support service, EAS, which was established on a permanent basis in 2015. It is tasked to carry high acuity patients, generally in the west, where it is considered that the journey time by road could contribute significantly to clinical risk. I acknowledge the Senator's positive comments in that regard. The EAS has been hugely successful to date and particularly beneficial for time-dependent cardiovascular patients. I should also mention that we have introduced the intermediate care service to undertake inter-hospital transfers. This frees up the emergency fleet to deal with emergency calls. The National Ambulance Service capacity review was published earlier this year and identified particular difficulties in serving rural areas. However, the report's recommendations endorse a number of policy initiatives which are already in progress as part of the reform programme. It includes the policy of strategic deployment, with resources being used across a region in order that if demand increases in one area, other resources can provide cover, as required. The review also endorses the existing policy to support voluntary community first responder initiatives. Community first responders are members of the community who are equipped with a defibrillator and supported by the National Ambulance Service to provide an initial emergency response in rural areas. There are 137 community first responder groups linked with the national emergency operations centre and we are confident that we can continue to hope to grow this number.

The capacity review identifies a need for a very significant programme of investment in ambulance services. It is clear to me that a phased investment in a multi-annual programme involving manpower, vehicles and technology is required. In that context, A Programme for a Partnership Government commits to additional annual investment in ambulance personnel and vehicles. It is important to acknowledge the progress being made to reform and develop the National Ambulance Service. I again thank the Senator for raising this issue and providing me with an opportunity to update the House on the very significant service developments there have been in recent years.

**Senator Maura Hopkins:** I thank the Minister of State for her comprehensive response. I am encouraged by the fact that the programme for Government sets out that there will be a multi-annual programme which will focus on providing an enhanced ambulance service, in-

volving increased personnel, improved technology and improved ambulances. However, we are dealing with a very urgent issue, particularly in known identified black spots, as per the 2014 HIQA report. Again, I emphasise that west Roscommon, an area with which I am very familiar, is a known identified black spot and that we have not seen additional resources being provided in it. It is really important that that issue is dealt with as quickly as possible. We need to make sure the air ambulance service which, again, has been very effective has the capacity to operate at night time. That is critical in getting very ill patients to the centres where they need to be quickly. I thank the Minister of State for her contribution. I will continue to raise the issue and work with her on it.

**Deputy Marcella Corcoran Kennedy:** I will convey the Senator's concerns about the position in Loughglinn and the additional resources required to the Department and the HSE. I will also convey her suggestion that the air ambulance service should be able to operate at night. It seems to make perfect sense and I will be very happy to convey it to those involved in the relevant areas.

**An Cathaoirleach:** Before we proceed, I acknowledge the presence in the Visitors Gallery of a former Senator and very valued colleague, Michael Mullins. You are very welcome, a Mhichíl.

## **Brexit Issues**

**Senator Neale Richmond:** I welcome the Minister of State and thank her for taking this very important debate.

I have said it here and in many other forums that Brexit will be an absolute disaster. It will be massively negative, especially for Ireland, in economic terms. However, it will present a few slim opportunities on which Ireland must capitalise in order to offset the negative economic impacts. In the financial services sector and attracting foreign direct investment, the opportunities are quite obvious. However, from an institutional point of view, the European Medicines Agency is one of just two decentralised EU agencies in the United Kingdom, the other of course being the European Banking Authority. With the European Medicines Agency seeking a new home, Ireland could and should be the obvious location for it.

Why do we want the European Medicines Agency to relocate to Ireland? It has a secretariat of over 600 people and an annual budget of over €300 million. Relocating from London to Ireland would provide a massive, direct boost to the economy. The European Medicines Agency is a beacon for many international pharmaceutical companies which wish to be based close to the central regulatory body for the industry. Bringing it to Ireland would see a surge in interest among pharmaceutical companies that are looking to relocate to Ireland. A number of Japanese pharmaceutical companies based in London are on record as stating they will go wherever the European Medicines Agency goes. As matters stands, the European Union is the source of about one third of the new drugs brought onto the world market each year. Bringing the European Medicines Agency to Dublin would provide a huge boost for the research and development sector.

The question is where in Ireland should the European Medicines Agency be located. I know that my colleague, Senator Frank Feighan, has put the case for it to relocate to Carrick-on-Shannon. While a case could be made for its relocation to Cork or Galway, the obvious destination

would be Dublin which meets many of the criteria various media outlets and trade publications have laid out as being vital to wherever the European Medicines Agency relocates. Ireland is home to many of the world's leading pharmaceutical companies, including GSK, Pfizer, Abbott and Wyeth, all of which, among others, have offices in Dublin. Both Trinity College Dublin and UCD have large schools of pharmacy. Loughlinstown in south Dublin has already enjoyed great success in being home to the European Foundation for the Improvement of Living and Working Conditions and its staff of about 100. In south Dublin, in particular, there are three international schools, St. Andrew's College in Booterstown, St. Killian's Deutsche Schule in Clonskeagh and the Lycée Français in Foxrock, that offer the international baccalaureate, a very important aspect when looking to relocate the families of people working for the European Medicines Agency.

Dublin is only a short flight from London, which would allow for easy telecommuting for those who for various reasons would remain in London during the early stages of relocation, particularly when compared to the other leading candidate cities, namely, Milan and Stockholm. As we always say on the world stage, Ireland is a country in which English is spoken and has a low-tax and open economy, with a highly intelligent local population, something Milan and Stockholm do not offer.

I wish the Minister of State and the Government the very best in their efforts to bring the European Medicines Agency to Ireland. Much like the bid to host the 2023 Rugby World Cup, it is vital that all of our political, civic society and commercial leaders come together to back the bid to have the European Medicines Agency relocate to Ireland.

**Deputy Marcella Corcoran Kennedy:** I thank the Senator for raising this important issue. He has been very clear in flagging the challenges we will face as a consequence of Brexit. I acknowledge that he has also been to the forefront in having the European Medicines Agency relocate to Ireland.

The European Medicines Agency plays a very important role in the protection and promotion of public health through the scientific evaluation, supervision and safety monitoring of medicines for human and veterinary use in the European Union. As a consequence of Brexit, a decision will have to be made on a new location for the European Medicines Agency. The Government believes this decision should be made relatively quickly once Article 50 is triggered, which, as we know, is to happen in March next year. It is imperative that the relocation be managed in a way that will ensure it has minimal impact on the vital work of the European Medicines Agency during the transition period and beyond. My colleague, the Minister for Health, Deputy Simon Harris, has made public his intention to put forward Dublin as a suitable location for the European Medicines Agency and requested officials to prepare a bid setting out the reasons it would be a suitable location. To date, his officials have consulted other Departments, including the Departments of the Taoiseach, Foreign Affairs and Trade, Jobs, Enterprise and Innovation and Agriculture, Food and the Marine, as well as the Health Products Regulatory Authority, HPRA, State agencies such as IDA Ireland and Science Foundation Ireland, SFI, and pharmaceutical industry representatives. There has also been a range of informal contacts on this issue with individuals at home and abroad who have provided useful insights.

Arising from this consultation process, officials have identified a number of factors which would make Dublin particularly suitable to host the European Medicines Agency, including, as the Senator noted, the fact that the city is an English language location and English is the working language of the agency and the pharmaceutical industry. A further factor is proximity to

the Irish medicines regulator, the Health Products Regulatory Authority, which has an excellent track record, already made a significant contribution to the workings of the European Medicines Agency and would provide strong support in the event of a move. On the retention of expertise, Dublin's proximity to London would prove attractive to some EMA staff with families who are well established in the UK capital as they could decide to commute. In addition, commonality of language and other facets of life may make it more likely that staff would remain with the European Medicines Agency, rather than leave when the agency has to move from the United Kingdom.

A further factor is that Ireland is one of the leading locations for the pharmaceutical industry in the European Union. Nine out of the ten largest pharmaceutical companies in the world have operations in Ireland and we also have a strong research and development sector. In addition, Dublin has an airport located between 20 and 30 minutes from the city centre, with excellent air connectivity with EU capitals and internationally. The airport also continues to expand its routes.

Last week I had a bilateral meeting with the European Commissioner for Health and Food Safety, Mr. Vytenis Andriukaitis, following a seminar in Brussels on the Public Health (Alcohol) Bill. As recently as last Monday, at a meeting of EU Health Ministers in Bratislava the Minister for Health discussed with the Commissioner Ireland's interest in hosting the European Medicines Agency. Work will continue in the coming weeks to prepare Ireland's bid and Ministers and officials will use every possible opportunity to present the case for Dublin, both at home and abroad.

**Senator Neale Richmond:** I welcome the reassurance the Minister of State has provided regarding the great efforts being undertaken by the Minister and his ministerial team to bring the European Medicines Agency to Ireland. I underline my view that we must involve the private and commercial sector and civic society in this process and make clear to them that they have a vested interest in achieving this objective. The Government will not be successful if it acts alone, which means that the process must be all-inclusive.

When negotiations commence following the invocation of Article 50, it must be made clear that Ireland will suffer more than all other member states as a result of Brexit. The economic and social decline we will inevitably experience as a result of Brexit must be offset by policy changes at European level. The European Union must pay more attention to Ireland, for example, by making it a key location for financial services companies which decide to move their operations from the United Kingdom. These companies are calling themselves "the old exiles". One of the EU agencies based in the United Kingdom, preferably the European Medicines Agency, should also relocate to Ireland to give something back to a country that has always been pro-European and a positive member state.

**Deputy Marcella Corcoran Kennedy:** The Government is concerned about the impact Brexit will have on the economy and society. While we can do a certain amount, there is also much that we cannot do or control. For this reason, we must try to mitigate the consequences of Brexit. No stone is being left unturned in our efforts to attract the European Medicines Agency to relocate here.

The Senator's comments on engaging with the private sector and civic society resonate with me as such an engagement would be a positive step forward. The Government will not be found wanting in its efforts to mitigate the consequences of Brexit and attract companies and agen-

cies, including the European Medicines Agency, to locate here in the aftermath of the United Kingdom's decision to leave the European Union.

### **Free Travel Scheme Eligibility**

**An Cathaoirleach:** Before calling Senator Brian Ó Domhnaill, I welcome to the Visitors Gallery Councillor Michael O'Brien of Westmeath County Council who has a particular interest in the matter the Senator proposes to raise. I also welcome the Minister for Social Protection, Deputy Leo Varadkar.

**Senator Brian Ó Domhnaill:** I thank the Minister for taking time to come to the House. He has a busy schedule as the budget approaches; therefore, I appreciate the effort he has made to come to the House to respond directly to the issue I raise.

Councillor Michael O'Brien of Westmeath County Council has made an excellent proposal that a free travel scheme be introduced for third level students attending college. While the scheme would cost money, it would ease the financial hardship faced by many students. Councillor O'Brien's colleague, Deputy Kevin Boxer Moran, has been advocating in the other House for the introduction of such a scheme. The proposal merits consideration and deserves our support.

The rationale for introducing a free travel scheme for third level students is that the costs associated with third level education have been increasing, especially this year, as a result of rising rents and a shortage of student accommodation, both in the capital and nationwide. Dublin Institute of Technology, DIT, produced a cost of living guide for students which estimated that travel costs per month in the 2015-16 academic year amounted to €135 per third level student. The increase of 13% on the figure for the previous year means that annual travel costs have reached approximately €1,215 per student. If this cost could be offset by support from the Department of Social Protection or the Department of Education and Skills feeding into the Minister's budget, it would alleviate much of the hardship being experienced by third level students.

As the DIT guide notes, students can be divided into two groups, namely, those who live at home and those who live in rented accommodation. According to the guide, the financial breakdown for both classes of students was identical and they experienced the same monthly travel costs of €135. Students who travel to college from home probably face higher travel costs, although they do not incur rental costs. Overall, however, the subsidy would have the same impact on both sets of students.

I am aware that budget day is approaching. The Union of Students in Ireland argues that the increased costs of third level education are leading to elevated fears among students that they may have to leave third level education. As Councillor O'Brien has pointed out, a USI survey shows that 87% of third level students are living in fear of having to leave third level education as a result of the increased costs they face. While I acknowledge that the Minister does not have responsibility for third level education, he is responsible for the excellent free travel scheme which is available to the elderly population. Will the Department or the Department of Education and Skills examine the case for reducing the costs of travel for third level students?

*11 o'clock*

The Leap card is capped at €30 per month in the city, but that card is only one element of the equation. For example, a student coming from County Westmeath, County Donegal or County Kerry must provide for travel on a weekly basis to the city, after which he or she must also pay for the Leap card. The card is not the solution in itself. The Minister's consideration would be greatly appreciated.

**Minister for Social Protection (Deputy Leo Varadkar):** I thank the Senator for raising this innovative idea. I acknowledge the high cost of third level education for students which is attributable to travel and accommodation, in addition to fees.

Services for students and the adequacy, or otherwise, of their supports are matters for the Minister for Education and Skills. Transport is primarily a matter for the Minister for Transport, Tourism and Sport. However, my Department provides a free travel scheme as a secondary benefit for older people and certain people with disabilities who are already customers of my Department, that is, people who receive a weekly welfare payment from us. This provides free travel on the main public and private transport services for those eligible under the scheme. There are approximately 864,000 people in receipt of free travel, but many do not use it regularly and prefer to travel during off-peak periods when seating is readily available.

The measure proposed would cater for the needs of students who are not our existing customers and who will be students for only a few years or, in some cases, only a few months. Any such scheme would require a more significant operation than that which administers my Department's free travel scheme as it would have to grant and withdraw potentially hundreds of thousands of passes each year, using information that ultimately would have to be provided by all colleges in the State.

Income support and services for students are in the policy domain of the Minister for Education and Skills and my Department is not the best placed to calculate the cost of the proposed measure or to decide whether it would be an appropriate way to supplement or replace other supports available for students from the relevant funding streams. Any increase in eligibility under the scheme would require a substantial increase in funding at the expense of the taxpayer. The current funding for the scheme is €80 million per year and any scheme that extended a similar service to students would most likely require a substantial increase in funding, even taking into account the fact that many providers already operate reduced fares for students. No such provision has been made in my budget for 2016. I am, therefore, not in a position to operate such a scheme or comment on whether it would represent equitable use of resources. However, I encourage the Senator to discuss the matter further with the Minister for Education and Skills and the Minister for Transport, Tourism and Sport.

**Senator Brian Ó Domhnaill:** I thank the Minister and acknowledge that the third level education sector does not come within the realm of his Department. When I was submitting this matter for debate today, I initially contacted the Department of Transport, Tourism and Sport. Officials within that Department advised that the matter was more appropriate to the Department of Social Protection. However, I appreciate and agree with what the Minister has said. If the Department of Education and Skills was willing to engage with the Department of Social Protection at ministerial or official level on this question, would the Minister consider it?

**Deputy Leo Varadkar:** This is an innovative and good idea. Of course, I would be happy to engage with the Department of Transport, Tourism and Sport and the Department of Education and Skills on any idea like this. Joined-up thinking is important in government. There are,

of course, other good ideas. Free travel for children is a good idea. When I was Minister for Transport, Tourism and Sport, I was involved in providing free days for children on the Luas, in addition to making a decision to link up the Luas lines. In certain other jurisdictions there is free transport for children. I believe London Underground, for example, provides free transport for all children under 16 years.

As with any good idea, one must consider the cost. There are two sets of costs. One is the cost in money terms. I do not have much money. Every day there seems to be somebody demanding €100 million in additional spending in my Department, but they do not seem to want to give me the money. Aside from the monetary cost, there is also an opportunity cost. I refer to all of the other things one could do with the money such as reversing some of the cuts made to the disability and carer's allowances and blind person's pension. This is the battle I am trying to fight. As the Senator can imagine, there are many demands. Given the new political scenario in which we find ourselves, I expect Fianna Fáil to produce its budgetary proposals in the next couple of days. Perhaps the first step might be to ensure the Senator's proposal is included as one of the party's priorities. We could take it from there.

*Sitting suspended at 11.05 a.m. and resumed at 11.30 a.m.*

### **Order of Business**

**Senator Jerry Buttimer:** The Order of Business is No. 1, address to Seanad Éireann by Mr. Manus Cooney, to be taken at 1 p.m. in accordance with the arrangements set out in a motion passed by the House on 4 October; No. 2, statements on the decision by the United Kingdom to leave the European Union, in the presence of the Minister for Foreign Affairs and Trade, to be taken at 3 p.m. and conclude not later than 4.30 p.m., with the contributions of group spokespersons not to exceed six minutes each and those of all other Senators not to exceed four minutes each and the Minister to be called on to reply not later than 4.25 p.m.; and No. 23, Private Members' business, non-Government motion No. 9 re comprehensive economic and trade agreement, to be taken at 4.30 p.m.

**Senator Catherine Ardagh:** I would like to address the House on some of the budget whisperings, in particular the Government's plan to introduce a first-time buyer's grant of around €10,000 for newly built homes. I disagree with the grant as it would increase the price of new builds for first-time buyers. The initiative would not help first-time buyers but instead would place an extra €10,000 in the pockets of developers and landowners. In the past year house prices have risen by 8% in general and by 5.3% in Dublin. I would like the Government to consider the Central Bank's mortgage lending criteria. We should leave income thresholds as they are but reduce deposit thresholds as it is unfair for a family renting a three-bedroom home who are paying around €2,000 in rent. If the family were able to get a mortgage on the same home, they would have to pay €1,400 per month on a €280,000 mortgage over the course of 35 years. Only people who have access to large deposits from friends or family are in a position to get a mortgage. Changing the rules to reflect people's previous rental patterns would put first-time buyers on an even footing, thus allowing them access the housing market.

I will outline other initiatives I would like the Government to introduce. A site tax for undeveloped lands could be introduced. We could consider reducing the build cost by reviewing how councils certify properties. Perhaps we might change the methods by which development levies are introduced. I would also like to see the introduction of a co-ownership scheme, which

has been successful in the recent past. I draw the attention of the House to a financial contribution scheme that Dublin City Council had in place. It meant people living in larger homes could downsize to smaller properties and receive equity release on larger properties. The initiative would free up larger family homes that could be availed of by families on the housing lists.

I welcome Sinn Féin's commitment in its budget submission to introduce a €5.70 increase in the old age pension. The proposal was not included in the party's election manifesto, but I warmly welcome Sinn Féin's commitment to the proposal.

**Senator Trevor Ó Clochartaigh:** The Senator is very welcome and I thank her.

**Senator Kieran O'Donnell:** It is called love bombing.

**Senator Rose Conway-Walsh:** I want to clarify remarks I made yesterday on the alternative budget and the fiscal space available. Yesterday the Leader said Sinn Féin's fiscal space was multiples of the figures available and he is correct. The EU fiscal rules allow for spending on capital investment to be averaged out over four years and, therefore, only use one quarter of the fiscal space in the first year. I cannot make this matter any simpler for the Leader. As I would have thought that Fine Gael was sufficiently chided and embarrassed by its last foray into the fiscal space at the beginning of the election campaign to attempt another, I admire the party's bravery.

**Senator Trevor Ó Clochartaigh:** Back to class for Fine Gael.

**Senator Rose Conway-Walsh:** Fine Gael is more than entitled to argue against an increase in spending on capital investment and the employment and improvement that will come with that move. The party cannot disregard an EU directive to which the Minister for Finance signed up and yet claim that it is fantasy. The party should know that the EU directive was brought forward specifically to encourage increased spending on capital investment. This option is open to the parties in government also. It is becoming increasingly clear to me that nothing will stand between the Government and tax cuts for its golden circle buddies.

*(Interruptions).*

**Senator Rose Conway-Walsh:** I am more than happy to share the document with the Government and discuss any matter that is not clear enough for the parties. I will not accept sweeping statements without substance. Sinn Féin's alternative budget takes account of the impact Brexit is likely to have on the economy. We have provided €20 million for North-South projects in order to offset the potential loss of €2.7 billion to GDP if Brexit goes ahead. The Government is lagging behind. I attended a briefing today by IBEC which warned that the indigenous export sector, which employs more than 140,000, was concerned that there would not be unfettered access to the British market. It has called for the upcoming budget to be Brexit-proofed. Indigenous firms have been responsible for up to 75% of new jobs in this recovery - if the Leader stopped talking, he might learn a thing or two - but these are all at risk if there is no coherent strategy or the political will to match it. The budget next week will be a good starting point for the Government to show the country and others in the European Union that we are beginning to prepare and it would instil confidence. Therefore, I ask the Minister to look at some of the alternatives. Some years ago, when people queried economic policies in this country, they were told by the leader at the time that they should go away and commit suicide. In the interest of new politics, we need to look at the alternatives in order to protect the country from the huge avalanche of threats coming down the line.

**Senator Lynn Ruane:** I express my solidarity with the women of Poland who engaged in a public strike on Monday to register their justified opposition to the measures being debated in the Polish Parliament to further restrict access to abortion in a country that already placed significant barriers in the way of women who needed to access an abortion. It is unacceptable that an abortion access regime that already only allows abortion where a pregnancy carries a risk to health or life or results from rape or incest, or where there is a fatal foetal abnormality, should need to be tightened. It is cruel and degrading and I applaud Polish women across 60 cities for the strike action in which they engaged on Monday.

I also express solidarity with the kids who are outside protesting today. They are very vibrant and screaming and hanging off the railings, all aged about six or seven years. They are protesting about the school for which they have been waiting ten years to be built, which is called St. Mochta's. I would like other Senators to go out and support them.

**Senator Denis Landy:** I want to focus on the issue of pay discrimination which is being exposed on a daily basis. I want the Leader to take note of it and see if a debate can be organised on the matter. Pay discrimination has evolved since 2009 as a result of the FEMPI legislation. Across this city booming businesses, particularly in the retail industry and pubs and hotels, are still discriminating against young people. There are four wage categories for people under the age of 20 years and none of them is at the level of the minimum wage. It is time the Government focused on treating everybody equally. Everybody who can go out and do a day's work should be treated the same, whether they are young, old, male or female.

On another issue close to my heart, a report in today's edition of the *Irish Independent* is headed "Coveney's bid to hike councillors' pay fails". Can the Leader give us some clarity on the issue? It seems to come from within his own party. Last week it was successfully leaked by Fine Gael that the Minister, Deputy Simon Coveney, was going to give a €1,000 increase to councillors in their salary and €2,500 in their expenses. On Friday last week, not on the road to Damascus but the road to Bantry, the Minister changed his mind and by the time he got to Bantry to attend the councillors' conference, he was not making any announcement. He wanted to wait to see what was happening. In the *Irish Independent* today we are told by a reputable reporter that he has been stopped by the Minister for Public Expenditure and Reform, Deputy Paschal Donohoe, and that there will be no increase for councillors, now or in the budget. I was a councillor for many years, as many in this room were, and they are not the country's favourite people, but they do a very important job. They are paid approximately €350 per week. The rise in their wages was to be €20 per week which, when tax was taken off, would have amounted to €10. Across the public sector, rightly so, those who have been deprived of increases since 2008 are putting forward a case for pay increases, but, according to today's article, the Minister cannot do anything for councillors because gardaí have decided they want to make a claim. The connection between gardaí and councillors is beyond me. Nurses and teachers want to make a claim, as does everybody who was denied an increase, but the Minister is using the action of the gardaí to prevent councillors from getting a wage increase. Councillors have been led up the garden path for long enough. I ask the cross-party group, of which Senator Gabrielle McFadden is chairperson, for two things. First, I call for a meeting of that group to be convened to seek an urgent meeting with the Minister. Second, I ask the Leader to provide clarity on this story. Perhaps it is being pumped up in order that the result can be delivered in the end, but it is not amusing any councillor across the country this morning.

**Senator Maria Byrne:** I refer to the report carried out by the Simon Community over a three-day period at the end of August and the beginning of September in ten locations. It found

that only 20% of properties came within the rent supplement sector and the HAP scheme. In May 2015, 1,500 such houses were available to rent, but at the end of August and the beginning of September, there were fewer than 500. There has to be some monitoring of what landlords are charging and some engagement with the private rental sector to encourage landlords to come on stream with the HAP scheme and curtail the amount they are charging in rent.

**Senator Paul Daly:** I refer to the plight of Irish tillage and grain farmers who find themselves in a major crisis owing to the very inclement weather and high rainfall on the western coast. I visited some farmers in Galway on Sunday and it is gut-wrenching to see. When they called me, I felt I did not need to go and see it as I am from a farming background and know what it is like when it goes wrong. However, I advise Senators who have an interest in farming to go see what I saw. I stood in a 14-acre field which was flat and unsalvageable. I was expecting the farmer to have already cut the field, but he had not. It contained an investment of €8,000, but the farmer now has no grain to sell as a result.

I raise the issue because it has been flagged in this House and the Dáil on numerous occasions. The Minister is well aware of it and holding a grain forum today with interested sectors, which I welcome. However, there is also a Council of Ministers meeting on agriculture on Monday and I was shocked yesterday evening to hear that despite this crisis, the Irish side had not made any effort to have this matter included in the agenda. I ask the Leader to make contact with the Minister and his officials at the conclusion of the Order of Business to ensure this item will be discussed at the Council of Ministers' meeting. It has to be included in the agenda and European compensation has to be secured to deal with this major crisis. Farmers will go out of business as they have absolutely no other income. In other sectors such as the beef and suckler cow sectors they may be selling at a loss or with a very small margin, but they can still sell a couple of weanlings to boost cashflow and keep the show on the road. The men in question have nothing to sell. They have their money invested. It is similar to any of us going into a car dealership in the morning and giving big money for a new car but for some reason, through no fault of our own, not being given the keys and walking back out with the money spent and no car. They will not survive without income. There will have to be European Commission compensation. I know that it has been said that there cannot be, but there is a precedent. Deputy Darragh O'Brien secured European compensation for the vegetable growers when the frost killed their crop. In a similar fashion the weather has destroyed the grain on this occasion. I respectfully request the Leader to make it a priority at the conclusion of the Order of Business to approach the Minister and his officials to have this issue included in the agenda for Monday's meeting. I was shocked to hear that it was not already on it because the Minister was aware of this as is everybody in both Chambers.

**Senator Pádraig Ó Céidigh:** I would appreciate the Leader's help on two matters of urgency. The first relates to job creation in *Údarás na Gaeltachta* areas. *Údarás na Gaeltachta* gets less than 25% of the funding IDA Ireland receives. It is a critical issue. There is much talk about developing the Irish language, but if we do not give people the opportunity to work in their own places where they want to grow up and live, there will never be any Irish, which is very important for us as a nation.

I was going to say more about that issue, but something else has come to my attention, which is urgent. The Leader may know about the Irish Association of Supported Employment, IASE. I have a vested interest in that I am patron of that body. It is the only organisation in Ireland the sole function of which is the promotion of employment of people with disabilities. It believes everybody with disabilities should have the opportunity to gain work experience in

a job. It is based in Belmullet, County Mayo. It provides employment for up to 800 people a year. It has a job-shadow day; people come on and work from there. Every year at least 50 people with disabilities end up in longer term employment as a result. It is closing down over issues with cashflow. It has a staff of five and total wage costs are €6,000 a month, which is roughly €1,000 a week per individual. They are passionate about what they do. They have applications pending, a service level agreement with the Department of Social Protection, national lottery funding, Northern Trust sponsorship and human rights and equality grants scheme 2016. It will close in the next few days unless it can get funding of approximately €100,000. I ask the Leader as a matter of urgency to contact the Minister of State with responsibility for the Gaeltacht, Deputy Seán Kyne, or one of his colleagues to help with bridging funding to keep this essential service going.

**Senator Michelle Mulherin:** I ask the Leader to invite the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to come to the House to discuss the effects of food production on climate change and the imposition on Irish farmers to meet our carbon emissions targets. We also need a proper debate about supports and grants for farmers to help them to convert to renewable energy to achieve more energy efficiency. I say this in the context of the comments made last week by the former President, Mrs. Mary Robinson, who suggested the best way forward was that we either became vegetarians or vegans. I do not subscribe to what she said and do not believe it is realistic. We should have a realistic debate. A more realistic and immediate approach would be to eliminate food waste. In Europe alone we waste enough food to feed 200 million people per annum. It costs energy to produce and transport food. If we get rid of meat and dairy, what will we do for the necessary proteins? Will we get these protein rich food crops that are only grown in the tropics and take the food from people in developing countries and transport it here? We need a realistic debate because farmers and others are worried. We need to be environmentally responsible, but let us take realistic steps. Let us have the Minister here to have a proper debate. We need to get supports in place. If we do not give support to incentivise people to move towards renewable energy and energy efficiency, we will end up paying penalties to the European Union.

**Senator Paul Gavan:** Before the summer break I asked the Leader if we could have a debate on equality and I reiterate that call this morning. The budget is one week away and this afternoon I have arranged for representatives of TASC, the Think-tank for action on Social Change, to make a presentation at 2 p.m. Each year it produces an excellent report on equality based on the Government's statistics. One of its most frightening findings this year is that the top 1% of earners in the country now take in just under 40% of all income. Therefore, the gap between rich and poor is increasing rapidly and equality, unfortunately, is decreasing. At a meeting with TASC over the summer I was struck by something Mr. Fergus Finlay said. He said he would love if every Deputy and Senator could take the time to look at its 2016 report. That is why I facilitated the meeting. I remind Members to come along at 2 p.m. or else send somebody from their office. It is a vital report that informs us about what is wrong in society today and from which we could all benefit.

**Senator Kevin Humphreys:** The previous Government did considerable work on the issue of climate change. Ireland is one of the few countries to have climate change legislation on the Statute Book. I refer to the Climate Action and Low Carbon Development Act 2015 which has two key elements. An independent advisory council was to be set up and each Minister was to have the responsibility to report annually to the Dáil about emissions and reducing our carbon footprint. As the Bill was passed last October, those reports are now due. We should see all

Ministers give an account of their Departments and how they are working to reduce greenhouse gases. In the space of new politics, Government business in the Dáil has now been restricted to five hours and it is difficult to see how that reporting mechanism will be facilitated in the House. I ask the Leader to consult Ministers and ask them to consider to coming to the Seanad in the first instance to give their report on the work their Departments are doing to achieve the greenhouse gas targets. In the House in the past couple of days Senators have very ably described what has been happening to tillage farmers in the west. During the Committee Stage debate on the climate change legislation it was emphasised that even though Ireland was a small country, with climate change, rain patterns would greatly change, with heavier rainfall along the western part of the country, and that it would be drier in the eastern part, which is what we are seeing. Tillage farmers in the west are under great pressure. The level of the River Shannon is already considerably up on that in previous years. This will be a constant measure. We should ask each Minister in turn to come and give a report under the legislation that was passed.

**Senator Colm Burke:** I refer to the methods the media have adopted regarding the health service. I have raised this issue previously. Everything done in the health service is reported in a very negative way. At 7.30 a.m. I attended a presentation on a survey carried out by MSD. It shows that 39% of the population are very optimistic about the health service, that 40% are pessimistic and that 20% have no view one way or the other. However, when people are interviewed on how they, themselves, got on within the health service, the vast majority were positive.

*12 o'clock*

It is one of the things we now need to do. Many good things are happening in the health service and everyone working in it works very hard. The negative coverage is not helping staff morale in hospitals and services. It is something with which we need to deal.

In terms of the media, I want to deal with the HPV vaccine. There is a lot of negative coverage of the vaccine, especially on social media. The Leader worked with me last Monday to hold a public meeting. The head of cancer research in the Irish Cancer Society, Dr. Robert O'Connor, made a presentation. Some 40,000 new cancers are identified in the country every year, of which 20,000 are invasive, and 9,000 people die, yet social media now seems to dominate the debate on the HPV vaccine. Dr. O'Connor will make a presentation at 3 p.m. today in Leinster House. I urge Members to attend because it is important that we send a positive message. The vaccine has been monitored over a ten-year period. While some have suffered adverse effects, their conditions do not differ from those who have not received the vaccine. It is important that we send positive messages and state the vaccine is available and should be promoted. Social media should not dominate the debate. In a future debate on health, we may consider how we work with people in the health service to make sure morale is improved. It is one of the problems we have.

**An Cathaoirleach:** The Senator's point has been well made.

**Senator Diarmuid Wilson:** It is welcome that the Leader has allocated an hour and a half today to discuss Brexit. I call on him to consider having a rolling debate on the matter and invite the various Ministers who will primarily be affected such as the Ministers for Finance, Justice and Equality, Jobs, Enterprise and Innovation, Education and Skills and Defence to the House. It is important to hear from these Ministers and others about their plans for Brexit when it occurs. I live only eight miles from the Border; six of the nine counties in Ulster are gov-

erned by Britain. Some three years ago the most modern army barracks in Europe and the only purpose-built army barracks in the history of the State was closed by the former Minister, Alan Shatter, and the previous Government. On that occasion, with other colleagues in the Lower House, I raised concerns, not only about the personnel based there being deployed to various other barracks three hours' commute away but also the security implications in the Border area in which dissident republicans are still very active. Cross-Border crime is, unfortunately, on the increase. As a result of Brexit, the importance of the barracks has come back into sharp focus. We do not know what will happen regarding the security of the Border. I call on the Leader to bring the Minister for Defence before the House as a matter of urgency to outline his plans, if any, to reopen the barracks. I urge him to do so before it is dismantled. It was sold in a Houdini trick, whereby one Department took it over from another. That was supposed to save money for the State, but it now costs more to maintain it than when it was occupied.

I concur with everything Senator Denis Landy said about county and city councillors and their pay and conditions. Before the summer recess the House passed an all-party motion. We met on one occasion with the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and had a very constructive meeting. I would hate to think county and city councillors will become pawns in a potential leadership battle within Fine Gael or victims of pay demands by other unions within the public sector. I echo the call made for the committee to meet again as a matter of urgency and that we work with our colleagues in LAMA and the AILG to see what we can do to improve the pay and conditions of county and city councillors.

**Senator Kieran O'Donnell:** I have previously raised the matter of the M20 motorway project from Cork to Limerick. It is an urgent matter and I have tabled a Commencement matter for discussion tomorrow. The motorway is supposed to be part of the Wild Atlantic Way access route along the western seaboard. The Gort to Galway road is being built. It is imperative that the road upgrade project get under way. The majority of the planning was done before November 2011, at which point the project stalled. I ask that the planning process be reactivated. That would require the appointment of consultants, through public procurement. It would take a number of months and take place prior to the mid-term review of the capital plan, which will happen in mid-2017. No time should be lost. It is imperative, from a number of points of view, that the M20 road project get the go-ahead. I have to question why, in a modern economy, the two largest cities outside Dublin are not linked by a motorway. There has been a large number of fatalities on the N20, including the recent fatalities on a section of the road near Limerick. Many people commute between Limerick and Cork on a regular basis and commuter times are an issue. The new route would provide for synergies. I ask that funding be provided by the Government and the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to reactivate the planning process. As it would not cost an enormous amount of money, we should lose no time in advancing a vital project for Ireland.

**An Cathaoirleach:** As the Senator has raised the matter today, it obviates the need for a debate tomorrow. I can deselect his Commencement matter.

**Senator Kieran O'Donnell:** No.

**An Cathaoirleach:** The Senator cannot have two bites at the cherry.

**Senator Kieran O'Donnell:** I am hedging my bets. I need the Minister to respond.

**Senator Rónán Mullen:** There have been a number of very interesting contributions on the Order of Business. I was very taken by what Senator Paul Daly had to say about the important challenges facing tillage farmers and what Senator Michelle Mulherin had to say in her reference to former President Mary Robinson's comments, in which she urged people to go vegetarian or vegan as far as possible. Like a lot of Irish people from a rural and agricultural background, I feel very conflicted when I hear such statements or such urgings. Our grass-fed meat and dairy industry are key parts of our competitive advantage as an economy and country. I would like to see 2017 being nominated as the year of grass. The importance of grass and maximising-----

**Senator Kieran O'Donnell:** What kind of grass?

**Senator Rónán Mullen:** I am not talking about-----

**Senator Pádraig Mac Lochlainn:** He did not inhale.

**Senator Kieran O'Donnell:** I did not inhale.

**Senator Rónán Mullen:** I am not talking about the kind of grasses that have worried people like this man in the past or the legalisation of grasses for other uses that bother other parliamentarians.

**Senator Jerry Buttimer:** The Senator is becoming very liberal.

**Senator Rónán Mullen:** I might surprise the Leader some time.

**Senator Kieran O'Donnell:** That was a Freudian slip.

**Senator Rónán Mullen:** If one speaks to people in Teagasc, they will emphasise-----

**An Cathaoirleach:** By my calculations, the Senator has deprived Senator Rónán Mullen of half a minute of speaking time.

**Senator Rónán Mullen:** -----just how important it is that we get the maximum yield of grass. It is an important issue. Like many others, I was brought up to believe we should live simply in order that others might simply live. I might have disagreed with what former President Robinson had to say on other human dignity issues in the past, but she is bang on in what she is trying to do in the area of climate justice. I would like to have a debate on how we can reconcile these aspirations. Ireland needs to meet its carbon targets in other ways, perhaps. Given the importance of the grass-fed meat and dairy industries, we need to consider how, as a country, we give a moral lead in promoting the kind of world where there is room for all and that human beings are not the problem but part of the solution. That is the solidarity-based thinking that must inform our thinking on a range of issues which will be before us in the coming months and years.

**Senator Trevor Ó Clochartaigh:** I was heartened to learn that Senator Catherine Ardagh had read Sinn Féin's pre-budget submission. I am glad that she is happy with a number of points we raised in it. I look forward to reading Fianna Fáil's pre-budget submission.

*(Interruptions).*

**Senator Trevor Ó Clochartaigh:** I hope Fianna Fáil has taken on board a lot of the other positive progressive suggestions made in our submission.

*(Interruptions).*

**Senator Trevor Ó Clochartaigh:** As has been noted in an aside, perhaps the real budget is the Fianna Fáil-Fine Gael budget to be announced next Tuesday week. I hope a number of the positive elements of Sinn Féin's pre-budget submission which have been fully costed will be taken on board.

Ar maidin, bhí cur i láthair ag Conradh na Gaeilge maidir le cúrsaí Gaeilge agus Gaeltachta i gcomhthéacs an bhuiséid. Tá sé léirithe go soiléir ansin céard atá ag teastaíl ó phobal na Gaeilge agus na Gaeltachta agus an fáth gur ghá infheistíocht bhreise a dhéanamh, ag tosú le €4.5 mhilliún sa gcáinainéis. Táimid imithe níos faide ná sin sa bhuiséad atá curtha le chéile againne. Tá súil againn go mbeidh ar a laghad an méid sin curtha ar fáil sa bhuiséad a bheidh ag an Rialtas. An gá atá le sin ná go bhféadfaí 1,175 post nua a chruthú. Bheadh níos mó airgid á chaitheamh sna Gaeltachtaí. Tá sé mar dhlúthchuid den tacaíocht a bheadh don straitéis 20 bliain.

Ba mhaith liom freisin go mbeadh plé againn leis an Aire Gaeltachta maidir leis na scéimeanna teanga i gcomhthéacs ceisteanna a d'ardaigh an Coimisinéir Teanga, Rónan Ó Domhnaill, inné ag Buan-choiste na Gaeilge, na Gaeltachta agus na nOileán. Is cosúil nach bhfuil Roinn na Gaeltachta ag déanamh a cuid oibre mar is ceart ansin ó thaobh daingniú scéimeanna. Ba mhaith liom díospóireacht faoi sin.

This morning I found myself agreeing with Senator Maria Byrne on the issues of the HAP scheme and rent certainty. I hope the rest of her Government colleagues will be singing from the same hymn sheet when she discusses the concerns raised by the Simon Community. When we brought up those issues previously with Ministers, they were swept aside. When we brought a rent certainty Bill to this House, it was voted down. The housing crisis is a massive issue and whenever the Minister for Housing, Planning, Community and Local Government comes, the debate is all over the place. We need a focused debate on the HAP scheme and how it is being implemented and on the issues around rent certainty, which were raised. The issue must be quickly addressed in the light of the report we read this morning.

**Senator Paudie Coffey:** I want to follow on from the statement made by my colleague, Senator Colm Burke, who correctly stated thousands of people in the health service did essential and excellent work. We need to acknowledge that and support them in doing that work. One always hears the negative stories in the media, but there are thousands of positive cases that must be acknowledged.

I am concerned about the reform of acute hospital services implemented in 2012-13 and the establishment of the acute hospital groups. I ask the Leader to invite the Minister for Health to come to the House to explain why the hospital boards for the hospital groups have not been appointed almost three years later. I understood the boards would have autonomy to govern the hospitals within the groups. I suspect that some of the problems about which we have heard and the dysfunction we have seen in acute services are due to the fact that there are no governance structures. The Department of Health has dragged its feet. These are essential acute services. We have the vision and the strategy, but now we need to see the boards put in place in order that they can implement the strategy in the way envisaged. Without that happening, we will see further crises develop and waiting lists increase. We need to see efficiencies and governance structures put in place. I ask the Leader to invite the Minister to come to the House to deal with these issues.

**Senator Pádraig Mac Lochlainn:** I agree 100% with the comments made by Senator Paul Daly who passionately explained the crisis facing tillage farmers across the country. The crisis is not confined to that sector. The common denominator across all of the farming sectors is price, an issue raised whether one is talking to farmers at the National Ploughing Championships or, as I have done in the past week, in County Donegal. It is the issue in all sectors. I ask the Leader to invite the Minister for Agriculture, Food and the Marine back to the House. He was here during Farm Safety Week, but we had a limited debate. We need to debate the issue of price and what the Government's strategy is to address and protect the interests of farmers.

The second issue is the health service. Senator Colm Burke talked about surveys and staff. I agree with him that when people get into the health service and hospital, their experience is positive. We have fantastic front-line staff across the State. The difficulty is getting into hospital and onto waiting lists and the chronic underinvestment in health services for a long time. If we are serious about tackling this issue, that means investment and looking at primary health services and hospitals across the State. There is a real problem with the way hospitals are funded. Let us look at funding for Our Lady of Lourdes Hospital in Drogheda and the Letterkenny University Hospital. The fairest way is to base funding on the number of inpatients. My local hospital is Letterkenny University Hospital which is the sixth largest hospital in the State. However, the financial allocations to such hospitals can be two to three times more in favour of Dublin hospitals. I appreciate there are specialties available at Dublin hospitals and that, therefore, they should receive more funding, but they receive far too much. I ask the Leader to convey my point to the Minister for Health and ask him to consider the funding model used for hospitals. It discriminates against hospitals in the regions and, therefore, needs to be addressed.

**Senator James Reilly:** I agree with Senator Pádraig Mac Lochlainn that we need to review the health service, but, equally, money is not the only cure. During Fianna Fáil's 14 years in government, it quadrupled spending on health services, but the situation was as bad as it ever was. I am not trying to score political points, but that is the reality. There will always be a demand for hospital services. They are important because the most acutely ill arrive at hospital emergency departments. We must also take a longer term view and invest in primary care services. With the competition between primary care and secondary care services, hospital care always wins out. The position will not improve until we grasp the nettle and invest money aimed at prevention. As I have said before, it is much easier for politicians to hail a new ward and new CT scanner than it is to hail and support a public health initiative or primary care facility which will do much more good and save many more lives in the long run. Many end up in hospital because they have been unable to access care in a timely fashion, their diagnosis has been delayed and not enough emphasis has been placed on prevention. I did not wish to speak about this matter today, but I support what was said. We need to put more funding into primary care services. I was a GP and have returned to general practice, but I can see that the position is getting increasingly worse. I will not go into the individual cases that have come to my attention in the past few weeks, which are quite worrying.

I want to raise another matter along the lines of prevention, namely, sports grants. There has been much discussion about restricted funding and the fact that we might not have sports grants. Sport is hugely important, a fact we all acknowledge. It is very important for the development of young people, the cohesion of communities and teaching young people, in particular, that teamwork is important and how strength comes from co-operation rather than individualism. There is an old Irish saying, *ní neart go cur le chéile*, which means that we are stronger when we work together. I cannot finish talking about sport without mentioning the fantastic victory

of the Dubs and the great display by Mayo. I congratulate both teams because it was an outstanding match.

I call on the Minister for Transport, Tourism and Sport, Deputy Shane Ross, to ensure sports grants continue. We were able to allocate them in the worst of times. In the depths of austerity we put money into communities and sports facilities for young people to give them a safe place to expend all of their energy. This is a wonderful, natural attribute of youth. We must not renege on our policy in this regard at a time when circumstances have improved. Undoubtedly, they have not improved as much as we would like or for everyone we would like to see have a better existence, but sport is a great unifier and needs to be supported. The Minister needs to ensure funding is made available for this purpose.

**Senator Brian Ó Domhnaill:** Senator Paul Daly referred to the difficulties being experienced by tillage farmers across the country. I support the call for the Minister for Agriculture, Food and the Marine to intervene in the ongoing crisis faced this year by farmers.

I support Senator Paudie Coffey's call for the Minister for Health to come to the House to talk about hospital groupings and funding for the hospital network across the country. Senator Pádraig Mac Lochlainn also touched on this issue which requires drastic attention. The model used to fund the health care sector needs to be reviewed, as it does not provide value for money for the taxpayer. There are serious questions to be asked. I agree with the former Minister for Health and Children, Senator James Reilly, that money will not resolve all of the issues within the sector. Their resolution is very complex. Until such time as all health expenditure follows the patient, we will never achieve value for money in the sector and will always face crisis after crisis. Every politician will be referring to crises in various areas and hospitals on different days every month until an holistic approach is taken to resolving the health crisis. This partly involves the sports capital grant, as referred to by Senator James Reilly. Until we target problems such as obesity, we will not be working holistically and will have only a knee-jerk reaction to the health crisis. There is a bigger picture to be considered. Politics should be kept out of it in so far as possible. I acknowledge that there is a ten-year strategy committee, but the Seanad should address the issue, bearing in mind that we can avail of the expertise of a former Minister, Senator James Reilly. We should examine it on a cross-party basis. Let us come up with some suggestions, if possible. Let us park politics outside the room and come up with constructive arguments, some of which might be on the economic side and others on the health or community side. Let us come up with some strategy that the Seanad could provide for the Department of Health. If we were to do so, we would be doing the State some service.

**An Cathaoirleach:** There is such good humour in the Chamber today that it is like Charles Dickens' novel *Great Expectations*. I believe we will have a great Budget Statement next week when I hope Senators will be as happy.

**Senator James Reilly:** Remember Mr. Micawber.

**Senator Jerry Buttimer:** How do I follow that? I thank the 19 Senators who spoke for raising multiple issues.

Senator Catherine Ardagh raised the important issue of housing. We all agree with her on the importance of getting first-time buyers into the market. It is a question of having a combination of supply and affordability. The housing strategy put forward by the Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, includes a range

of measures. No single solution will work on its own. I hope the Budget Statement next week will be the catalyst in allowing first-time buyers to become homeowners.

I thank Senator Rose Conway-Walsh for the budgetary lesson. I was listening to her. However, I point out to her that, based on her alternative budget, hers is a party of taxation; it is a high tax party. She is proposing new taxes in the order of €1 billion. Her party is proposing a third rate of income tax that would put the rate of tax over 50% if PRSI and the universal social charge are included. To be fair to the Senator, I do not know whether she was part of it.

**Senator Rose Conway-Walsh:** I will refer to this matter again tomorrow.

**Senator Jerry Buttimer:** Any measure put forward by a party that wants to penalise employers by increasing their rate of PRSI to the tune of 15% would be imposing a tax on jobs. It is important that we focus on those who contributed to helping the country to recover, namely, the people in the middle who paid for everything. They should get something back in the budget, not those who made no contribution whatever. There is a maxim that if we all pay a little, it helps.

**Senator Rose Conway-Walsh:** It is a question of fairness.

**Senator Jerry Buttimer:** It is important that there be honesty about the budget to be announced next week. It will not be a giveaway budget, as the Minister has said, but the priority at our end is to protect the fragile economy, continue to get people back to work and see fewer unemployed and more employed. We want people to have a decent quality of life. That is what we all aspire to achieve.

Senator Lynn Ruane made reference to the women in Poland. It is their entitlement and right to protest and have their voices heard. The same applies to the children from St. Mochta's national school who were protesting this morning. I am not familiar with the school, but I would be very happy to talk about it.

Senators Denis Landy and Diarmuid Wilson raised the issue of councillors' pay. If Senator Denis Landy had been here yesterday, he would have heard Senator Gerard P. Craughwell and others raise the issue. The Minister for Housing, Planning, Community and Local Government, Deputy Simon Coveney, and the Minister for Social Protection, Deputy Leo Varadkar, are committed to examining councillors' pay and conditions and class K pension contributions. Unlike his predecessor, the Minister for Housing, Planning, Community and Local Government is actually committed to doing something. There was nothing done when the former Minister responsible for local government, Deputy Alan Kelly, was in office. We have checked it out.

**Senator Denis Landy:** That is incorrect.

**Senator Jerry Buttimer:** It is not; it is actually correct. Nothing happened.

**Senator Denis Landy:** There is now no place to hide; the Senator cannot blame us. The cover is gone.

**Senator Jerry Buttimer:** What I said yesterday-----

**Senator Denis Landy:** I heard what the Senator said.

**Senator Jerry Buttimer:** -----is what I will say again today.

**Senator Denis Landy:** The Leader's cover is gone; he cannot blame the Labour Party anymore. It is up to Fine Gael to decide whether it wants to do it.

**Senator Jerry Buttimer:** I repeat that we all share the same view and want to arrive at the same end point. It is important that we work together. I spoke to the Minister for Housing, Planning, Community and Local Government this morning with a view to meeting the group that has been set up. The Minister is committed to doing so. There is no point in any of us individually trying to solve something. As I said yesterday, it is important that we stand together.

**Senator Denis Landy:** Absolutely.

**Senator Jerry Buttimer:** Let us do so and not throw cheap shots as has happened this morning.

**Senator Denis Landy:** I am entitled to ask a question.

**Senator Jerry Buttimer:** I accept that.

**Senator Denis Landy:** That is the purpose of this House. I asked the question in a respectful manner and the Leader could have answered it in the same manner. It is unbelievable.

**Senator Jerry Buttimer:** We are working collaboratively to end the discrimination against councillors. We will all try to do this together and it is important to do so in unison rather than going off half-cocked.

Senators Maria Byrne and Trevor Ó Clochartaigh raised the issue of housing, in respect of which they referred to the report produced by Simon Communities of Ireland. I will be happy to have the Minister responsible for housing, Deputy Simon Coveney, come back to the House to discuss the issue.

Senators Paul Daly, Rónán Mullen and Pádraig Mac Lochlainn referred to agriculture and tillage. This matter was discussed on the Order of Business yesterday. The Minister for Agriculture, Food and the Marine, Deputy Michael Creed, is committed to coming to the House to discuss it. The Senators are correct that it is very important that it be raised, not only at Cabinet level but also at the meeting of the Council of Ministers next week. I will make this view known to the Minister. I accept that this is a matter of priority and urgency that we need to address.

Senator Pádraig Ó Céidigh made a very important point about job creation in the Gaeltacht. He referred, in particular, to people having the ability to come back to the Gaeltacht to live and work. He is correct. I am not familiar with the issue he raised in respect of the Irish Association of Supported Employment, but if he gives me the information, I will give it to the Minister of State, Deputy Seán Kyne. In the past I participated in Job Shadow Day and encourage all Members to do so. It would be rewarding for them and those who come to their offices. The person who is shadowing derives a sense of joy and fulfilment from talking part, be it in the Houses or business. The initiative is important and I encourage Members to participate in it.

Senators Michelle Mulherin and Rónán Mullen referred to our commitment on climate change and the remarks of former President Mary Robinson. This is an issue to which we need to return. I do not believe the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, would disagree with the views expressed on the importance of reducing our carbon footprint and meeting our commitments, but we must reconcile this objective

with the fact that we have dairy and beef industries that are important to the nation. I do not share the views of former President Mary Robinson on becoming vegetarian or vegan, although that is a personal choice people have made and make every day. This is a debate to which we need to come back, but we all agree we should be environmentally responsible.

Senator Paul Gavan made a very good point on TASC. I commend the Senator for hosting the event in the audiovisual room today. It is important that we have a debate on equality from an economic point of view and in a host of other ways. I am committed to having such a debate.

Senator Kevin Humphreys also made reference to climate change. His point was a good one and I will be happy to take it to the Committee on Procedure and Privileges to see if we can progress it, with the Cathaoirleach's co-operation. His point was that Ministers should come to the House to have that discussion and be held accountable for climate change legislation. I will certainly work with him to see if we can have the matter prioritised as part of our work programme. I do not see any reason we could not do so. I thank the Senator for raising the matter and think it is a great idea.

Senators Colm Burke, Paudie Coffey, Brian Ó Domhnaill, James Reilly and Pádraig Mac Lochlainn referred to the health service. On the media's portrayal of it, Senator Colm Burke is right that some of the commentary on it is disappointing and does not convey the amount of good work being done by staff which deserves credit and praise. The important point made by the Senator which was touched on by Senators James Reilly and Paudie Coffey concerned the model of delivery we should consider. Equally, as Senator James Reilly said, money is not the only answer. Given the creation of the health service groups, there is no reason they should not have their boards appointed. I will ask the Minister for Health, Deputy Simon Harris, to come to the House to explain the reasons this has not happened.

Senator Brian Ó Domhnaill's point, like that of Senator Kevin Humphreys, was valid. Perhaps we might consider using the Seanad Public Consultation Committee as a forum through which we could address the issue he outlined. I hope Members of this House will be part of the committee that will consider the ten-year health strategy. In saying that, however, Senator Brian Ó Domhnaill's suggestion is one at which should look as there is huge expertise in this Chamber. I will be happy to try to progress it with him.

Senator Diarmuid Wilson raised the issue of barracks in the context of Brexit. I hope the Minister of State with responsibility for defence matters will come to the House as it is my intention to ensure we will have a role to play in the debate on Brexit. The point raised by the Senator about the Department of Defence is one on which we need to keep on top, not least because of the increase in the level of dissident republicanism but also in the context of cross-Border crime. I will ask the Minister of State to come to the House to discuss the issue.

Senator Kieran O'Donnell raised the very important issue of the M20 motorway project. It is critical that it be resubmitted for inclusion in the capital plan. It does not make good economic sense not to have two major cities outside Dublin linked by a motorway. It is important from a safety perspective and for the development of the south-west economic corridor that the project be progressed.

Senator Rónán Mullen's points about the importance of grass were well made. He requested a debate with the relevant Ministers, Deputies Michael Creed and Denis Naughten. I will seek to arrange it.

5 October 2016

Chuir an Seanadóir Ó Clochartaigh ceist orm faoi ráiteas an Choimisinéara Teanga, Rónán Ó Domhnaill. Níor chuala mé an ráiteas sin, ach beidh an buiséad againn an Mháirt seo chugainn agus beidh rudaí maidir le cúrsaí Gaeltachta istigh ann. While I did not hear the remarks of Rónán Ó Domhnaill yesterday, it is to be hoped the Minister responsible will come to the House in the next couple of weeks to discuss the issue. As I said, he has committed to doing so. I hope some of the remarks made will be addressed in the budget to be announced next week.

Senator James Reilly raised the issue of sports capital grants. All of us in the House recognise the importance of the sports capital programme. In the worst of times the previous Government restored the programme which has brought benefit not only to sports organisations and community groups but has also given a huge impetus to a cross-section of society, including young people. Participation in sport is important to tackle a multiplicity of issues. It is critical, therefore, that sports capital grants be restored and unfurled as part of the commitment to encourage participation in sport. Having spoken to the Minister for Transport, Tourism and Sport, Deputy Shane Ross, and the Minister of State, Deputy Patrick O'Donovan, I know that they understand the importance of this issue. I will ask the Minister or the Minister of State to come to the House to explain the decision made.

Order of Business agreed to.

*Sitting suspended at 12.30 p.m. and resumed at 1 p.m.*

*1 o'clock*

### **Address to Seanad Éireann by Mr. Manus Cooney**

**An Cathaoirleach:** I will abair cúpla focal for Mr. Manus Cooney. Ar son gach Comhalta de Sheanad Éireann, ba mhaith céad míle fáilte a chur roimh an tUasal Manus Cooney go dtí an Seomra seo. On behalf of Seanad Éireann, I welcome Mr. Manus Cooney. It will be our privilege to hear his address to the House on the diaspora, the undocumented Irish and immigration reform. When the Taoiseach chose his 11 nominees earlier this year to take seats in the Twenty-fifth Seanad, he looked beyond the geographical confines of the island of Ireland to the many Irish people who had followed the well-worn path of immigration. He found in Senator Billy Lawless a man who, in addition to succeeding in business since he emigrated to Chicago almost 20 years ago, had been a tireless advocate of the interests and rights of the Irish in the United States. Senator Billy Lawless has not been slow to use his position as a parliamentarian to raise awareness of the needs of the diaspora and it is through his efforts that Mr. Manus Cooney graces us with his presence.

In his professional life Mr. Cooney is a principal at the bipartisan public policy firm, American Continental Group, where his practice specialises in intellectual property, competition and administration of justice policy matters. He is an expert in strategic public policy planning, execution and representation before federal agencies and Congress. He served on Capitol Hill for several years where he was chief counsel and staff director of the Senate's judiciary committee. Among the many other leadership roles he has held, he serves on the board of directors of the International Centre for Missing and Exploited Children. His résumé offers subject matter for many an interesting conversation, but our focus today is on his work on the undocumented Irish and immigration reform.

Ireland's diaspora policy recognises that Ireland has a unique and important relationship with its diaspora that must be nurtured and developed. The main goal of the policy is building long-term, sustainable relationships with diaspora communities. On the specific and pressing issue of immigration reform in the United States, a key objective of Government policy is achieving relief for undocumented Irish migrants and agreement on a facility for future legal migration between Ireland and the United States. In advancing these objectives our friends in the United States play an essential part, without whom our efforts would be much less effective. Not least among those friends of Ireland, Mr. Cooney has made an important contribution in helping to progress these aims. In particular, his work in facilitating contacts and relationships between advocates for Irish immigrants and legislators on Capitol Hill has been invaluable.

Immigration is a phenomenon that has had a strong impact on the families of many in this House. Some of my own immediate family sought new opportunities in the United States many years ago. There has been a long history of immigration from my home place of the Sheep's Head peninsula in west Cork. Many of those who left prospered in their new environment, but others have been less fortunate. With regard to the Sheep's Head Peninsula, it is interesting and probably typical of any other part of Ireland that many people from my home parish of Muintir Bháire, known as Sheep's Head, went to Wyoming to ranch sheep and cattle on the slopes of the Rocky Mountains. John Mahony of Killeen was followed by others who became pioneers. To this day, their mark can be seen there. There are Tobins, Sullivans, Ellises and Swamptons. Families that originated on the Sheep's Head Peninsula have prospered, some in politics such as John Mahony who was a state Senator and Pat O'Sullivan from Eskraha, Kilcrohane who was a Senator on Capitol Hill. Some of the late generation moved to Texas and, if my information is correct, there was a man by the name of Tobin who came from my home parish and was at one stage Governor of Wyoming. Those are little anecdotes that I think are worth mentioning.

I hope our discussion with Mr. Cooney will contribute to a greater understanding of the issues that need to be tackled and of the way in which we can all work towards solutions to the predicament in which some of our emigrants have found themselves. Before I call on Mr. Cooney to address the Seanad, I know that Senators have been following the contest for the presidency of the United States with considerable interest. However, we have agreed both in the Committee on Procedure and Privileges and in this House that that topic is not for discussion today. It would be better addressed off the floor of this Chamber. The specific purpose of Mr. Cooney's visit is to address the issue of the Irish diaspora and his tremendous work in that regard. Céad míle fáilte dó. I invite him to address Seanad Éireann.

**Mr. Manus Cooney:** It is an honour and a rare privilege for me to appear before Senators today. I know that there are many Americans who are more qualified and deserving to be here than yours truly, but none would be more honoured. Having been asked to speak about the challenging policy issues affecting the diaspora, the undocumented Irish and immigration reform, there is quite a bit to cover. There is too much perhaps, but I will try to shed some objective perspective on the issues and not to take too much time.

My story is not unique. I come from a family of Irish immigrants. My great grandparents, Patrick and Selina Cooney, left County Mayo in the 1880s. Selina was from Achill Island and Patrick was from Ballina. They left in the 1880s to work in the coal mines of Pennsylvania. The mines helped to fuel America's 19th-century economy and one of them collapsed and killed Patrick. He left behind a son, my grandfather and namesake, who also worked in the mines as a boy and bettered his life and the fortunes for his family through hard work. One of his sons, my father Donald who passed away this summer, earned an academic scholarship to

medical school and became one of the nation's leading neurosurgeons. My mother, Claire, and he provided their children with opportunities of which Patrick and Selina could only dream. These opportunities, to pursue lives of dignity and potential, have been afforded to generations of American Cooneys and we are certainly not alone.

According to the US census, more than 11% of Americans claim some form of Irish ancestry, yet times are changing. I think we would all agree that no matter what our particular politics or citizenry, we are living in an extraordinary political time. I am an admirer of the American scholar, American Enterprise Institute president Arthur Brooks. He writes that today's politics are characterised not so much by optimism and hope but by anxiety and polarisation. In the United States we are seeing historic levels of anger and distrust of the government and our political leaders and I think we are seeing the same in many parts of Europe. Why is that? Some blame bureaucrats and politicians in the United States and Europe. Others blame greedy financiers. Still others point to social welfare, trade, tax or immigration policies. One or more of all these may contribute to the distrust and anger that have made achieving immigration reform so difficult. Arthur Brooks posits that the source of this anger runs much deeper. In the United States - we could argue the same holds true for Great Britain, as recently evidenced - we have a highly developed welfare system. Our safety nets are quite good at helping people at the very bottom of society but our country has become very bad at needing everyone. It is this sense of being left behind and of not being needed that is driving much of the politics of the political right and left.

We have all witnessed the astonishing rise of Donald Trump, the politician. Behind that rise is what CNN has called "A group in its last throes as the biggest force in politics: the white working class". A recent survey by the Kaiser Family Foundation found that about six in ten white working class people said it had gotten harder for people like them to get ahead financially, while two thirds believed it was harder to find good jobs. More than any other group whites without college degrees blame the government for the economic problems that beset the working class, with 62% saying the federal government deserves all or most of the blame for those problems. Given these data, it is not surprising that 47% of white working class voters in America believe immigrants are a burden on our country. Why? It is because they take away jobs, housing and health care and more than half of all those surveyed, not just white working class voters, believe Muslim immigrants increase the risk of terrorist attacks in the United States.

These are unsettling times, in which people of goodwill and strong character are struggling to smartly navigate the turmoil and uncertainty. Our political leaders who disagree on many, many things might want to think in terms of how our nation's policies can do a better job of making each person necessary based on a belief in the equality of human dignity and the right of each and every person to realise his or her potential. Senator Billy Lawless is the living embodiment of such a leader. I met him at a prearranged meeting at a Washington pub, where he asked me to assist him and the Chicago Celts for Immigration Reform to navigate the halls of Congress in an effort to achieve some legal relief for the undocumented Irish. That was over a decade ago. He convinced me and many others in Congress that providing a measure of legal status was the necessary and humane solution for the undocumented. Both he and the Irish Government have been consistent and well engaged advocates for comprehensive immigration reform as a means to achieving legal relief for the undocumented, but despite his passion, the leadership of Ambassador Anne Anderson and the many groups she and her able staff have assembled, they have experienced the difficulties of achieving immigration reform during times

marked by a sluggish economy and divided government.

A quick review of the past 30 years of immigration policy might help. The Immigration Reform and Control Act of 1986, an amnesty law, passed through Congress and was signed by President Ronald Reagan. They were good times for America. The economy was rolling, but we had a divided government and a Republican President and a Democrats-controlled House. The legislation was meant to tighten border security and crack down on employers hiring undocumented immigrants, while offering amnesty to those already in the country illegally. However, it failed on the former and many working class Americans wound up feeling burned by the latter. In 1996, during the Bill Clinton years, some but not all Republicans tried to reduce legal immigration. I worked for the chairman of the judiciary committee at the time, Orrin Hatch, who opposed those efforts. Their efforts and similar attempts at a national identification card did not go anywhere. Legislation which is still before Congress was introduced by a prominent Democrat that would have deprived the children of undocumented immigrants of citizenship. He has since said it was a mistake, but that was the sentiment at the time.

In 2000 Republicans passed legislation to address a loophole problem with the 1986 law's treatment of some immigrants and the family members of legal residents. The Clinton Administration wanted to do more and provide a pathway to citizenship, with an amnesty for one group of Hispanic undocumented. That did not succeed. but Bill Clinton signed the Bill which Congress passed following the 2000 election.

In the period 2004 to 2007 President Bush made several attempts at immigration reform. He hoped to appeal to both business owners and Hispanic voters with a comprehensive overhaul. President Bush began pushing for a guest worker programme in 2004. A comprehensive bipartisan Bill was introduced by Senators Edward Kennedy and John McCain in 2005, but it could not be reconciled with an enforcement-only House Bill that had sparked protests. President Bush made another attempt in 2007, crafting a compromise that allowed a path to legal status for current immigrants and a new temporary worker programme, contingent on more strict border security and employer crackdowns. The legislation resembled a conservative approach offered by Senators John Cornyn of Texas, currently the No. 2 Republican in the Senate, and Jon Kyl of Arizona in 2005. Ultimately, conservative Republicans, with several pro-labour Democrats, opposed the legislation which died in the Senate.

Like President Bush, President Obama got caught in the middle of Hispanic voters, the GOP and other domestic priorities. In 2009 he called immigration reform a priority, but he did nothing material to advance the cause at a time when Democrats controlled both Houses of Congress. By early 2010 he faced pressure from immigration advocates to move forward. He pushed for comprehensive reform, but after his fight over Obamacare, he himself acknowledged that "there may not be an appetite" for immigration reform at the time. In 2013 the prospects for immigration reform improved with the gang of eight proposal passing the Senate, only to see it go nowhere in a House controlled by the GOP and here we are.

What does the future hold? Hillary Clinton and Donald Trump have promised to make immigration reform a priority during the first year of their respective administrations, but what qualifies in one camp as reform and an improvement over the current state of affairs is seen as dangerous and reckless by the other camp and *vice versa*. The Republican platform, reaffirmed by Donald Trump just last month, calls for a wall along the Mexico border and opposes any form of amnesty for those who crossed into the United States illegally. Although Donald Trump has pivoted from his prior position that all undocumented aliens should be deported,

my sense is that a Trump administration with a Republican-controlled Congress will not pass legislation that provides a pathway to citizenship for undocumented aliens. It is more likely we will see the Congress focus on enforcement and deportation of criminal aliens first, with Democrats and moderate Republicans trying to add and include a pathway to legal status for citizenship during that process. It should also be noted that Mr. Trump has intimated that those undocumented who have overstayed their visas should be held to account more than those who entered the United States illegally. He has more empathy for those who crossed illegally than those who have overstayed their visas.

Democrats have moved in the complete other direction. Hillary Clinton has doubled down on President Barack Obama's executive orders on immigration, but the implementation of those orders has been blocked by the courts. Comprehensive immigration reform is needed to achieve Hillary Clinton's stated goals, which is why she has committed to making comprehensive immigration reform a priority during her first 100 days in office. The prospects for enactment of a comprehensive immigration reform Bill are modest, particularly if the Democrats fail to win control of the Senate. No one expects the House to go to the Democrats and Speaker Ryan, despite his personal support for comprehensive immigration reform, faces a sharply divided caucus on this and many other issues.

If Hillary Clinton wins in November, she may also bring with her a Democrat-controlled Senate, as I noted, within which New York's Chuck Schumer is the new majority leader. Senator Schumer has made clear his intentions as leader to advance comprehensive immigration reform along the lines of the gang of eight's 2013 Bill. That measure will provide legal protection for undocumented Irish residing in the United States. No one has been more supportive or a stronger advocate for the undocumented Irish than Chuck Schumer. He included that provision in his Bill at the behest of the Irish Government, Senator Billy Lawless and a coalition of groups supporting it and he should be credited for it. It has Republican support and Senator McCain and then Senator Brown were the leads on it on the Republican side.

In the scenario I just outlined, if Hillary Clinton wins and the Senate flips to Democratic control, I expect the Senate to pass comprehensive immigration reform within the first six months of 2017, but Senate Democrats will need to be careful not to overreach because their majority will be modest in size and they will be defending nearly twice as many seats in 2018. Additionally, whatever passes the Senate will still need to pass a sharply divided House controlled by Republicans, a majority of whom strongly oppose comprehensive immigration reform.

Will a Hillary Clinton White House try to achieve a consensus? Could Speaker Ryan even take up a consensus immigration reform Bill were one to be developed? These are questions the answers to which only the future and God know. If Hillary Clinton wins the Presidency and Republicans retain control of the Senate, I still expect comprehensive immigration reform of the sort the Irish Government has supported to still be on the table, but the issues just noted in the House will still apply and Senator McConnell will have his own agenda, an agenda that does not include comprehensive immigration reform. Then the question goes back to whether Hillary Clinton will seek consensus and work with Senator McConnell on the issues or will she press for her preferred version of the legislation and we will continue to have a stalemate. In the end, a deal is possible, but it will take leadership of the sort the Irish people have been providing in the United States for generations. With the continued hard work of Senator Billy Lawless, a committed Government and an approach that emphasises outcomes that advance the cause of human dignity and opportunity over partisan political advantage, immigration that works for the Irish and the working class of America can be achieved.

I thank the House.

**An Cathaoirleach:** I thank Mr. Cooney for his historic contribution. This is how the debate will proceed: each group spokesperson has five minutes. After their contributions we will have questions. If we can confine the debate to questions rather than repeat welcomes, we may be able to get in two Senators from each group, but we have a strict finishing time of 2.30 p.m.

**Senator Joe O'Reilly:** Just as Mr. Cooney stated that for him, it was a huge privilege to address the House and that it was a memorable occasion for him, it is also a great privilege for me to welcome him on behalf of my party and my colleagues in the House. In welcoming him I acknowledge the presence of Senator Billy Lawless who has done pioneering work and whose appointment was an indication of the Government's commitment to the undocumented Irish and the work of the diaspora in general. I acknowledge the presence of the Minister of State, Deputy Joe McHugh, who has responsibility for the diaspora. He is doing enormous and energetic work in the area. His appointment and the appointment before him of iconic sportsman Jimmy Deenihan to the role were other indications of the importance of the question and the diaspora at the highest levels of government.

Mr. Cooney's personal story which he enunciated was hugely moving and interesting. It combined every element of the American dream, with death in the coal mines and Mr. Cooney's father being an extremely successful neurosurgeon. That is, in essence, the American dream. It is what is wonderful and great about America. It is in so many stories. Sadly, we have the other also, to which we will turn. It very much resonates with me. My uncle went to America and while I do not propose to give the House his biography on this occasion, he and his family have similar histories and similar things happened. It is the classic experience of so many families. He was special to us.

Immigration was a huge part of the community in which I grew up. I have always had a very big personal interest in the issue. It is why I am very happy to address the question today. I went to all of the Irish centres and population areas in America and England in various capacities in local government and otherwise. It is our story and hugely interesting.

The undocumented Irish represent our human tragedy. It is a human tragedy for individuals. When we speak about them collectively and globally, we can miss the individual story and the fact that individuals cannot come home for family funerals or family events, that they are estranged from their families and afraid to return home because of the risk of being apprehended. This is an extraordinary imprisonment and an extraordinary alienation which is dehumanising. I know of such cases. I know of family funerals in my area which treasured and valued family members had to watch on the web. I also know of family funerals and weddings at which a sibling or other family member was not present. It is dreadful. Effectively, they are fugitives in another land. They are people of great capacity who left us with a great education. I am particularly proud, as a former teacher, of the excellence of the education system. The people in question left with a good foundation and great ambition and energy. In many cases, they were economic migrants in that they left out of necessity. In some cases, they were pioneering and wanted to go but, by and large, they left in times of recession and difficulty in terms of employment. Those who went with dreams and hopes have so much to contribute because of their background here. They could contribute, as Mr. Cooney's family and my uncle's family did, but they are denied that opportunity because they are not legal. It is an extraordinarily important issue. I am fascinated that Mr. Cooney identified the difficulty surrounding the anger and alienation felt, which are at the root of the problem.

To move quickly to the latter end of Mr. Cooney's presentation, I see that he presents two contrasting vistas or possibilities arising from the election which we are not here to discuss. One is a more optimistic scenario; the other is much more challenging. All I can say to him is that he, Senator Billy Lawless, the Minister of State, Deputy Joe McHugh, and all the people on the front line of this question will have our active support in dealing with it after the election. We cannot give up on the issue; we cannot give up the fight and cannot give up on our determination, irrespective of the outcome. In fact, if the more pessimistic scenario that Mr. Cooney cites emerges, that will challenge us even more to deal with it. Let us pray that the more optimistic outcome works for the diaspora. We are not here to discuss the other broader question on this occasion. It is a human story and so much part of our history. As Mr. Cooney said, 11% of people - more than 36 million people - in the United States have links with Ireland. We have bonds of kinship and friendship. As the diaspora is our family, it is a very real issue. I am honoured that Mr. Cooney is with us. I salute and commend his work in this area, for which I thank him on behalf of those of us who are privileged enough to be able to live and work in this country. They are our brothers and sisters. We are committed to working with Mr. Cooney to achieve these objectives.

**An Cathaoirleach:** The next speaker is Senator Mark Daly who in his time as a Senator and in a personal capacity has been a major advocate for the diaspora and the undocumented Irish.

**Senator Mark Daly:** I thank Mr. Cooney for coming to the Chamber. He honours us with his presence. I thank him on behalf of all the undocumented Irish - all 50,000 of them - for his work over during years, the tireless work that he did for free on behalf of the Irish at home and abroad, which is not often recognised. However, today we have the opportunity to recognise his work and that of Senator Billy Lawless and many others who have done so much. We have often gone to the Hill in hope and come back in despair. The first time I met Mr. Cooney was at one of those meetings in Anne Anderson's house at which tactics were being discussed for the Senate Bill which was passed. I happened to be in the Senate chamber for the passing of that Bill, but, unfortunately, when it went to the other side of the Hill, it did not succeed. However, I thank Mr. Cooney for all his work because his advice and knowledge from being on the Hill during the years and working on the judiciary committee helped us to navigate what was quite a complex political system as much as anything else.

The issue before us is personal and huge in the context of this country because, with 50,000 undocumented Irish people living in the United States, it affects one in ten people at home, including grandparents, parents, brothers and sisters. That is 500,000 people on this island who are directly affected by the issue of the undocumented Irish in the United States. That is 500,000 people who cannot get a loved one home to attend a funeral or a family event. That constitutes 10% of the nation. That is what makes it such an important issue. The appointment of Jimmy Deenihan as the first ever Minister of State with responsibility for the diaspora, followed by the appointment of Deputy Joe McHugh as Minister of State with responsibility for the diaspora and the nomination of Billy Lawless as a Senator, shows that this nation considers this issue and the issue of the Irish all over the world to be important.

Mr. Cooney outlined the position in the past 30 years. The most recent failure involved the executive order that would have helped half of the 50,000 undocumented Irish but which went to the Supreme Court and was shot down. That executive order was hugely controversial because the President was taking action and taking it on himself to bring some measure of change to the issue of those who were undocumented in the United States. The 50,000 undocumented Irish are a mere drop in the ocean when it comes to the 11 million or 12 million people whose

presence in the United States, as Congressman Peter King said, presents a security issue as much as anything else. We should regularise their status in order that we will know who they are. In this age of global terrorism, that is a security issue. Building a wall would not make us more secure. As the former Soviet Union discovered, a wall did not help it in the end. It is, therefore, a matter of reform of the system from within, from a security point of view as much as anything else.

Our questions from this side of the House concern the Senate Bill, on which Mr. Cooney worked, for which he lobbied and as part of which he secured 12,500 visas for Ireland. When other nations went knocking on the door asking why they were not included, it was through the assistance of Mr. Cooney, Senator Billy Lawless, the Irish Lobby for Immigration Reform, Mr. Ciaran Staunton and many others that we were able to secure it. The ambassador and the embassy have also done a huge amount of work on the issue, as has the Department of Foreign Affairs and Trade. As Mr. Cooney will know, under the US 1965 Immigration and Nationality Act and in respect of the 17,500 visas Ireland and 35 other countries had, the situation changed for the worse and led to the situation where we now have so many undocumented Irish.

We are talking in a vacuum in that there is a US presidential election coming up. The outcome of that election, as Mr. Cooney has clearly outlined, will include two forks on the road in terms of which way it will go. It will lead down an enforcement road, with the building of walls at great expense but without much of an outcome, or it will lead down the road of an attempt at the very difficult process of immigration reform. Will that Senate Bill be the one Senator Chuck Schumer will take up and carry on? Obviously, we have a vested interest in that Bill being the one that will move forward. We met Speaker Paul Ryan previously and Mr. Cooney has outlined clearly that his problems are not with the Democrats but with his own caucus because of the tensions within it. Is there any chance Mr. Cooney could prevail on a former presidential candidate for whom he worked, Mr. McCain, to throw his hat back into the ring? He might be a better candidate than the one the Republican Party has chosen.

**Senator Rónán Mullen:** We missed our chance.

**An Cathaoirleach:** We must avoid any pronouncement on the forthcoming election. The next speaker, Senator Billy Lawless, is probably the cause this occasion is being held.

**Senator Billy Lawless:** First, I sympathise with the family of my fellow Galway city man, the late former Deputy Robert Molloy. Mr. Cooney's visit coincides with Bobby's funeral. A number of my colleagues in the Seanad Independent group are attending the funeral, hence their absence. Of course, many of them worked with him. He was a fine man.

I thank Mr. Cooney for being with us to share his insights and expertise and for all his work on the issue of comprehensive immigration reform in the United States. As he knows, 50,000 undocumented Irish have been living in the United States for well over a decade. In Illinois many of them worked hard and paid taxes, yet none of them had a driver's licence, which put them in grave danger, as Mr. Cooney knows, of deportation. A campaign was started 12 years ago to secure temporary driving licences for all the uninsured, undocumented drivers in Illinois.

I am happy to say that, after building a broad coalition of immigrant rights groups, faith institutions, unions, businesses and cross-party bipartisan support, Republican and Democratic, the Bill that provided relief for over 250,000 undocumented immigrants in Illinois was passed. That model of co-operation among diverse sectors and across the political divide solved the

problem that had bedevilled the undocumented Irish and hundreds of thousands of others.

In addition, 11 other states and two territories followed suit with similar legislation that would affect millions. We took the decision after the 2013 Senate Bill to work locally and try to influence local states and our bipartisanship models have worked. I am a firm believer in building consensus on core issues that affect broader society and the type of bipartisan efforts we witnessed in Illinois. Harking back to a not-too-distant time in Washington, two great Irish-American politicians, President Ronald Reagan and the Speaker of the House, Tip O'Neill, reached across the aisle to find common-sense solutions to problems besetting the United States.

As Mr. Cooney knows, we took that spirit of co-operation to Washington DC to try to achieve a comprehensive immigration reform that would legalise 11 million undocumented workers, including the Irish. In 2013 we came very close with the gang of eight Senate bipartisan Bill which included a provision that would grant 10,500 visas for the Irish. When the Bill was in the throes of debate, I went to Luis Gutierrez, our championing Democratic leader for Hispanics and immigration reform. I told him there was a small Bill to provide some visas for the Irish. He asked me how many was a few and I told him it was 10,500. He told me that was nothing. There was no objection to the main group that was there with us. Our hopes were dashed when the negotiations fell apart and the Bill died in the House. Pundits have argued since that immigration reform is a third rail and should be avoided by both parties in Washington. Advocates like Mr. Cooney and many others continue to keep the pressure on and the dream alive. Albert Einstein once said only those who attempted the absurd achieved the impossible.

My question has been asked already. When does Mr. Cooney think it will be appropriate to start lobbying the new Administration when the next President takes office? How does he rate the chances of immigration reform? He more or less answered that question in his contribution. Would an immigration Bill be piecemeal or comprehensive? Does he think there is the political will on both sides to include an Irish E3 visa, as we secured in the 2013 Bill? I again thank him for addressing the House.

**An Cathaoirleach:** Gabh mo leithscéal, a Sheanadóir

**Senator Trevor Ó Clochartaigh:** Cuirim céad fáilte roimh an Uasal Cooney. Is breá an rud fear eile de bhunadh an Iarthair a fheiceáil anseo sa Seanad.

On behalf of the Sinn Féin delegation in the Seanad I welcome Mr. Cooney. It is great to see another west of Ireland man in the House. I commend him, as have other speakers, for the great work that has been done over the years by him and many others on the important issue of immigration reform. I do not think anybody in this House or the Dáil has not been lobbied at some stage by a family who are heartbroken because their relatives cannot come home for a funeral, wedding or to put roots down in Ireland. He rightfully placed the debate in the context of the debate on the politics of fear about immigration that is spreading worldwide. As he said, we have seen it in Europe and many other countries. It is a sad development at this stage in the development of humankind that there is a fear of the other. We have all been immigrants and all nations have had immigrants at some stage. To see the change in opinion is very unwelcome.

Mr. Cooney mentioned his family history. There are many fantastic stories about Irish people who emigrated to the United States. I was in San Francisco for the Easter commemorations and heard the story of Thomas Desmond, a republican who went to San Francisco, was involved in the Catalpa breakout and returned to become a deputy sheriff in San Francisco. He

was honoured by the sheriff's department this year. It is another amazing story worthy of a movie or a book. There are many such stories across the United States.

We have to recognise the role that has been played by so many politicians during the years. Mr. Cooney and others have named them. The Irish Lobby for Immigration Reform, Ciarán Staunton, Niall O'Dowd and others who are working with the lobby have also done great work.

I commend Senator Billy Lawless. It is great to see a spokesperson for the diaspora being appointed by the Taoiseach. I had the honour of being the spokesperson for the diaspora for Sinn Féin. Senator Mark Daly has done a lot of work on the issue and is continuing to do so. It is important to recognise that fact. What Senator Billy Lawless said about having to work in a bipartisan manner is crucial. Building a lobby across communities internationally in the United States and Ireland, etc., is really important. I would welcome hearing the thoughts of Mr. Cooney on how we can build that lobby and who we need on board. Politicians, civic society and trade unions have been mentioned. How can we bring our collective might to bear on this issue? I would be very interested in hearing what Mr. Cooney has to say about that matter.

The debate is framed in terms of the diaspora, the undocumented Irish and immigration reform. We also have to recognise the role of the US diaspora in happenings on this island in the past 20 or 30 years. The role played by US politicians in the forming of the Good Friday Agreement, bringing people to the table and putting pressure on the Government in Westminster, in particular, to deal with issues on the island has been very important. The issues are not unconnected. As a lobbyist Mr. Cooney would know that politics is about building relationships and trust and there has always been trust between our two countries.

I commend the work done by my party leader, Deputy Gerry Adams, and Martin McGuinness during the years. Deputy Gerry Adams has been a regular visitor to Capitol Hill and Washington and met many Presidents. This is an issue he has always raised on his visits and any of our representatives who travel does the same. Capitol Hill is not the only place where we need to exert influence. There is a network of Irish communities, centres and the GAA across the United States. How can we bring pressure to bear on individual politicians in their home bases? How can we use the Irish network to bring these issues to their attention and show them this is a political issue locally so we can lobby them practically and effectively to ensure they are not afraid of this issue but instead deal with it?

As part of the peace accord, substantial funding has come into Ireland from the Ireland funds. One of the very positive developments has been the Fulbright initiative, whereby Irish and US scholars regularly move back and forth to teach and learn in Irish academic scenarios. There is an academic network, groups of researchers and people who can make theoretical arguments, as well as carrying out research for us. Should we call on people in these realms to help us?

This issue does not just affect the United States. I was in Canada recently where I came across a very sad case where a man who had got into trouble in the United States moved to Canada and became a Canadian citizen. He has Canadian children but cannot come home because he cannot fly over the United States. His children were recently blocked from flying over the United States. They cannot travel to Ireland to visit their relatives and there seems to be very little that can be done unless something is done in Washington.

More important is the role of the Irish Government. We are all based in the Parliament in

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Ireland. Could we be doing more? How can the Government, whichever party is in power, be more effective in lobbying to achieve what we hope to achieve, namely, allowing the 50,000 undocumented Irish in the United States to become documented? Does Mr. Cooney think we could argue for a specific dispensation for the Irish, as opposed to anybody else? I look forward to a continuing relationship with Mr. Cooney and working with him in the future.

**Senator Grace O’Sullivan:** I welcome Mr. Cooney with a great céad míle fáilte. I understand he experienced a bereavement in the summer on which I extend my condolences to him.

I am from the south east, although my family hails from the Cathaoirleach’s local area of west Cork. What is the main priority in terms of political representation for the diaspora, in particular, undocumented Irish people living in the United States and Irish citizens who recently emigrated? These groups do not have any democratic representation either in their new home or their home country because Ireland is one of a small number of countries without a system of voting or representation for citizens living overseas.

I very much welcome the appointment of Senator Billy Lawless to the Seanad. What role could a reformed Seanad play in strengthening the links between Ireland and the United States? It can serve a unique purpose in addressing the deficit in this area. As the Government initiates its proposals for Seanad reform, my colleagues and I in the Civil Engagement Group will do all we can to ensure this reform is meaningful and includes serious measures that give a voice to the Irish abroad. Many good organisations such as We’re Coming Back, Global Irish Vote, Get the Boat 2 Vote and *votingrights.ie* are working to secure a fair deal for this group of citizens, which has expressed frustration at the lack of progress in that regard.

I look forward to working with Senator Billy Lawless to ensure the tens of thousands of emigrants who do not have a voice or a vote secure the representation they deserve in future, both in Ireland and the United States. I wish Mr. Cooney a pleasant visit to his home country. I hope the weather is good and that he has a good time.

**Senator Alice-Mary Higgins:** I welcome Mr. Cooney and thank him for all his advocacy work on the issue of emigration. It comes at a time when voices who have the vision to recognise the positive perspective and contribution emigrants can make are more important than ever. I think of Walt Whitman’s line, “I hear America singing, the varied carols I can hear”, in a poem in which he sets out his vision of and message for America. He is referring to the idea that America is made up of disparate voices who are contributing to and making a republic. We, in this country, also have the task of making a republic. I thank Mr. Cooney for his vision and the way in which he has carried it forward in the various corridors through which he has taken advocates such as Senator Billy Lawless.

This type of constructive narrative is more important than ever because we are living in a time where xenophobic language and messages are on the increase and a negative and hostile narrative is at work. It is also the time of the greatest need in our collective history. There are 65 million people displaced around the world as a result of war, conflict, climate change and other causes. The figure is higher than at any time in our shared recorded history. If ever a constructive narrative and message were needed, it is now.

Ireland played a role at the recent United Nations conference on refugees and migrants. We can be stronger in showing leadership, sending strong messages of support for refugees and ensuring that those who reach our shores are treated with the dignity they deserve. They should

be embraced and made fully part of society. It is interesting that Mr. Cooney referred to the children of undocumented immigrants in the United States because this is an area where Ireland does not have sufficiently strong rights in place and one which the Seanad can strive to reform. Senators from across the House in all parties share strong feelings about this issue. Addressing it is one of the challenges the Seanad faces.

The challenge we share with Mr. Cooney arises in the United States and the message in that country. I would like to find out in what ways Senators can support Mr. Cooney. Senator Billy Lawless and others noted that we must not only advocate with the US President but also contribute to advocacy in Congress, local areas and at state level. The cultural and academic sphere is also important. As a former Fulbright scholar to the New School for Social Research in New York, I benefited from an exchange and believe there are networks which we can activate.

We, in Europe, have recently seen the political consequences and damage caused by populist, anti-immigrant rhetoric. For example, we saw the implications for immigrants of the Brexit vote. How can we, on both sides of the Atlantic, put forward a constructive and positive narrative that recognises the significant social and economic contribution all immigrants, not only Irish emigrants, can make and how much a society can benefit when everyone who is part of its fabric is allowed to fully contribute and be heard and feel safe doing so?

**Senator Aodhán Ó Riordáin:** I welcome Mr. Cooney and join other Senators in expressing sympathy following his bereavement in the summer.

The Cathaoirleach asked us not to stray into discussing the presidential election in the United States. While that is fair enough, at every opportunity before election day we must call out the racist buffoonery that appears to be becoming popular across the United States. The problem is not confined to America. As previous speakers noted, there are very unwelcome, xenophobic and racist comments being made by people from across the political spectrum in Europe. In the United Kingdom such commentary is becoming mainstream. Immigration is extremely important and Mr. Cooney's wise words on the issue were very welcome.

The most rank hypocrisy in Irish public life can be observed when Irish politicians ask US Administrations and politicians to change their views on the status of Irish immigrants in America. How on earth can we, with a straight face, present ourselves in the White House with a bowl of shamrock every March while refusing point blank to do at home what we ask the United States to do? Between 20,000 and 26,000 undocumented individuals, including many children, live in Ireland. Last March the United Nations Committee on the Rights of the Child asked the Government to take steps to regularise these undocumented workers. Nothing has been done since. While we will have nodding heads around the Chamber and gushing declarations of love for our brothers, sisters and children in America, as is entirely appropriate, how on earth can we tell the US political system it must get its immigration system in order to benefit our children when we refuse to do the same here?

I ask representatives of all parties to leave hypocrisy at the door. They should ask the leadership of their respective parties what they are doing to regularise the position of undocumented workers in this republic. The language used in that regard is interesting. When speaking about the American political system, we always use the term the "undocumented Irish" but the terminology somehow changes to "illegal immigrants" when we are describing undocumented workers in Ireland. The best symbol of goodwill we could possibly show in terms of what we want the US system to do is to do what we ask the United States to do right here at home. Any

US Senator, Congressman or President could easily ask, in response to all the lobbying being done in the United States, what we are doing at home and whether we are regularising undocumented workers or doing what the UN Committee for the Rights of the Child asked Ireland to do, because the answer is “No”.

*2 o'clock*

I suggest, therefore, that after this debate is done, we all ensure our respective political parties get the finger out and do what the UN Committee on the Rights of the Child asked us to do before we engage again in rank hypocrisy in March 2017 when a bowl of shamrock will be handed over to the US President. This grates on my sense of social justice, Ireland's place in the world and its responsibility to mankind.

**An Cathaoirleach:** We will move to questions.

**Senator Kieran O'Donnell:** I welcome Mr. Cooney to Seanad Éireann and Ireland and hope he enjoys his stay.

I will pick up on a theme raised by Senator Grace O'Sullivan. The Seanad is different from the Senate in the United States. What practical steps could Senators take to assist the undocumented Irish in the United States? Mr. Cooney knows the system inside out and Senator Billy Lawless, the Seanad's man in America, also knows the system from first-hand experience. As the second House of Parliament, what practical action can the Seanad take on this issue? Is there a structure or particular type of process? Is there a missing element in terms of how the issue is being addressed? I know it is in limbo. What constructive steps can the Seanad take? While talk is important, action speaks louder than words.

**Senator Joan Freeman:** It is lovely to see Mr. Cooney whom I met a few moments ago. I am delighted he is before the Seanad. I extend my thanks to Senator Billy Lawless for having the intelligence to invite Mr. Cooney to the Seanad in the first instance. His presence has brought up some serious issues. The issue my colleague, Senator Aodhán Ó Ríordáin, raised a few moments ago had never dawned on me before. It was raised because Mr. Cooney is before the House.

I propose to raise a completely different issue. I returned from New York four hours ago. Pieta House offers a free service in New York to people who are suicidal or engaging in self-harm. It was made available to Irish people initially but has since been extended to all nationalities. Listening to Senator Aodhán Ó Ríordáin's contribution on undocumented people living here, I started to wonder about the state of their mental health. I am interested in hearing Mr. Cooney's insights on the mental health of the undocumented Irish in the United States. What does he know about that issue? Where can we get further information about it? Pieta House is making serious efforts to address the issue, initially in New York and subsequently, I hope, in the rest of the United States.

**An Cathaoirleach:** As we cannot overlook County Mayo, I invite Senator Rose Conway-Walsh to put a question.

**Senator Rose Conway-Walsh:** I am from Ballycroy, County Mayo, and live in Belmullet which is between Achill Island and Ballina. With a name like Cooney, there is nowhere else but Achill Island Mr. Cooney could come from. It is lovely to have him here and he is very welcome. I also thank Senator Billy Lawless for facilitating Mr. Cooney's visit.

I will raise a couple of questions that are asked of Senators all the time. Mexico received 58,000 waivers in 2011 alone and other countries such as Israel, Venezuela and Australia participate in the waiver scheme. Why does Ireland not participate in the scheme?

On the Good Friday Agreement, are Mr. Cooney and the advocacy groups in the United States aware of the threats posed by Brexit in terms of the possible introduction of a hard border? What role can they play in putting pressure on the Irish and British Governments to ensure the Good Friday Agreement is implemented in full?

Will Mr. Cooney set out his views on voting rights for Irish people living abroad? My brother who is an American citizen having spent a long time in the United States can vote in US presidential elections, but he and other members of the diaspora do not have any say in this country. What can Mr. Cooney do to facilitate them?

**An Cathaoirleach:** The Leas-Chathaoirleach, Senator Paul Coghlan, wishes to pose a question.

**Senator Paul Coghlan:** I am delighted Mr. Cooney is present. I thank Senator Billy Lawless for taking the trouble to write the letter to which Senators responded in which he proposed that we invite Mr. Cooney to address the House. We salute the good work Mr. Cooney has done. In the short term, given the volatile circumstances prevailing in the United States, what are the prospects for the large number of undocumented Irish people? Perhaps Mr. Cooney has something further to add on that specific point.

**An Cathaoirleach:** Our guest may respond in so far as he can.

**Mr. Manus Cooney:** A number of questions have been asked, all of which were highly astute. Senators raised everything from practical issues and political and tactical matters to the underlying problems we face to health concerns, the needs of the people who are undocumented in the United States and perhaps some of the inconsistencies with respect to how the governments are approaching these issues. In thinking through how this issue plays out in Congress it is important to recognise that in the United States House of Representatives, there has been a good bit of district drawing that makes a primary challenge far more of a threat to an incumbent than a general election. Most Members of the House look at what happens and how their votes will affect their perceived loyalty to the base more than they focus on achieving consensus and finding a middle ground.

It is also important to bear in mind that more than one third of Members of the House have been in office for fewer than six years. Many of them were not around in 2013 and they certainly were not around in 1986, 1996, 2000 and 2007. For this reason, a great deal of continuing education needs to take place. At its heart, there is also a need to recognise that the Irish-American community of today is very different from the Irish-American community of 50 years ago. Members of Congress who are Irish-American and may have a cultural affinity and take pride in their ethnic heritage and in being Irish-American may act on Ireland's behalf or in promoting and supporting legislation and policies that, in addition to helping and advancing American interests, also help the Irish people. They will do that primarily for American interests, not because there is a strong Irish-American constituency in their district. A good example is the Speaker, Paul Ryan, who is from Wisconsin. He made his Irish heritage an issue when he was on the vice presidential ticket with Mitt Romney. He is proud of this heritage, but he does not advance Irish issues because he believes it is something for which his constituents will turn

out and vote for him. It is important to recognise that for many leaders in Congress, the past is just the past. Therefore, we need to be in a position in which the Irish Government has pressed and continues to press the case on broader issues, including economic issues.

On the question of what more can be done and what elements may be missing, there is a unique, incredible bilateral economic relationship between the United States of America and Ireland. Members of Congress, the finance committees and ways and means committees are very well aware of it. They are grappling with the tax issues and the trade issues that go along with it. I imagine that the members of the judiciary committees and those responsible for immigration reform are not as clued in or keyed in. I have struggled in Washington to get those American companies with a significant presence in Ireland to engage on this issue. They have not because those offices, folks or companies have their own portfolio of issues that are important. It might be worth considering whether we can bring those interests into the discussion via the American Chamber of Commerce Ireland and other bodies to try to figure out how we can get them to voice their support for solving the problem of the Irish undocumented and creating an E3 visa. That is not to say this can put us over the top, but it would not only reinforce the importance of our bilateral relationship but also get those in Congress with more of a business inclination driving their policy decisions to think more seriously about what it is we are trying to achieve here.

If companies working in Europe seeking access to the European market believe Ireland is important to their future, the Irish Government and people need to communicate to them that solving this problem is important to them. I do not know the extent to which that communication is taking place. It may need to be elevated. Ambassador Anderson does a fantastic job and she has a terrific staff but her embassy's size, muscle and bandwidth pale in comparison to those of just one technology company in Washington. Can these resources be brought to bear? I do not know. In fairness to the companies, they have an immigration agenda also. There is an emphasis on having STEM immigrants, high-tech workers, the educated, the best and the brightest come to the United States to stay. That is good policy. Can they elevate the Irish issue as part of their agenda? I do not believe they talk about it at all. That is something to consider.

I reiterate that Mr. Ciaran Staunton and the Irish Lobby for Immigration Reform have been phenomenal. They have delivered Chuck Schumer and many folks. The continuing efforts of Mr. Staunton, given what he has been through personally, have been amazing. I am proud to have met him, to know him and to work with him wherever possible. I failed to mention him by name, but wanted to do so and acknowledge the Senator's point.

We have seen many Irish in Washington and many representatives of the Government. The levels of awareness and knowledge of this issue are high, but its ranking varies from Member to Member. There is a challenge and we are seeing that there is the goodwill. We have convinced folks that if something is going to happen, we will be part of it. CIR is happening for reasons unrelated to the Irish. It is happening because of the bigger issues at play, the challenge the United States faces in trying to resolve the differences between immigrants who assimilate and those who simply integrate. That is a challenge with which many politicians are grappling. How it affects the future of their parties, their states and the country is a matter we cannot overcome or solve. If CIR does not happen or if there is another path taken, the extent to which we have broadened the coalition or network of folks in the United States who are already interested in this issue and add new voices to the debate is such that we should actively pursue it. I refer to doing what we can do more of. It is fair to say the resources that have been applied are limited. Any way the Seanad can bring more to the table and become more engaged can only help.

With regard to Brexit and its implications, if anything, it will make the achievement of CIR more difficult because Americans see that their concerns are not limited just to them. They see the actions that have been taken by Great Britain and ask why they should not stand up also if Great Britain can do it?

With regard to a Trump Administration, let me make a personal observation. I do not know anything more than any Senators, but I have read Mr. Trump's book, about which he talks a good bit. The concern that many conservatives have in the United States is everything for this individual is a deal. Every position he takes is the beginning of a negotiation; it is for leverage. If he needs to move on A, B or C in order to get to a deal, he will do it if he gets something in return for it. It appears that that is how he has conducted himself to date. My analysis of the debates in which he made deportation an issue, hammered away at it and, seemingly without much thought, pivoted on it tells me that is from where he is coming. That is what hurts him with many conservatives. I refer to movement conservatives, religious conservatives and constitutional conservatives. It is a question of whether he will remain true to those values he espouses today or move them aside or quickly drop them like a bad habit in order to achieve some political deal or outcome. That is a concern and something that might work to the advantage of those seeking CIR. We do not know, but it is an observation I believe is worth making.

**An Cathaoirleach:** I ask the Leader of the Seanad, Senator Jerry Buttimer, to make his contribution. I thank Mr. Cooney.

**Senator Jerry Buttimer:** Gabhaim buíochas le Mr. Cooney as ucht an fhorbairt atá le déanamh ar son na ndaoine sna Stáit Aontaithe. In welcoming Mr. Cooney, this Chamber reflects the views of so many on the need for immigration reform. In commending the appointment of Senator Billy Lawless and thanking him for his work - I have seen at first hand the work he has been doing and we had a positive meeting last week - it is important that a bipartisan approach be taken in the United States, as Mr. Cooney mentioned, and that there be cross-party support from this House of the Oireachtas. In his very fine contribution and excellent answers Mr. Cooney spoke about the importance of Congress and the need to have a winning coalition of blue and red, Republican and Democrat - not one or the other but both. In the past, perhaps, we made the mistake of talking too much to one side. Thankfully, we have learned from that mistake and are now encompassing both sides.

As Mr. Cooney said, it is important that we reach beyond the traditional base and engage in outreach. When in Philadelphia for the Democratic National Convention, I noted the importance of the Irish community and the work being done, be it in Chicago, Philadelphia, Boston, New York or elsewhere. At the American Chamber of Commerce Ireland dinner in Cork last week the ambassador stated succinctly to me that we might be moving from Boston to Austin and that the axis was moving. We speak about a winning coalition. It is about going beyond the traditional Democrat bases and about people like Paul Ryan from Wisconsin.

The Irish-American community is an important part of the American election cycle and also an important part of the American race. We have a very strong lobby of Irish-Americans in Congress. I know from talking to people like Brendan Boyle and Joe Crowley, who I met this summer, that they are very committed. Mr. Cooney mentioned the gang of eight and made a very good point that one third of the Members of the House were not there. This point about turnover is one we keep forgetting. We need to re-educate and recalibrate our message. Perhaps that is a role we in this Chamber can play. I hope the appointment of Deputy Joe McHugh as Minister of State with responsibility for the diaspora and the extraordinary work that he and the

former Minister, Jimmy Deenihan, have been doing can be augmented in this Chamber by having a further debate following on from this one. I will be very happy to facilitate that request.

Mr. Cooney made a very good point about widening the debate on the issue of the American Chamber of Commerce Ireland and, in particular, American companies. In my contribution to the debate about Apple yesterday I made reference to the fact that there were thousands of jobs and millions of euro being invested in this country. Mr. Cooney made an interesting point about how we could broaden that debate. Ambassador Anne Anderson and Michael Lonergan in Washington DC were mentioned. Ambassador Anderson is doing superb work. Mr. Cooney is right that the resources she has in comparison to those of some of multinational firms are paltry.

I thank Mr. Cooney. Many people would have asked, “Who is Manus Cooney and why is he addressing the Seanad?” The reason very simply is that he has proven to be an outstanding friend of Ireland. He has made a gargantuan contribution. He may be 6’ 3” and is certainly hard to miss, but his contribution is missed by many because he makes it so quietly, below the radar, as he is only interested in achieving a result. Perhaps I have not been as active a participant as Senator Mark Daly who I should also commend for the work he does, but I can say to the Members of the House that in Manus Cooney we have a man who is determined and has brought steel, insight and a wealth of experience. He has brought both sides of the aisle together, as Senator Billy Lawless has done and is doing. I say that not by way of fawning praise or to be patronising. I know from talking to people in the United States the work Mr. Cooney has done and is doing, which is why this Chamber is having this discussion. We are the people’s representatives. We may not have a constituency as Senators, but we are representatives of the people in Teach Laighean and the Houses of the Oireachtas. Today we send a message from this Chamber to the Irish diaspora, wherever they are, that we are with them. To those in the United States in particular, I say we will pursue this issue because the dream of immigration reform is still an unfulfilled reality.

With regard to St. Patrick’s Day and Senator Aodhán Ó Ríordáin’s point about the bowl of shamrock, it is an image of Ireland. However, what the Taoiseach is doing on our behalf is representing all of us. We are talking about access to the most powerful office in the world. I do not want any political leader, whether it be a Sinn Féin Taoiseach, a Fianna Fáil Taoiseach, a Labour Party Taoiseach, an Independent Taoiseach or a Fine Gael Taoiseach, to be unable to do so. It is access to the most powerful and important office in the world, a fact of which we must never lose sight.

The politics of immigration has many difficult sides. However, we are all united and must work to overcome the politics of fear about immigration. Many Senators spoke about intolerance and different aspects that, in some cases, have come with blue collar immigrants who have themselves benefited from their ability to emigrate. Thankfully, today there are more people coming home than leaving the country. That is a welcome economic statistic.

We are lucky now to have a bipartisan approach, on which we need to build. It is imperative that we give the Taoiseach; the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan; the Minister of State, Deputy Joe McHugh, and our ambassador the opportunity to work with people on both sides of the aisle. From the remarks of Mr. Cooney, it is clear that there is one outcome for which we should perhaps yearn in November, as there is a pathway that could perhaps see results achieved. I look forward to all of us continuing the battle. Ní neart go cur le chéile.

I thank Mr. Cooney for his visit and excellent remarks. I wish him every success in his personal endeavours and thank him for the work he has done on behalf of all the people.

**An Cathaoirleach:** I hope this historic visit marks a new dawn and new hope for the Irish diaspora, not alone in America but in other parts of the world also. I again thank Mr. Manus Cooney.

*Sitting suspended at 2.25 p.m. and resumed at 3 p.m.*

*3 o'clock*

### **UK Referendum on EU Membership: Statements**

**Acting Chairman (Senator Michelle Mulherin):** I welcome the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan. In accordance with the order agreed to today, the debate will conclude not later than 4.30 p.m.

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** I am very pleased to be back in the Upper House to engage with Senators on what is, undoubtedly, the highest priority and biggest challenge on my desk as Minister - addressing the implications of Brexit. The Cabinet has been discussing the issue on an almost weekly basis since plans for a referendum were first announced. Yesterday the Taoiseach and I presented a memorandum to colleagues and a series of actions were agreed to. Following the meeting we released a detailed statement which I hope all Seanadóirí have had an opportunity to read.

Senators are well aware of the Government's priorities on Brexit regarding the economy, Northern Ireland, the common travel area and the European Union. A huge amount of activity has been under way in government. Some of it has been very public, for example, the Taoiseach's meetings with Chancellor Merkel, President Hollande, Prime Minister May and President Tusk, as well as my bilateral meetings with EU colleagues, some of whom visited Dublin, including Minister Gentiloni, Secretary of State Davis, Secretary of State for Northern Ireland Brokenshire and Minister Bert Koenders from the Netherlands. Behind the scenes, I have, in fact, had talks with all of my EU colleagues. In these discussions I have set out clearly the unique circumstances on the island of Ireland. Most of my foreign ministerial colleagues are familiar with the success of the Irish peace process and the contribution of the European Union to it and all of them have agreed that the gains of peace must be protected. In this context, I have also, of course, engaged with all of the political leaders in Northern Ireland. In Departments, missions and agencies at home and abroad our officials and diplomats have been extremely busy in analysing, planning, engaging with counterparts and stakeholders and supporting the work of the Taoiseach and Ministers in a range of Departments. There has been considerable restructuring, particularly in the Departments of the Taoiseach and Foreign Affairs and Trade. My Department's EU policy function is being significantly strengthened and it will work alongside our Ireland, UK and Americas division. The Department of the Taoiseach continues its cross-governmental work and, in particular, supports the Taoiseach in his work on all dimensions of Brexit.

I take the opportunity to address calls made by some in the Opposition for a Minister with

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responsibility for Brexit. My view, informed by my deep engagement in EU matters, is that it would be a mistake to appoint a Brexit Minister. In the first instance, Ireland and the European Union are so integrated and our relationship with the United Kingdom is such that each and every Department is impacted on and we need each and every Department to engage with Brexit to ensure we mitigate and minimise its effects. Added to this is the fact that at political level, it is the European Council, of which the Taoiseach is a member, which will set the political direction of the negotiations. In turn, the Taoiseach chairs the Cabinet committee on Brexit which oversees the Government response in co-ordinating the work done throughout government.

As Minister for Foreign Affairs and Trade, I will work closely with the Taoiseach and all of my ministerial colleagues. I have said on more than one occasion that no Department will not in some way be impacted on by Brexit. The Department of Foreign Affairs and Trade has a unique role in co-ordinating our response to Brexit. As Senators know, the Department works closely with the Government at all times in all policy areas with an international or North-South dimension. Of course, the 80 strong mission network under the aegis of the Department has a crucial role to play, in the European Union in respect of our EU strategy and outside it in terms of our wider trade and other bilateral interests. In this respect, the missions in key capitals, including but not limited to Brussels and London, will be important players in the debate. All in all, I see no reason there should be a specially designated Minister with responsibility for Brexit.

I wish to update the House on some of the activity taking place at EU level, where the institutions are also taking practical steps to deal with the challenges that lie ahead. The European Council secretariat has established a Brexit task force led by Didier Seeuws, a former chief-of-staff to the previous European Council President, Herman Van Rompuy; the European Commission has appointed Michel Barnier, a former French Minister and former European Commissioner, as its chief Brexit negotiator; and former Belgian Prime Minister Guy Verhofstadt has been named as the lead Brexit negotiator for the European Parliament. I expect Mr. Barnier to be in Dublin in the near future and look forward to engaging with him.

The United Kingdom has a new Prime Minister, whom the Taoiseach has met formally and I have met informally. There has been a radical Cabinet shake-up, with a number of new ministries. I have already had discussions with the British Foreign Secretary, Mr. Johnson, and the Secretary of State for Exiting the European Union, Mr. Davis, as well as the Secretary of State for Northern Ireland, Mr. James Brokenshire. We share a common desire to protect the invisible border, the common travel area and the strong bilateral trade relationship. We are now faced with the challenging task of ensuring those goals can be achieved in the context of the future relationship between the United Kingdom and the European Union.

I wish to outline in more detail our approach to our key priorities: the economy and trade; Northern Ireland; the common travel area; and the European Union. In the run-up to the referendum the Government engaged in extensive contingency planning and we continue to update and develop our analyses as circumstances change and evolve. The economy is naturally an area of core concern and the market volatility we have seen since the referendum, in particular in the currency markets, was unwelcome if, regrettably, not unexpected.

Let me summarise the key elements of the Government and State institutions' response to the economic aspect of Brexit. First, I will address matters with my trade Minister hat on. Coming into office I inherited the Export Trade Council which draws together all senior Ministers with an economic focus, the heads of the State agencies involved in promoting trade, tour-

ism, investment and education abroad with the support of the embassy network, and members drawn from the private sector. The Export Trade Council is a valuable forum. In the run-up to the referendum it facilitated useful discussions between the Government, State agencies and the private sector. That dialogue continues. We are also looking, in conjunction with IDA Ireland and Science Foundation Ireland among others, at potential opportunities for Ireland arising from Brexit.

We are all acutely conscious of the importance of the UK market to Irish exporters. I intend to intensify our focus on other markets, near and far. I believe we have the capacity for much greater market penetration in other EU member states, on which I am focussed, but we are also looking beyond Europe's borders. For example, the next Export Trade Council meeting will focus on the Asia-Pacific region. I have just returned from the UN General Assembly in New York where I had a series of bilateral meetings with countries from the Americas, Asia and the Antipodes.

I gave the strong message that Ireland will remain at the heart of Europe. It will continue to be a gateway to a market of 500 million people; we will continue to offer a business friendly environment and a talented and adaptable English speaking workforce. I undertook a similar set of meetings at the Asia-Europe summit in Mongolia in July. I avail of every opportunity to promote Ireland as a country in which to invest and with which to trade. I intend to carry out a series of trade engagements within the European Union, in the Gulf and further afield in Asia in the weeks ahead.

In January this year I launched an economic diplomacy strategy that seeks to build on the consolidation of the Department's trade role in recent years by establishing a network of locally hired commercial attachés to extend the range and impact of our embassies' activities in support of trade. In the coming months commercial attachés will be appointed in Mexico, Brasilia, Buenos Aires, Bucharest and Jakarta. These are locations where there are economic opportunities to be explored and where there is either no State agency presence on the ground or a relatively light one.

I will continue to work assiduously to promote Ireland's trade interests. In reference to next week's budget, clearly, Brexit looms large. The Ministers, Deputies Michael Noonan and Paschal Donohoe, will ensure all aspects of the budget are Brexit proofed.

Obviously, a key concern for us all and, in particular, for me as Minister for Foreign Affairs and Trade, is the potential impact of a UK exit for Northern Ireland and the peace process. Overall, we will be working for special arrangements which take account of Northern Ireland's unique circumstances. Our priorities in this area are to ensure the Good Friday Agreement and the overall balance of the settlement are not in any way disturbed by the United Kingdom's exit from the European Union and, of course, to maintain the open and effectively invisible border. The wider economic impacts for the all-island economy are, of course, also a concern as are the potential consequences for EU support under the PEACE and INTERREG programmes.

Last week I discussed the implications of Brexit for the Agreement and the peace process with the members of the Joint Committee on the Implementation of the Good Friday Agreement. There was a shared sense that there were no guaranteed solutions to any of the issues arising for Northern Ireland. The Government and the British Government have reaffirmed that the Good Friday Agreement is the indispensable foundation for all engagement on Northern Ireland. This provides much-needed reassurance for people and the political system in the

North, but I am under no illusions about the hard work needed to deliver it. As the Taoiseach and I have made clear, as a co-guarantor of the Good Friday Agreement, the Government is determined that its institutions, values and principles will be fully protected throughout and at the end of the United Kingdom's negotiation of its new relationship with the European Union.

As an institution of the Agreement, the North-South Ministerial Council has a most important role in preparing for and seeking to mitigate cross-Border implications of a UK exit. Protecting EU funding, sustaining the economy and trade and maintaining the common travel area were priority areas where the North-South Ministerial Council plenary agreed in July that we needed to work together. It was also agreed that a full audit would be undertaken in all sectors of co-operation to identify the possible impacts, risks, opportunities and contingencies arising in the phases preceding and following the United Kingdom's withdrawal from the European Union. This work commenced immediately and is progressing across all of the North-South co-operation sectors.

The next North-South Ministerial Council plenary meeting on 18 November will provide an important opportunity to build on the discussions between Ministers within the North-South Ministerial Council sectors and explore further the agreed key priorities for both the Government and the Northern Ireland Executive in dealing with the United Kingdom's exit from the European Union.

Having spoken about the economy and Northern Ireland, I am acutely conscious that there is a need for the widest possible conversation on the implications of the referendum result for Ireland, North and South and for North-South relations. There are many organisations and individuals across the island of Ireland who must be given a real opportunity to have their voice heard. This is in everyone's interests. I am pleased that yesterday the Government approved a proposal that the Taoiseach and I convene an all-island civic dialogue on Brexit. This event will provide an opportunity to hear the voices of the people affected by the vote, both directly and through their representative groups. It will also provide an opportunity to map the challenges presented by Brexit and how they might impact on different elements of society and the economy on an all-island basis. The main output will be a report and recommendations which will be used to help inform the Government's position on issues related to the exit negotiations. Preparations for an all-day conference in Dublin on 2 November are under way. Invitations will soon be extended to a broad range of civic society groups, trade unions, business groups and non-governmental organisations, as well as representatives of the main political parties on the island.

Let me now turn to the developments which have been taking place in Europe. There has rightly been much discussion at EU level about the lessons that can be drawn from the referendum result. In that regard, it is particularly welcome that the Taoiseach and the other 26 leaders began an earnest process of reflection in Bratislava in mid-September. We are all aware that these developments come at a time when we in Europe are struggling with many critical issues in terms of jobs, prosperity, migration and security, both internal and external. However, I am confident that the European Union and Ireland will rise to the challenge.

I emphasise one very important point. Although much has been changed by the result of the UK referendum, one thing has stayed constant, that is, that Ireland remains absolutely committed to EU membership. Public support here for the European Union and our EU membership remains consistently high.

Where exactly are we now? Recent days have brought greater clarity on the timelines towards which we will be working. It is positive that there is no longer any uncertainty about the date by which Article 50 will be invoked - the end of March 2017 - thereby setting the negotiating process in train. This was in line with our expectations and extensive contacts with UK and other EU partners. The united EU position remains that there can be no negotiations before the formal notification under Article 50 is made. We continue to adhere to that approach, but it does not mean that we cannot have exploratory discussions on the important bilateral issues which will need to be sorted out. This would mean that the United Kingdom could depart the European Union in spring 2019. However, it remains to be seen how and within what timeframe the linked negotiations on the future relationship between the European Union and the United Kingdom will be taken forward. From Ireland's perspective, we would like this relationship to be strong and positive. I believe that is a goal to which we all, in the European Union and the United Kingdom, should be committed. However, the British Prime Minister's comments indicate that the United Kingdom will not seek a so-called soft Brexit under which it would seek a relationship with the European Union similar to that of Switzerland or Norway. This would not be compatible with controls on the free movement of people which appears to be a cornerstone of her position and runs contrary to the insistence of the European Union on the indivisibility of the four freedoms which underlie the Single Market. I appreciate the factors underpinning the Prime Minister's approach, although clearly it is not what we would have wished to see and will pose challenges all round. That said, the rather general concept of a hard Brexit allows for a range of possible outcomes on key issues and these will have to be teased out in detail, first by the United Kingdom and then throughout the negotiating process. We will work actively to ensure the best possible outcome for Ireland and the European Union as a whole and, in particular, to ensure, as I said, our very particular concerns are safeguarded to the greatest possible extent.

The enormity of the Brexit challenge, combined with the question marks over how the United Kingdom will approach negotiations and where the landing zone will ultimately be, has given rise to a great deal of comment and some speculation. For our part, we are knuckling down and doing all that we can to ensure Ireland will defend and protect its own strategic interests in the time ahead. Having given an overview of where the Government stands, I look forward to hearing the perspectives and analysis of Members of the House. I will have an opportunity to reply to issues as raised.

**Senator Terry Leyden:** I welcome the Minister for Foreign Affairs and Trade, Deputy Charles Flanagan. I also welcome the comprehensive and well thought out statement he has made. This follows a meeting of the Joint Committee on European Affairs yesterday with the Minister of State, Deputy Dara Murphy, in which he outlined other information on what might happen in the future. The Minister makes a very strong case for not appointing a dedicated Minister. He is very persuasive. He has made a good case to be the lead Minister in that regard.

**Senator Paul Coughlan:** We reserved that position, contrary to what you were saying yesterday.

**Acting Chairman (Senator Michelle Mulherin):** Through the Chair, please.

**Senator Paul Coughlan:** My apologies.

**Senator Terry Leyden:** There was a case to be made for having one Minister in the Cabinet dealing with the Brexit issue. However, the Minister is making a very good case. It is a debatable issue. I am very confident in his approach to the issue after his statement which was

extremely comprehensive. In the Department of Foreign Affairs and Trade the Minister has a tremendous amount of ambassadorial support in Europe. On the trade side, on which I served for a period as Trade Minister, he has tremendous backup. These are two very important issues which will affect the future of the country.

With regard to the negotiating team, as far as I can see, all of the negotiators are civil servants. The negotiations are going to be held in secret with the British Government. As the country most affected by the outcome of the negotiations, surely we should have a representative at them. Ireland is the country that will be most affected of the 27 remaining member states. This is the only country with a land border with the United Kingdom and it is absolutely vital that we have an open border, as the Minister said. I fully accept what he is saying, and would like him to comment on that issue. I might not be here when he replies, for which I apologise, because I have to attend a meeting of the Joint Committee on European Affairs, of which I am Vice Chairman, at 4 p.m. In the circumstances the Government should make a very strong case for having a senior ambassadorial representative at the negotiations and discussions. No other country could challenge the fact that Ireland will be most affected of the 27 remaining member states. The negotiations are to be held in secret, like the negotiations on the trade agreements with Canada and the United States when we were not kept aware of the actual details of their implications. I know that the Minister might say the Council of Ministers, the Prime Ministers and the Presidents of the European institutions will be briefed regularly on the negotiations. We also have the European Commission which I presume will also be briefed. We have an Irish Commissioner, although he takes an oath to the European Union, which I accept. I know that Commissioner Hogan will be very knowledgeable on the issues involved and will certainly not forget his base in dealing with these issues.

At the Joint Committee on European Affairs which is chaired by Deputy Michael Healy-Rae and of which I am the Vice Chairman we are taking the matter very seriously. We are involved with the Minister of State, Deputy Dara Murphy, in discussions with the MEPs and giving any opportunity we can to push forward the idea. It is a totally united approach. Every party and none must be together with the Government. This is Ireland's call and fight. Nobody can use any issue for political purpose in this regard. That is why in the Joint Committee on European Affairs we are inviting - I extended the invitation and hope it will be accepted - representatives of all the European affairs committees in the other 26 member states to send a representative to Ireland and we will show them the border with Northern Ireland. It is the most porous in all of Europe. The effects of a hard border would be detrimental to the interests of the Republic.

The British-Irish Parliamentary Assembly is also a vehicle. I welcome the Taoiseach's decision to have an all-Ireland discussion in November. That is positive. The British-Irish Parliamentary Assembly will be meeting in Cardiff at the end of November and held a meeting recently in Malahide. It was totally opposed to any return to a hard border. That is very important. That came from both the Unionist and Nationalist traditions in Northern Ireland. Nobody ever wants to see a hard border again. It is an important forum and I hope the Minister for Foreign Affairs and Trade might be able to attend the assembly. I know that his schedule is very tight and that he has other meetings with Ministers from Northern Ireland. However, the meeting in Cardiff will be very important because issues are developing. Every one of us, not just the Minister, who has any influence, whether in national or international organisations, can use it to ensure we will have a successful outcome to the negotiations between the United Kingdom and the European Union in the best interests of Ireland. I have total confidence in the Minister's ability to ensure this matter is dealt with at the highest level and in the most effective

way.

**Senator Joe O'Reilly:** I welcome the Minister. I commend and applaud his very sure-footed and experienced handling of the issue. He is doing a great job. It is very clear that all of his professional and political experience is coming to bear on the way he is dealing with it.

I agree with Senator Terry Leyden in that I believe there is a compelling case for this country to have a central position in the negotiations. I know that the Minister will be attempting to achieve this. It will be interesting if he elucidates on the various strategies he sees to keep Ireland central to the negotiations. As the Commission team led by Mr. Michel Barnier negotiates, I agree that it is critical and very necessary that it be acutely aware of the special and unique position of Ireland and that there be a direct link with the Minister at all times to ensure the Irish case will be strong.

I take the Minister's point that the Prime Minister, Mrs. Theresa May, has outlined a hard Brexit or effectively said in her party conference speech the other day that Brexit means Brexit. I am interested in hearing the Minister's comments. I still cling to the hope that ultimately the United Kingdom will want free trade, the free movement of services and to maintain all of the economic advantages associated with membership of the European Union. I would like to believe we could end up with something approaching the Norwegian model, that Britain would gain some concessions on immigration which I know is a red line issue and that there would be an emergency clause to deal with specific situations but that essentially the *status quo* would be maintained on many levels. That has to be the Irish ambition. We should seek to ensure Ireland will have a central position in the negotiating team and that our interests will be paramount and reflected in the negotiations. We should be going for Brexit-lite in so far as we can influence the outcome. We should be softening the EU negotiating position.

It is critical that we maintain a "unified State" post-Brexit in the sense that we keep a soft border, the free movement of goods, services and people, North and South; that we have immigration controls on all-Ireland basis; that we have a workable model with effectively a united country; and that there would not be a cordoning off. A point the Minister should make repeatedly - I know he will be making it - is that the people of Northern Ireland voted to remain in the European Union. That should be reflected in the dialogue at the negotiations. It is a critical point that merits inclusion. We can achieve a situation where Ireland will keep the natural unity and not go back to a hard border. That would have security implications and raise tensions. I do not have to lecture anybody in this House on the negative implications of going back to having a hard border.

Unfortunately, it would be remiss of me not to mention the immediate impact of Brexit. The mushroom industry is in crisis. The fall in sterling and the prognosis that it will remain low into the foreseeable future are causing great difficulties. This presents huge challenges for our beef, dairy, pigmeat and mushrooms exports as a number of these industries are on the brink of great upheaval. The tourism industry will be greatly weakened as the attractiveness of Ireland as a location for UK tourists will decline considerably. These are the immediate impacts of Brexit.

On the upside, I was impressed by the way IDA Ireland grasped the opportunity. I understand it has made contact with 1,400 companies internationally that might have located in the United Kingdom but could now be persuaded to think about locating in Ireland. I would like to be assured that there will be vigorous and aggressive efforts, in parallel with maintaining our central position in the negotiations and maintaining the unity of the country to attract industry

and financial services to this country. The efforts should be concentrated in the Border areas that will suffer greatly from the fall in sterling. We have to grasp that opportunity and I would like to hear the Minister's response to these points.

The big challenge is to keep Ireland central to the process, to ensure there will be a soft border, to ensure the greatest possible level of normality, to deal with and cushion the sectors which are under immediate threat in the upcoming budget and to grasp the possible opportunities to attract inward investment.

**Senator Trevor Ó Clochartaigh:** Cuirim fáilte roimh an Aire. I ndáiríre, tá freagra an Rialtais ar Bhreathimeacht an-easnamhach mar gheall go raibh an oiread sin ama ag an Rialtas i bhfad roimh chinneadh Phríomh-Aire na Breataine tús a chur leis an bpróiseas imeachta i mí Aibreán na bliana seo chugainn. Tá mo chomhghleacaí, Martin McGuinness, níos gníomhaí ar an ábhar seo ná mar atá an Rialtas anseo. Tá daoine ag impí ar an Rialtas Aireacht sinsearach a chruthú le dul i ngleic leis seo uilig. Dúradh linn go raibh fochoiste Rialtais ag déileáil leis seo, ach nár tháinig sé le chéile ach uair amháin ó bunaíodh é. Tá sé seo ag cur leis an éiginnteacht.

As the Minister is aware, my colleague, Mr. Martin McGuinness, is party to a case being taken against the British decision on Brexit to take the Six Counties out of the European Union against the will of the people. This is not something that just affects Britain. The majority in the Six Counties voted to stay in the European Union and they are looking to the Government here also to show leadership in that regard. We are talking about Ireland in a very direct sense. Does the Government recognise and support the right of the people of the North to stay in the European Union? Does it support the case being taken by those parties? The British Government's decision to move unilaterally has not yet been challenged by the Minister. It was summed up by my colleague, Mr. John O'Dowd, MLA, who said that if Theresa May wished to take England and Wales out of the European Union, so be it, but she could not ignore the outcome of the vote in the Six Counties to remain. The Minister has said he has had discussions with Mr. David Davis, the Secretary of State for Exiting the European Union, but has he yet had face to face meetings with him? If not, why not?

The pace of developments is frenetic. There needs to be an arm of government that can respond speedily to developments.

Caithfidh mé a rá go bhfuil inní ar lucht na Gaeilge maidir le hAcht na Gaeilge. Tugtar cosaint áirithe dóibh toisc gur chuid den Aontas Eorpach í an Bhreatain agus aithnítear cearta lucht labhartha mionteangacha sa chomhthéacs sin. Anois agus an Bhreatain réidh le himeacht, feictear iad ag cúlú ó leithéidí an Coinbhinsiún Eorpach um Chearta an Duine. Caithfidh an Rialtas an fód a sheasamh agus a mheabhúrú dóibh gur faoi dhualgas na gcomhaontaithe seo atá siad i leith na Gaeilge, beag beann ar aon chinneadh inmheánach a dhéanann siad maidir le ballraíocht an Aontais Eorpaigh.

There also needs to be a refocusing of the arguments surrounding the impact of Brexit on this island. It will not only affect Border areas. For example, the agrifood industry has thrived owing to access to the entire island and is a success story of the peace process. All producers will be impacted on if there is an end to unfettered access to the island-wide market. Once again we in Sinn Féin have led on this issue. I am calling on the Minister to follow suit and be proactive. Our alternative budget has taken account of the impact Brexit is likely to have on the economy. We have provided €20 million for North-South projects to offset the potential loss of €2.7 billion in GDP if Brexit goes ahead. We believe the Government is lagging behind. I note

from the public discourse that the European Union is stating it will not engage with Westminster until the button is pushed. What discussions are ongoing to defend Irish interests at a European level between the Minister and his European counterparts? Is the Government arguing the case for the Six Counties to remain in the European Union and for special arrangements to be made to enable it to do so? Has the Government sought legal advice on the impact of Brexit on the Good Friday Agreement and the threat it poses to it?

I fear there will be a race to the bottom in the labour market if Brexit goes ahead. A Tory-led administration in Britain will put pressure on the labour market, in particular, which will have a knock-on effect on this country. We are crazy if we think it will not have an effect. What are the implications for ongoing co-operation in the health care area, where we have arrangements with hospitals in the North to treat Irish patients when they cannot be treated in the Twenty-six Counties? The position in the tourism industry is similar. I ask all parties in the House what they are doing about it. Sinn Féin has campaigned on the issue of Brexit. We are talking to our grassroots membership. I note that there will be a day of action on 8 October in the Border counties which I hope Senators across the House will support. Will the Minister support it?

Where does the Government stand on the Scottish Parliament's wish for Scotland to stay in the European Union? Does it support the call made by Ms Nicola Sturgeon who also wants a special dispensation for Scotland to stay within the European Union? In the ongoing discussions we talk about opportunities, but I would like to ask about fisheries. There is a concern about the implications for fisheries as Brexit may open up possibilities to renegotiate quotas. We have been saying for a long time that Irish fisherman got a very bad deal on fishing quotas, but this might open up opportunities to renegotiate quotas. Is the Minister doing anything in that regard?

The Minister has said that in discussions with the Tory Government it had expressed the view that it wanted to keep a soft border. However, he has not said whether his EU counterparts share that view. Economists have raised fears of potential black market activity in all areas, particularly in commodities. We have seen a small level of black market activity in the past, but if there are different tariffs and excise rates in the Six Counties and the Republic, there is likely to be an increase in such activity.

**Senator Frances Black:** I welcome the announcement by the Taoiseach of the establishment of an all-Ireland civic dialogue on Brexit. My father came from Rathlin Island, a small island off the coast of north Antrim, and if he were alive today, he would have a lot of concerns, one of which would be about the Border becoming harder than it is. Some of the harder line Brexiteers in Mrs. May's Conservative Party are already, reportedly, agitating to pull out of the European Union's customs union, a move which could mean the imposition of customs checks on goods travelling between the North and the South. Does Brexit mean the creation of a physical international border between the North of Ireland and the Republic of Ireland? The imposition of passport checks and customs posts would impact on trade and tourism. Will this be repartition?

The Brexit issue is highly politically sensitive for the political parties which are tied in to the efforts of building an agreed post-conflict society. Brexit will help to reinforce the division of the island. The 1998 Belfast Agreement was premised on both UK and Irish membership of the European Union. How far will Brexit impact on the North-South dimensions of relations between Stormont and Dublin? Although the United Kingdom provides a highly important internal market for Northern goods, European markets also matter. A Brexit might mean that

the United Kingdom will no longer have access to the Single Market which, in the context of Northern Ireland, is hugely important because 55% of manufactured goods go to the European Union, with most of them going to the Irish Republic.

Does Brexit impact on a competitive advantage in the United Kingdom? The North of Ireland is a border economy and anything that interrupts and hinders the free flow of goods and labour will impact negatively on the Northern economy. It has been estimated in a recent report for the Northern Ireland Assembly's enterprise committee that the Northern economy would lose some €1 billion per annum following Brexit and face a 3% decline in GDP. Would that be sustainable? The operation of the Common Agricultural Policy accounts for some 82% of farm income across the North. The figure of aid in the period 2014 to 2020 is estimated at some €3 billion. Is it to be expected that the UK Treasury will replace these funds with UK moneys following Brexit? If it does not do this, what will happen in the farming and related agrifood sectors? The North of Ireland has benefited considerably from Structural Funds and peace programme moneys. Some €2.4 billion was received from the European Union between 2007 and 2013, with a broadly similar amount available between 2014 and 2020. This would stop following a Brexit. What, therefore, would be the implications for Northern Ireland as it develops as a post-conflict society?

Getting any enabling legislation on Brexit through the Northern Ireland Assembly would appear to be extremely difficult, even if it could achieve a bare majority, which is not clear. The Nationalist parties would invoke the petition of concern mechanism to turn it into a cross-community vote, which they could then block. Westminster might decide to pass over the devolved legislators, but that, in itself, would be liable to change the terms of the political debate, all the more so because the convention in the North of Ireland since the Good Friday Agreement has been that any significant change to institutions can only come about with cross-community support. As the impact of the Border will become an issue again, what assurances can we receive that there will be no return to a hard border? The Nationalist people of the North felt abandoned by the partition of the island in 1921 and I would like to be sure they will not feel the same sense of abandonment when they are forced to leave the European Union, despite voting by a majority to remain, and that the Irish Government will do all in its power to ensure the will of the majority in the North will be upheld. This is important as one of the main points of the Good Friday Agreement insists on the majority in the North voting for any change in the status of the North. However, their vote to remain in the European Union is now to be ignored.

**Senator Paul Coghlan:** I thank the Minister for his comprehensive statement in which he outlined the situation. We have discussed this issue on a number of occasions and I am pleased that it has received the serious attention it deserves from all sides of the House. When we last debated this matter, the waters were still very murky about Britain's intentions to trigger Article 50, but we must now, at least, welcome the clarity the British Prime Minister, Mrs. Theresa May, has provided on that point. We now know that it will be triggered before the end of March next year, which means that the United Kingdom is set to leave the European Union by mid-2019.

I had harboured hopes, especially for the sake of Northern Ireland and Scotland, that a second referendum would be held in the light of the new information that has become available since they last voted and on the basis of new facts and a realisation of the dilemma they have created for themselves. Now that the British Prime Minister has veered towards a hard Brexit, the prospect of a second vote appears to be dead in the water. In *The Daily Telegraph* this morning I read that, at a fringe event at the recent Conservative Party conference, a group

of some 80 pro-EU Tories met and vowed to offer resistance to what they branded the reckless abandonment entailed by a hard Brexit. Pro-EU MPs have been urging Mrs. May to do everything possible to preserve access to the Single Market to the greatest degree possible, with many arguing for full access. I am pleased to see that resistance to a hard Brexit is also coming from the Liberal Democrats who are portraying themselves as the party of the 48% who voted to remain. Unfortunately, the Labour Party in Britain is unable to offer any real opposition to Brexit as it is tearing itself apart.

I will now turn to look at Brexit from an Irish perspective. I have a long-standing interest in cross-Border affairs and fully welcome the Government's plan for an all-Ireland civic dialogue on Brexit which will ensure the widest possible conversation by incorporating views from all sections of society on the island of Ireland. The cross-party engagement on Brexit has also gone from strength to strength. A number of Members of this House and the Dáil attended a symposium focusing on the economic implications of a UK withdrawal from the European Union. A new Cabinet committee on Brexit has been established, with a strengthening of our embassy network abroad to focus on Brexit-related work. This is just a small example of the steps the Minister and the Government are taking to ensure Ireland will withstand the fallout from Brexit. We are still at the very beginning of this process as a lot remains to unfold. However, I am happy that, so far, the Government has been incredibly proactive in tackling the aftermath of Britain's decision to leave the European Union. I welcome also the continuing engagement of the Taoiseach, with the Minister and the Government, with other EU leaders and Governments and with its institutions, including the high-level Government meetings with Mr. Michel Barnier, the newly appointed European Commission's chief Brexit negotiator, who is expected in Dublin within a few weeks and the former Belgian Prime Minister who has been appointed Brexit negotiator for the European Parliament.

The Minister has hinted that, given our unique circumstances arising from the Good Friday Agreement, the bilateral arrangement which will be required between Ireland and Britain for Northern Ireland may be able to proceed in advance of the triggering of Article 50 and negotiations formally commencing. In due course, once negotiations commence, the European Union may formally give its blessing to any such arrangement. Perhaps the Minister might clarify this when he responds to the debate.

**Acting Chairman (Senator Michelle Mulherin):** The Senator's time is up.

**Senator Paul Coghlan:** This is the most challenging and difficult issue the State has faced since its foundation and I wish the Government well in dealing with it.

**Senator Aodhán Ó Ríordáin:** I welcome the Minister. While many of us in the House may be very critical of Government policy in many areas, it should be commended for how proactive it has been in dealing with this issue prior to and since the referendum. The Minister's presentation is very welcome. I find the entire issue profoundly depressing because of what it says about modern politics, not only in Europe but also throughout the world. It is depressing how a minority view in one party can become the mainstream to drive the political agenda and split a country. The emotions and xenophobia generated since and because of the referendum are startling.

I am interested in hearing the views of the Minister on the future of the European Union because it has been a force for good. I am stunned to hear voices in the House, of members of parties which have resisted every referendum for decades on integrating more with the wider

family of the European Union, now criticise the Government for what it is or is not doing on Brexit. Since it was founded in post-Second World War Europe, the European Union has allowed peaceful diplomacy to be the order of the day on the Continent. We can only deal with the great international issues of climate justice and the refugee crisis as a collective in the European Union. When one major member state decides to leave, what does it mean for the greater project? We must have a conversation in Ireland about the relationship between Ireland and the United Kingdom. The critical issue is the border with Northern Ireland. Communities in the Border region recently made a presentation to the Oireachtas committee on regional affairs. They are, rightly, very concerned about the impact Brexit will have in the coming years.

What does Brexit mean for the future of the European Union, diplomacy and discussions and the state of international politics? We know what is happening in France, Austria, Hungary and Germany. The political mindset which led to great men and women of the 1940s and 1950s deciding that they had to put the disasters of the past behind them and build a new future seems to be under threat more than ever. It is particularly worrying considering what is happening in the United States.

I commend the work done by the Government prior to and after the referendum. I found it astonishing at the time of the referendum that the Secretary of State for Northern Ireland had particularly taken a position in favour of exiting the European Union. I was astonished that somebody in her role, which is so critical to peace and prosperity on the island, representing the British Government in the Six Counties, would take such a position. I believe strongly that Ms Villiers was absolutely wrong to take a position on the issue. She was definitely wrong to advocate for what was clearly not in the interests of the people of Northern Ireland.

I wish the Minister well in his endeavours. As a pro-European party, the Labour Party will assist him in any way it can. I worry about the future of the European project and other member states and political parties looking at what has happened and seeing Brexit as a political opportunity. I worry about our ability as a collective to deal with the great issues of the day which can only be dealt with by the wider international community.

**Senator Mark Daly:** I thank the Minister for coming to the House. The European Union in itself is a peace process; it is probably the longest running peace process in the world and the project has been put in jeopardy by the result of the vote in the United Kingdom. Not only has the project been put in jeopardy but Northern Ireland and the peace process are also in jeopardy. Funding is one clear issue, as is a hard border being re-established. How it would look is hard to contemplate or understand at this juncture because approximately 30,000 people cross the Border every day on their way to and from work. A total of 1 billion litres of milk are transported across the Border every year. According to the chairperson of the British Irish Chamber of Commerce, there are more border crossings between the North and the South than there are between the European Union and all of the countries to the east of a border almost ten times longer. When we put all of this together, we see the mammoth task in ensuring the stability of the peace process. There is also the lack of funding and the provision of EU funding that will be put in jeopardy. Its provision is now in doubt as the British Exchequer will not be interested in supporting subsidies for farmers in Northern Ireland in the long run. This is a concern because to ensure an ongoing peace process, we need stability and Brexit is the furthest point from stability. It is a decision that can only be described as mad. President Obama described the United Kingdom's position on Brexit. He said the European Union did not lessen the United Kingdom's influence but enhanced it. It is hard to know why a nation would decide to lessen its own influence.

We welcome the Taoiseach's decision to proceed with the forum. There will be full participation by everybody on this side of the Border. I hope others on the other side of it will decide to change their minds and participate in what is a worthy initiative to ensure the best possible outcome for the island. In County Donegal this year the Taoiseach said the European Union needed to prepare for a united Ireland. I know that this issue will be addressed as part of the overall settlement between the United Kingdom and the European Union and will be part of the clauses, as allowed for in the Good Friday Agreement allows. It is something which must be part of our concerns and the negotiations. The peace process is certainly a factor which the Minister and the Taoiseach can present to all other European countries. They may not understand the nuances, but they do understand a peace process is fragile. No doubt they will understand this because, as I said, the European Union in itself is a peace process. I thank the Minister for coming to the House and his work on this issue.

**Senator Neale Richmond:** I join colleagues in welcoming the Minister and thank him for his remarks. Most importantly, I thank him and his colleagues in government for their ongoing engagement with the House on this most grave issue. It is refreshing to have such regular interaction with Ministers. It is to the credit not only of the Minister but also of the Government in how it is handling the crisis and it is absolutely a crisis in the gravest sense and we are starting to see the fallout. The champions of Brexit in the United Kingdom, with the usual suspects here who include David McWilliams and Vincent Browne, tried to convince us that the consequences would not really be that bad, but clearly they did not know. As sterling hits a 30 year low, we are starting to see the real impact on this small country and more widely throughout Europe of what was absolutely one of the worst decisions ever taken in the history of democracy, definitely in the United Kingdom. It is vital that the Government make every effort to insulate Ireland from the backlash and the fallout of Brexit.

I commend the Government for its efforts and thank it for the very detailed document sent to us yesterday on the plan being put in place. A plan is also being put in place at European level by the three negotiators from the European Commission, the European Council and the European Parliament. We have yet to see a clear plan from the UK Government, although the Prime Minister, Mrs. May, has started to give us an insight into it, but it was not exactly an uplifting remark.

*4 o'clock*

Like Senator Aodhán Ó Ríordáin, I too am slightly depressed whenever I come to talk about Brexit, but I believe the Government can act in a number of areas to insulate Ireland from the fallout both in terms of the economy and diplomacy. Will the Minister respond on whether there is scope to expand the role of the British-Irish Council? He referred clearly to the North-South dimension. The British-Irish Council meets twice a year. Prior to the accession of Ireland and the United Kingdom to the then EEC in 1973, our diplomats at best met once or twice a year and our relationship with the United Kingdom was as cold as it had ever been in the history of the State. When we fastforward 40 odd years, it is now probably the warmest relationship we have with any other nation on Earth. Back in the 1970s and 1980 the relations between our two countries was far removed from the current normal relationship. It is vital that, if we are moving in a structure that is outside the European Union, that we look to restore that diplomatic relationship with the United Kingdom and solidify it within the British-Irish Council. Perhaps the council might meet monthly. It would not have to be a collection of all Ministers, it could be sectoral, shadowing the European Council. Irish Ministers can meet their UK counterparts as part of a European Council or summit meeting but also bilaterally on the margins or as they

see fit. That is an idea that could be taken forward without having to wait until Article 50 is invoked or the negotiating process begins. In the financial area there is the idea of attracting financial services, the so-called exiles from London, bringing the European Medicines Agency here, a topic I raised on the commencement of the House today.

Brexit poses a significant challenge to the political leaders of Europe. It is time for the political leaders of Ireland and EU member states to take responsibility and if we truly believe in the European Union, we must on a daily basis get out and promote it. Senator Terry Leyden made it clear that conducting negotiations in smoke filled rooms was no longer acceptable. We have seen this in the debates on the TTIP and the CETA, matters we will deal with this afternoon, which have been completely kiboshed by the confusion, concern and fear generated by the fact that it is not an open process. We need to grasp this and bring it out into the open and get out front and centre to promote and sell the deals the European Union is negotiating. We cannot assume that people will go along with it for evermore.

**Senator Niall Ó Donnghaile:** When I engage with the Minister and his colleagues in government on issues such as this, I do not do so on a partisan basis but because of the very real concern across this island about the vote in England and Wales to drag the United Kingdom out the European Union against its will.

The Minister conceded at a meeting of the Joint Committee on the Implementation of the Good Friday Agreement that it might not be within our gift to make that decision, that it may rest finally with the other EU member states and the position they take on the matter. It is very clear from the remarks of the British Prime Minister, Mrs. Theresa May, at her party conference that she is on a collision course with the rest of the European Union and to hell with Ireland, North or South, or that is how it seems. She is in favour of a hard Brexit. A hard Brexit means a hard border and a hard border means hardship for Ireland. The Minister states the Government and the British Government have reaffirmed that the Good Friday Agreement is the indispensable foundation for all engagements with what he calls Northern Ireland. Given that it is a key component of the Good Friday Agreement and Senator Mark Daly referred to it, has the option of a Border poll, whereby the Irish people united together would decide their future in the European context, featured in his discussions? If not, why not? Dr. Kurt Hubner will be in the city tomorrow. He is a co-author of a major piece of research into modelling Irish reunification which has identified a saving of €36.5 billion within the first eight years of the existence of a reunified country. Perhaps that is a point on which the Minister might touch and take forward in future dialogue with both the British Government and other EU member states.

Mura miste leis an gCathaoirleach Gníomhach, I have two more brief points. Will the Minister reassure the tens of thousands of Irish, UK and EU citizens who are travelling across the Border to work, do business, study or for any other reason that they will continue to enjoy uninterrupted this basic yet fundamental right? There were references by the Minister and other contributors to the invisible border. Of course, I do not want to see a border at all, let alone an invisible or visible one. In recent days in the North, if one were in Belfast or Armagh and heading back to Dublin, one might have found cars being pulled in at Carrickdale hotel. This is certainly happening to a higher number of people travelling to the South from the North and community leaders who disembarked from the flight from Belfast to London this morning were delayed while papers were checked and rechecked. This notion of an invisible border is certainly being turned on its head in recent times because of the uncertainty and the very deliberate, concerted negative political stance adopted by the Prime Minister, Mrs. Theresa May, and her government.

I presume Senator Aodhán Ó Ríordáin was talking about the Sinn Féin Party when he mentioned people standing against the results of previous European referenda. Of course, we did that because we stood for the interests of Ireland in its entirety, not just a section of it. It is great that Senator Aodhán Ó Ríordáin would be a cheerleader for the European Union in its entirety, but perhaps he might consider being a cheerleader for Ireland in its entirety. I hope he will consider the point being made as opposed to using this issue which is of such severity to try to score cheap party political points, that he and his party should think first and foremost of what is in the best interests of Ireland.

**Senator Frank Feighan:** I do not want to go over the ground covered by other speakers with whom I absolutely agree.

I thank the Minister and the Government for the level of work done in the past year. This effectively is like a slow car crash.

I was invited last March to the House of Commons to help launch Irish4Europe, calling on the United Kingdom to remain in the European Union. At this event, organised by politicians and civic society, I said we had had a history of 27 referendums in 27 years. Sometimes when a question is put in a referendum, the people who are sovereign do not answer that question because they do not like the Government but something else. Unfortunately, I think that is what has happened. The referendum was about emigration, xenophobia and many other things, but the people have voted.

Two weeks ago I attended a committee meeting of the British-Irish Council in Liverpool on Brexit. I urge anybody to look up Mr. Michael Dougan, professor of European law at Liverpool University. What he has said is absolutely stark. On trade agreements and access, he states there are things the European Union cannot do effectively because it could take 30 or 40 years to do so. I am very worried that the United Kingdom is sleepwalking its way along.

Yesterday I attended a breakfast meeting in Birmingham on the European Union. Arlene Foster; Kris Hopkins, the Under Secretary of State at the Northern Ireland Office; Danny Kinahan, Ulster Unionist Party MP, and Francie Molloy, Sinn Féin MP, all spoke. It is quite obvious that Unionists are moving towards unionism and Nationalists are moving towards nationalism. I am very concerned that unless we look at different aspects of our role in the European Union and different aspects of how we deal with the United Kingdom, we might lose our influence. The United Kingdom and Ireland have been great allies in Europe. It has worked *vice versa*. It has been like a big brother and we have been smaller, but we have worked very closely together. We will miss the United Kingdom as an ally in the European Union. There are 26 meetings every day with members from Irish and United Kingdom negotiating teams. We will lose that and need to look for different opportunities.

As I have said previously, we need to look at everything. We should have a debate on our role in working with members of the Commonwealth which has the potential to further strengthen ties between our countries. The move could provide for greater collaboration, stronger diplomatic relations and greater co-operation between the two countries. We need to consider every action available to us to ensure we maintain the diplomatic and economic ties with our nearest neighbour and largest market.

**Senator Tim Lombard:** I join other speakers in welcoming the Minister. I compliment him on his engagement so far on what is a very serious issue. Brexit and the proposed hard

border are probably the most serious items on the political agenda and how we deal with them will have a major impact on citizens and society.

I wish to reflect more on the trade impact. There are many challenges for the food and drink sector. As the Minister and other Members are aware, the sterling exchange rate is one of the key factors affecting our trade with the United Kingdom. Today €1 will buy 88p, which is a dramatic change from 75 pence. It is heading towards the famous 90p figure. If it reaches 90p, IBEC has suggested it would result in a loss to the Irish economy of approximately €700 million and could cost 7,000 jobs in the food and drinks sector. That is a frightening statistic. That is where we are today. We are not waiting for the vote or a hard border. That is the actual position for the food and drinks industry. The 41% of food and drinks exports we send to the United Kingdom are worth roughly €4.4 billion. It will affect every county, every co-op, every farmer and every retailer. We need to work out how we will deal with sterling fluctuating more than previously, which is a significant worry. Let us consider the dairy and meat industries. Some 55% or 60% of our beef goes to the United Kingdom, while roughly 30% of our dairy exports go there. These are stark figures.

There are also cross-Border issues and how a hard border would affect, for example, milk supply. Some of the milk produced in the North comes to the South to be processed and is labelled as European milk. We all know the reputation we have for producing the best quality infant formula in the world. How will we deal with these issues? There are so many questions and so few answers. The Minister will have a very tough task in coming years in dealing with these issues.

It is a fantasy to think Brexit will be sorted out by 2019 because so much social legislation needs to be put through in order that the United Kingdom can break away from the European Union in such a short timescale. If it does not happen by 2019, how will that affect issues such as the make-up of the European Parliament? Will it necessitate a reconfiguring of constituencies because more MEPs would come back into the system?

There are many questions, but the big fear is what is actually happening. It is not about when it happens; the real issue is that it is happening on the ground and affecting consumers, manufacturers and producers. In recent weeks we heard the concerns of the mushroom industry that is producing for the market in the United Kingdom. That industry is struggling to the extent that it might not be in existence in 12 months' time, even before the Border changes.

There are many issues and, from a trade point of view, this is the worst possible outcome, of which I know that the Minister is very aware. Unless we put something in place and have some flexibility, I have great concerns that we could be facing into a real debacle regarding Irish industry and trade. I compliment the Minister. In many ways, he has been on top of his brief and led from the front. I wish him the best in the future because we need to ensure we can deal with the issues involved. If we do not, it will have a major effect.

**Minister for Foreign Affairs and Trade (Deputy Charles Flanagan):** I thank the Members of the Upper House for their considered contributions to the ongoing debate. This is the first of a number of opportunities we will have in the coming years to debate this important matter. I assure Senators of my full engagement with them. I acknowledge their role, not only here in plenary session where I have had the opportunity in recent months to engage with them on a number of issues. I hereby undertake to continue that direct engagement which I always value and regard as positive.

A number of the contributions will inform me in my further engagements. I will be happy to relay the opinions and observations of the Members of the Seanad to my Government colleagues. In that regard, I reiterate that every Department has a direct involvement in the matter of the withdrawal of the United Kingdom from the European Union. We are anxious under the leadership of the Taoiseach to ensure every Department will carry out its own detailed analysis and impact assessment. That will feed into the special designated Cabinet committee chaired by the Taoiseach which will have a very important role to play in the matter of co-ordination.

I will outline some of the key events in the coming months which will form a key aspect of the Government's plan and strategy. They, of course, will be kept under constant review as we roll out our plan for Brexit. As I mentioned, later this month we will have a meeting of the Export Trade Council which represents another strand of the Government's work on protecting and developing the economy and our trade relationship, the importance of which has been mentioned by Senator Tim Lombard and others. Ireland needs to look at new global opportunities for trade and investment, building on our considerable success to date in the Asia-Pacific region, for example. That will be the focus of the Export Trade Council meeting the week after next. In parallel with this, we will continue to work towards maintaining and further developing our existing trade relationship with the United Kingdom. I acknowledge the very serious impact of the currency issue on business. I reiterate the commitment given by the Ministers, Deputies Michael Noonan and Paschal Donohoe, that all aspects of the budget to be announced next week will be Brexit-proofed.

I acknowledge what Senator Terry Leyden said and accept the support he offered on behalf of his party. Ireland will be firmly at the negotiating table as an equal member of the European Union and we will be fully involved at all levels. With my Government colleagues, I will be anxious to keep this House fully informed of developments as they occur. At European level, we now know that the UK Government's intention is to invoke the Article 50 procedure by the end of March next year. It has given initial indications of its likely approach to the substance of these negotiations.

In parallel, the other 27 Heads of Government will continue with the work that commenced last month in Bratislava. That work will continue to focus on concrete areas where the European Union needs to do more to deliver for its citizens and address the concerns about the security and prosperity of its citizens. I acknowledge the remarks made by Senator Aodhán Ó Ríordáin in that regard. I share his view that the European Union has over the decades been a very strong force for good throughout the world, in particular within its own enlarging boundaries since the 1950s. It is a matter of regret that this aspect of European engagement did not appear to feature very much in the context of the debate in the United Kingdom.

The process of reflection will run from Bratislava last month up to the 60th anniversary of the Treaty of Rome on 25 March next. We will, in the meantime, continue with our contacts on a direct basis with our UK counterparts. As I mentioned, the Secretary of State, Mr. Davis, was in Dublin a few weeks ago and I had the opportunity to engage face-to-face with him at what we both described as the first round of talks. It will be the first of many meetings that we will have with our respective counterparts at Westminster. I also met the Foreign Secretary, Mr. Boris Johnson, whom I expect to welcome to Dublin very shortly. The new Secretary of State for Northern Ireland, Mr. James Brokenshire, was in Dublin a few weeks ago and I also had an opportunity to meet him in the United Kingdom. Northern Ireland was a central part of the discussions with these Ministers. We will continue to stress the unique circumstances of Northern Ireland, having full regard to the fact, as has been acknowledged and is indisputable, that the

majority of people in Northern Ireland voted to remain within the European Union. That, of course, will continue to be a central feature of our engagement. It is fair to say the Executive in Northern Ireland has a considerable amount of work to do in order to advance the matter of engagement on what is an issue of huge strategic importance for the people.

**Senator Trevor Ó Clochartaigh:** Where does the Government stand on the issue?

**Deputy Charles Flanagan:** The Government continues to make this point at every opportunity.

Senators asked me directly whether a Border poll had been discussed with my UK counterparts. Yes, it was the subject matter of discussion. I do not expect a Border poll to be held in the near future. I stand strongly by the letter and spirit and the terms and conditions of the Good Friday Agreement. I hope the Executive in Northern Ireland engages in and embarks on a programme of engagement that will ensure it can play its full part in the discussions that have been promised with it by the Prime Minister, Mrs. May, and that I expect to take place before the end of the year.

I continue to engage in the closest possible terms with the new Secretary of State, Mr. Brokenshire. I acknowledge, having regard to the fact that his appointment was only confirmed a couple of months ago, that he has spent a considerable amount of time on the ground in Northern Ireland and that we exchange views on a most regular basis.

Some of the issues raised by Senator Trevor Ó Clochartaigh and others are of extreme importance. For example, he mentioned smuggling, the black market and racketeering. I wish to say yet again that the relationship between the PSNI and An Garda Síochána is at its closest, most constructive and most positive ever. I believe that is important. My colleague, the Tánaiste and Minister for Justice and Equality, Deputy Frances Fitzgerald, continues to play a lead role in that regard. We have been in a position, following the recovery from our economic catastrophe, to make funding is available to ensure An Garda Síochána will continue to beat full strength within Border areas. In that regard, let me acknowledge today's decision by the former Minister for Justice in Northern Ireland, Mr. David Ford, to announce his retirement as leader of the Alliance Party. I acknowledge his great contribution to Northern Ireland politics in dealing with justice and security issues for many years. I am sure Senators will join me in wishing him well in his future endeavours in his retirement.

I will remain in direct and regular contact with my counterparts in the British Government and EU partners to ensure the interests of Northern Ireland and the integrity of the Good Friday Agreement and the peace process are top of the agenda in our respective approaches. I will continue my close and positive engagement with the First Minister, the Deputy First Minister and the leaders of all the other main parties in the North, to all of whom I have spoken directly since the referendum result was confirmed on 24 June. As I said in my opening remarks, I will work towards and work for a series of special arrangements to take account of the unique circumstances of Northern Ireland. I am mindful of what Senator Joe O'Reilly said that the people of Northern Ireland voted to remain. That has been the subject matter of discussions and discourse.

I have mentioned the important North-South Ministerial Council meeting that will take place on 18 November. I acknowledge what Senator Neale Richmond said about the British-Irish Council which will hold a summit meeting in Cardiff in November. It will be followed by

a plenary meeting of the British-Irish Parliamentary Assembly. I know that there are Senators who are members of that body too. It is important that we all make the best possible use of engagement at these forums to engage with our UK counterparts and continue the dialogue on Brexit and what it means for these two islands. There is also the North-South parliamentary tier. It is another body that can probably exercise a level of influence in the debate that can be regarded by all as being positive.

I note that Senators have acknowledged that Brexit is not just a British, Irish or European issue but a global one. I spent last week in New York at the UN General Assembly where I had an opportunity to take the temperature of partner countries and that of Irish-American business and community leaders.

The engagement at political level is most extensive, thorough and sustained. It is my intention and that of my Government colleagues that it will remain that way. The same applies to community engagement. The Government is committed to holding inclusive all-island civic dialogue on this topic. We continue to engage with different sectors and communities in order to gain the fullest possible perspective on these issues. I welcome the engagement by Senators and what Senators Terry Leyden and Mark Daly said about the Oireachtas Joint Committee on European Union Affairs. It is important that the committees of the Houses also use their experience, expertise and influence in this debate in order that we can ensure we play our best possible hand in what is going to be a challenge, a fact we all acknowledge.

The Government is committed to working with the European Union and in our membership of the eurozone in seeking a prosperous, safer and better future for all citizens. In tandem with this, we will continue to work to ensure the positive links we enjoy today, North and South, east and west, will be protected and promoted to the best possible extent. I acknowledge what Senators have said about this. I thank them for sharing their time and expertise with me. I count this House as a great resource for the Government in responding to the challenge as it unfolds. I assure Senators of my continued engagement with them as we all deal with this issue in the best interest of citizens, North and South.

**An Leas-Chathaoirleach:** We wish the Minister well.

### **Comprehensive Economic and Trade Agreement: Motion**

**Senator Alice-Mary Higgins:** I move:

That Seanad Éireann:

being concerned:

- that the European Commission proposal that EU member states should sign or support, in the coming weeks, an agreement allowing “provisional application” of the comprehensive economic and trade agreement, CETA, between Canada and the EU;

notes:

- that the CETA is one of a “new generation” of trade agreements which includes the transatlantic trade and investment partnership, TTIP, and that the EU Trade Commissioner has described the CETA as a “milestone” and the “most ambitious Trade Agree-

ment the EU has ever concluded”;

- that the CETA would introduce, for the first time in Ireland, an investor court system which could place significant charges on public funds;

- that there has been a lack of clear public communication on the exact or agreed scope of “provisional application” in relation to the CETA;

- that an important case is currently being taken at the European Court of Justice regarding the EU-Singapore free trade agreement and whether member state ratification is required for its implementation - a ruling is expected in 2017;

- that the Irish Government has acknowledged that “the outcome of this case will have an impact on the scope of provisional application” of the CETA;

- that, given this anticipated change in the scope of provisional application, the Irish Government is not in a position to fully assure the public that provisional application will not open Ireland up to potential investor court system procedures;

- that according to Article 30.8.4 of the CETA, should either the EU or Canada terminate provisional application of the CETA, companies would still have three years during which they could use investor court system mechanisms to sue member states, including Ireland;

- that there has not as yet been appropriate an impact assessment of the potential implications of the CETA across a number of key areas, including public procurement; and

- that although the precautionary principle is an important aspect of EU regulatory practice, the term “precautionary principle” does not appear anywhere in the CETA;

recognises:

- that strong public concern has been expressed within Ireland and across Europe in relation to the CETA and similar “new generation” trade agreements such as the TTIP: this includes serious concerns raised by health organisations and those working in the food sector, growing community activism and firm opposition to the CETA from environmental groups and unions, including the Irish Congress of Trade Unions;

- that there is strong opposition to the CETA among local authorities across the EU and that in Ireland a growing number of local authorities, including Clare County Council and Dublin City Council, have declared themselves to be “CETA/TTIP free zones”;

and

calls on the Government:

- to neither agree to sign up to nor authorise “provisional application” of the comprehensive economic and trade agreement, CETA, or any associated invocation of Article 218.5 of the Treaty on the Functioning of the European Union; and

- to uphold Article 29.5.2o of the Constitution which states, “The State shall not be bound by any international agreement involving a charge upon public funds unless the terms of the agreement shall have been approved by Dáil Éireann”.

I call on the Government not to agree, sign or authorise provisional application of the comprehensive economic and trade agreement, CETA, between the European Union and Canada. I welcome the support from the Labour Party, Sinn Féin and many Independents who have co-signed the motion. It is a sign of the seriousness with which the issue is taken that we have such unity across many parties and groupings of the left. There has also been wide public concern about this issue. The Irish Congress of Trade Unions has expressed its concerns; environmental groups have been strong advocates and community groups such as Uplift have also campaigned very strongly on the issue. They are part of a wide movement of concern across the European Union and in Canada. I welcome some of those interested in this issue to the Visitors Gallery and also acknowledge those from the food industry and small businesses who are concerned about the potential impact of the agreement.

I will shortly deal with the motion which relates to the specific question of provisional application. First, however, I want to pull back a little to focus on what is the CETA. It is known colloquially as the Canadian TTIP, partly because of its similarity with that agreement, the controversial transatlantic trade and investment partnership which has caused huge protests around the world and now seems likely to fail owing to the concerns expressed. It is called the Canadian TTIP partly because of this similarity but also because it may serve as a back door for over 40,000 US companies that are registered in Canada and which would be able to avail of the provisions of the agreement. Effectively, if we implement the CETA, we will be bringing through the majority of the provisions of the TTIP.

It is interesting that the concerns expressed have been echoed at local level in councils. For example, Dublin City Council, Cork City Council, Clare County Council and a growing number of other local authorities have been expressing their concerns, yet, while it seems shocking, this is the very first debate we have had on the CETA in the Oireachtas. It is taking place almost at the last minute, just before the Government signs to give provisional application on 19 October, yet it is I who have had to call for this debate. The Government has not facilitated any meaningful debate whatsoever in the Oireachtas on the issue.

To return to the provisions of the CETA and the TTIP, both agreements are part of a new generation of trade deals. It is important to state from the outset that the motion is not in opposition to trade deals. Many of us are very strongly in favour of trade deals. The opposition is to the new generation of trade deals which offer unique and new protections and advantages to investments and corporations in areas of public policy and regulation.

The first point is that it is not business as usual because the CETA goes further than any other trade agreement we have signed. The EU Trade Commissioner, Cecilia Malmström, said:

The agreement reached with Canada is a milestone in European trade policy. It is the most ambitious trade agreement that the EU has ever concluded...

This is not business as usual. One unique and very important feature of the CETA is that it is based on a negative rather than a positive list approach. Taking a positive list approach, the norm in international trade, means that both partners set on the table the issues they wish to discuss. They indicate the trade sectors, areas, industries, services and products on which they wish to engage. The negative list process, on the other hand, means that everything not explicitly taken off the table can be assumed to be covered by the treaty.

What has been taken off the table is notable. Germany submitted 25 pages of exclusions,

while Ireland submitted a meagre five. Canada has made a point of protecting areas of culture, health and education, as have Germany and many other countries. Some Nordic countries, for example, have made a point of protecting the control of pipelines and other resources. Ireland has protected the Kings Inns, the Law Society of Ireland, flour milling, intercity bus routes and a small handful of other areas.

Turning to concerns about regulation, the regulatory measures will be affected because either party, the European Union or Canada, can request a review of any regulatory initiative at member state level. That is a new hoop. Even as we talk about taking away bureaucracy, it is a new hoop for governments to jump through as they seek to improve regulations in areas such as employment, the environment, equality issues and so on.

There are also concerns about the language used. While the right to regulate appears within the text, there are questions about the regulation involved. The phrase “precautionary principle”, a core element of EU regulation - the idea that we should do no harm - is not mentioned. That language does not appear anywhere in the 1,500 pages of the CETA text.

Moreover, there is the chilling effect, in regard to regulation - it comes to our key, most common and largest concern - of the investor court system. Replacing the investor dispute settlement mechanism, ISDS, we have with the investor court system will allow corporations to sue states not only for loss of profit but also for loss of future expected profit. Therefore, the expectations of companies of how they would like things to go will trump the expectations, demands, desires and expressions of concern of voters and citizens across Europe. Elected representatives will have to consider not only the demands of citizens but also what a company is expecting. How will that translate into action in ISDS cases? There are hundreds of cases; I will not enumerate them, as I imagine others will touch on them, but I will mention just two because this is about giving a blank cheque.

The Ecuadorian Government decided not to renew a contract with the Occidental Petroleum Corporation and the fine placed on it was \$2.3 billion. It did not renew the contract because of findings made in regard to oil spills and severe health and safety breaches, yet when the Occidental Petroleum Corporation took an ISDS case, it was awarded \$2.3 billion from one of the poorest countries in South America. The TransCanada Corporation is engaging the United States in a dispute mechanism because it believes President Obama’s decision which was based on climate change concerns to discontinue the Keystone pipeline is overly burdensome on its companies and expected profits.

There are cases on fracking and a wide range of issues. We have heard about the cases taken against Egypt when it sought to raise the minimum wage on the loss of profits to companies which managed to have the decisions quashed. This, therefore, is a chilling and dangerous new measure which has no place in an appropriate modern trade agreement, certainly not in any country that gives any consideration to human rights and accountability.

Provisional application is the focus. I recognise that not everyone agrees with me on the CETA or the TTIP, but I have a proposal to make on provisional application, to which the Government is to sign up on 19 October, yet it does not know what it means. It has an opinion on what it means, but that opinion differs from that of the European Commission. In fact, the Commission is hearing a case on the very similar EU-Singapore deal in which it is fighting member states on the issue of member state competency. I spoke to the Commission on Monday when a representative told me that its view was that all areas would be covered in

provisional application. It has agreed to treat it as a mixed agreement, recognising that there is member state and EU competency, but in its opinion everything falls into the column of EU competency. Moreover, I have received a very serious acknowledgement from the Minister in which he states clearly:

As you correctly pointed out in the Seanad, the European Court of Justice is currently considering the application by the EU Commission to have the EU-Singapore agreement treated as an EU only Agreement. The outcome of this case will have an impact on the scope of provisional application of the Singapore FTA but also of CETA.

That ruling is due in the spring, yet in October we are signing up, having acknowledged that what we are signing might change in the spring. Surely this is reckless behaviour.

I ask everybody here who wants to preserve political and policy options and ensure the public good, rather than a fear of lawsuits, will remain the centre point of our decisions to tell the Government to take a step back and say we cannot sign up to provisional application right now.

We will hear rosy scenarios being outlined. I beg to be given one minute of the time of the Senator who will second the motion. We have a healthy trading agreement with Canada, but this is not about Canada. On the balance of trade, we sell €1 billion of services to Canada but get back almost ten times as much. There is a 2:1 ratio in exports. This is not a new market; it is one with which we have a healthy trading relationship and it will be damaged.

**An Leas-Chathaoirleach:** The Senator's time is up.

**Senator Alice-Mary Higgins:** I thank the Leas-Chathaoirleach. I will return to some of the points I have made in concluding the debate.

**Senator Grace O'Sullivan:** I second the motion and express my strong support for it. It has been placed before the House by my Civil Engagement Group colleague, Senator Alice-Mary Higgins.

I do not believe the Government is giving serious recognition to the impact the comprehensive economic and trade agreement, CETA, will have on all sectors of the economy and all citizens, both now and into the future. This is an issue that is exercising the agriculture sector, in particular small farmers. Small food producers are expressing real concern. The trade union movement and environmental groups are coming out in force and extremely worried about the rights of the workforce and the impact on the environment.

The proposed trade deal between the European Union and Canada is a new generation deal. To date, it has been negotiated in absolute secrecy and is shrouded in uncertainty. It is gaining traction as its harsh impacts begin to emerge and as a result is becoming increasingly controversial. For this reason, I call on all Senators, in particular my Fianna Fáil colleagues, not to vote unthinkingly with Fine Gael in favour of provisional application of the agreement. We need more time and information to consider the effects such a wide-ranging deal will have on all areas of public policy. As an ecologist and a Senator, the issue about which I am most concerned is that of the environmental effects of this trade deal. In existing trade deals such as the North American trade deal, NAFTA, existing laws can be overridden to the detriment of protections needed to safeguard countries and their citizens. In their efforts to protect citizens states have been sued by multinational corporations. Some two thirds of the cases taken under the NAFTA are taken against those who are trying to protect public health or the environment.

The Canadian Government is facing a bill of \$2.6 billion in lawsuits taken by US firms while it tries to regulate the use of additives in gasoline, oppose the introduction of fracking and control harmful pesticide use. As Senator Alice-Mary Higgins said, the energy company TransCanada is suing the US Government for \$15 billion because of the cancellation of the Keystone XL pipeline. Some 60% of such cases are settled by plaintiffs and settlements can involve the cancellation or overriding of national law. Some 42,000 US companies operating in the European Union will be able to avail of the terms of the CETA even before completion of the transatlantic trade and investment partnership, TTIP.

In Ireland the effect of a trade deal like this could be to overturn or even cancel much of the Government's agenda, even as it is being developed. For example, the Government's White Paper on energy is under consideration. One proposal contained in it concerns the promotion of community energy schemes such as the one in Templederry, County Tipperary. Such schemes could come under legal attack from foreign investors who are concerned about their profits over and above the concerns of rural communities in Ireland.

Farmers should beware. We could see the prospect of Irish products being priced out of the domestic market by imports of low quality beef and chicken bred on high hormone input chlorinated carcasses, with poor animal welfare management. This flies in the face of real green origins. It disregards the toil of farmers who produce premium, quality products to give way to cheap and poor quality foodstuffs from Canada. The CETA flies in the face of sustainable development and makes me extremely angry. As Senator Alice-Mary Higgins stated, those who oppose the deal do not oppose trade *per se*. There is, however, a limit in respect of sustainability, fair trade and quality, the terms of which should not be dictated to us by a trade deal that undermines sovereignty. The CETA will undermine workers' rights, environmental protections and public standards. I ask all Senators to do the right thing for the common good and support the motion. We should hold off and await the outcome of the case before the European Court of Justice regarding the legal requirements for member states' ratification of EU trade deals.

**Senator James Reilly:** A great deal of misinformation has been circulated about the comprehensive economic and trade agreement, CETA, between Canada and the European Union, particularly on its environmental impacts and benefits for Ireland. I will address the environmental issues presently. The CETA will be of great benefit to Irish firms and employment and the European Union as a whole.

**Senator David Norris:** It will be of great benefit to multinational companies.

**An Leas-Chathaoirleach:** Order, please.

**Senator James Reilly:** The Senator is entitled to his opinion.

**Senator David Norris:** Thank you.

**An Leas-Chathaoirleach:** Senators should address comments through the Chair, please.

**Senator James Reilly:** The Senator should respect the order of the day.

**An Leas-Chathaoirleach:** Senator David Norris will have an opportunity to speak in due course.

**Senator James Reilly:** This deal offers a great opportunity to Irish producers and small and medium enterprises to create more jobs. As a small, open economy, Ireland stands to gain a

great deal from securing access to a large market such as Canada through the European Union. I have heard comments to the effect that companies in the United States will gain access the European Union through Canada. A large number of US firms already have access to the European Union through Ireland and they provide very good, well paid jobs. We rightly welcome and support these companies.

This deal will remove more than 99% of tariffs between the European Union and Canada and create major market access opportunities in services and investment. The Canadian market is much larger than the Irish market. The agreement will provide new freedoms to trade in goods and services, reducing barriers which small and medium enterprises find particularly difficult to overcome. It will facilitate the mutual recognition of qualifications in regulated professions such as architects, accountants and engineers. Ireland has many highly qualified professionals and we value their ability to go abroad, expand their horizons and learn new techniques before returning to make a contribution in this country. The removal of barriers in this area is, therefore, to be welcomed. Exchange of information is extremely important and training programmes and postgraduate opportunities should be valued and encouraged.

The CETA will make transfers of company staff and other professionals between the European Union and Canada easier. As Senators are aware, moving to a new country with a family can be difficult and traumatic. The fewer the barriers to doing so, the better. The CETA will improve the ability of European companies to provide after-sales services by making it easier for firms to export equipment, machinery and software. The agreement will provide EU companies with access to Canadian public tenders, not only at a federal level but also at provincial and municipal level.

The European Union and Canada have agreed to accept each other's conformity assessment certificates in areas such as electrical goods, electronic and radio equipment, toys, machinery and measuring equipment. I see opportunities in all of this, rather than something to fear. While all opportunities present challenges, has this nation not excelled at turning challenge into opportunity?

The CETA will be extremely beneficial to Ireland. The agreement gives us unlimited tariff-free access for most of our important food exports to the Canadian market. This is much more beneficial to Ireland than it is to Canada. Ireland also successfully campaigned for a low beef import quota from Canada to the European Union, which safeguards our important EU market for beef. Irish firms will also have increased access to Canadian public sector purchasing.

It is acknowledged that trade barriers tend to impose a disproportionate burden on small firms. The agreement is good for Irish small and medium enterprises and must, therefore, be good for Irish jobs. Investment from foreign companies is extremely important in Ireland. These companies provide considerable investment and create many jobs. In Fingal, my local area, we experienced this at first hand only recently. The CETA will mean many more companies will want to locate activities and create jobs in Ireland. In the past five years developments in Ireland, in particular, the marriage referendum, have helped us to present an image of the country as inclusive and open and an attractive place in which to live. Canada has acquired a similar reputation internationally.

As I stated, a great deal of misinformation has been circulated on the environmental impacts of the CETA. Campaigners and others, including Senator Grace O'Sullivan a few moments ago, have argued that the agreement will allow for genetically modified organisms, GMOs, and

beef containing growth hormones to be exported from Canada to Europe. That is simply not true. Canadian products of all sorts will only be allowed to be imported and sold in the European Union if they comply with EU regulations. I ask Senator Grace O'Sullivan to be truthful. The CETA does not affect European Union restrictions on hormone treated meat.

**Senator Grace O'Sullivan:** I referred to low quality meat.

**Senator James Reilly:** The Senator referred to hormones, as the record will show.

The agreement will be highly beneficial to Ireland, a country that has emerged from a serious economic meltdown. We are in a much improved position, with unemployment down from 15.1% to 7.9%. In Fingal unemployment has declined by 32.25% or almost one third since 2012. These facts are often attributed to emigration, but that is not the case. With more than 2 million people working, the reduction in unemployment is real. Moreover, emigrants are starting to return home, which is a very welcome development.

One issue of particular concern to me, as a person who is committed to a tobacco-free Ireland, would have been any possibility that the transatlantic trade and investment partnership, TTIP, or the comprehensive economic and trade agreement, CETA, would be used to circumvent our legislative process and public health policy on tobacco and plain packaging, as well as the various other constraints Ireland has placed on tobacco use to protect children from ever taking up this killer habit. The preamble text to the CETA has this to say on public health: "Recognizing that the provisions of this Agreement preserve the right to regulate within their territories and resolving to preserve their flexibility to achieve legitimate policy objectives, such as public health, safety, environment, public morals and the promotion and protection of cultural diversity;".

**Senator Grace O'Sullivan:** Rubbish.

**Senator David Norris:** What about the case of Achmea B.V. v. The Slovak Republic?

**An Leas-Chathaoirleach:** Order, please.

**Senator James Reilly:** While it is all right for you to promote your view-----

**An Leas-Chathaoirleach:** The Senator should address his remarks through the Chair.

**Senator James Reilly:** It is unfortunate that people ignore what is written in the agreement to promote their own views. Given Senator David Norris's standing, I would have hoped-----

**Senator David Norris:** I referred to an existing judgment.

**Senator James Reilly:** The Senator wants to be judge, jury and everything else.

**An Leas-Chathaoirleach:** Senator David Norris will shut - I am sorry, but he will not say anything until I call him. I ask Senator James Reilly to conclude.

**Senator James Reilly:** The chapter on investment contains further references to the parties' right to regulate for the protection of public health. However, the key development is that investment protection, including investment dispute settlement, will not be part of the provisional application of the CETA. The Government will oppose the motion.

**Senator Gerry Horkan:** I apologise for my voice today, which is not good.

I welcome the opportunity to discuss the comprehensive economic and trade agreement, known as the CETA, between the European Union and Canada.

*5 o'clock*

Fianna Fáil will not be supporting the motion as we believe an ambitious and comprehensive trade agreement will benefit Ireland in terms of increased jobs and business opportunities. This is on the basis that, as an exporting country, Ireland stands to benefit disproportionately from the potential of expanded tariff-free market access. The opportunities presented by this agreement will be especially valuable for SMEs, given that trade barriers tend to disproportionately burden smaller firms which have fewer resources to overcome them than larger firms.

The CETA will remove more than 99% of tariffs between the two economies and create sizeable new market access opportunities in services and investment. It will provide Irish companies with complete access to Canadian public tenders, for example. There is a strong trading relationship between Ireland and Canada, as has been alluded to and is reflected in the €2.75 billion of annual trade between the two countries. Indigenous Irish company exports to Canada grew by more than 250% in the five years to 2015 at €185 million. It has been predicted that the CETA will result in a €250 million increase in Irish exports per year.

Fianna Fáil supports free trade and removing barriers to trade. This is essential for Ireland to be successful. As a small open economy, we need other markets to thrive. However, we also believe trade deals must be fair and must protect the position of states. Ensuring the protection of European standards is a red line issue which Ireland must uphold. The CETA will not affect EU rules on food safety or the environment. Canadian products will only be able to be imported to and sold in the European Union if they fully respect EU regulations. EU standards related to consumer protection, health, social and labour standards will remain untouched and the CETA does not affect EU restrictions on genetically modified organisms or beef containing growth hormones.

The agrifood sector is our biggest domestic industry, with Ireland exporting 90% of everything we produce. We are heavily dependent on foreign market access for our world renowned produce. Under the CETA, Ireland stands to benefit from practically unlimited tariff-free access for most of our food exports, with Canada fully liberalising 95% of agricultural product imports from the European Union. While increased access to the EU market was granted for Canadian beef, this was minimised to a quantity corresponding to about 0.6% of total EU consumption. There is also an expectation that Canada will not be in a position to fill the beef quota allocated for the foreseeable future.

Greater access was granted to the Canadian market for EU dairy products, while concessions granted by Canada on market access for EU beef will be of benefit to Irish producers. It is vital that the cumulative impact of beef concessions under the CETA and other trade agreements is closely monitored in order that the approach continues to be in the best interests of EU and Irish producers particularly.

Fianna Fáil shares the concerns of citizens about the controversial investor-state dispute settlement mechanism, known as the ISDS, and the ability of powerful companies to sue sovereign governments. Fianna Fáil understands the concerns of citizens about transparency surrounding arbitration processes and believes the Government should ensure these concerns are addressed. However, we welcome the European Commission's proposal to lead the way in

reforming the global investment regime into a public investment court system which will operate like traditional courts.

Nearly two thirds of Irish people who emigrate to Canada have third level degrees, with around 10,000 international experience Canadian visas allotted to Ireland annually. The CETA facilitates the mutual recognition of qualifications in regulated professions such as architecture, accountancy and engineering, as has been mentioned, giving our highly skilled graduates who chose to seek international work experience seamless access without barriers.

We welcome the recent Commission decision that the full entering into force of the CETA between the European Union and Canada will only occur with the consent of the European Council of Ministers, the European Parliament and significantly through national ratification procedures by member states. The European Council - the member state Trade Ministers - with consent from the European Parliament can decide to provisionally apply the CETA, as has been referred to, in those areas under exclusive EU competence, pending final ratification by member states. These areas constitute more than 90% of the text of the CETA and include the all-important chapters on public procurement, rules and tariffs. Provisional application will not apply to those areas over which member states have competence and will not apply to investment protection and investment dispute settlement. The benefit of supporting provisional application is to allow Irish businesses to avail of tariff-free benefits and new business opportunities as soon as possible. There should be no obstruction to Irish companies immediately taking advantage of the provisions of the CETA which are EU competent.

Fianna Fáil welcomes and fully supports the firm commitment of the European Commission and the 27 other member states that EU standards are not up for negotiation in such trade agreements. Ireland must work with its European partners to ensure this commitment is upheld. No agreement is ever perfect. There are certainly issues to be clarified and dealt with. However, on balance, it is a good agreement for the European Union with Canada and it is a good agreement for Ireland.

**An Leas-Chathaoirleach:** As there is no member of the Independent group present, I will exercise the Chair's discretion and call Senator David Norris.

**Senator David Norris:** I greatly appreciate the Leas-Cathaoirleach's kindness.

This reminds me of a story of James Joyce in which one of the characters remarks that another character would not only sell his country for fourpence but get down on his knees and thank the almighty Christ that he had a country to sell. I find it an absolutely astonishing piece of cynicism that the Government would put in place Senator James Reilly who I have seen in this House making a magnificent stand against multinational corporations, in particular the tobacco companies, to front this argument. I warn that the tobacco companies will take on Irish policy. We are buying a pig in a poke. What idiot would sign an agreement in the next few weeks which is dependent for its interpretation on a court case that will not be resolved until the spring? In other words, the Government does not know what it is signing. It is absolute madness. The Government is giving multinational companies control over Irish policy.

**Senator James Reilly:** We are not.

**Senator David Norris:** So much for 1916, of which we heard so much in recent times. What about our sovereignty?

**An Leas-Chathaoirleach:** Through the Chair, please. I do not like the Senator addressing-----

**Senator David Norris:** What else was I talking to?

**An Leas-Chathaoirleach:** I thought the Senator was-----

**Senator David Norris:** My head may rotate, but the direction of my thought is firmly at your formidable intellect.

**An Leas-Chathaoirleach:** I thought the Senator was attempting to address other Members of the House directly.

**Senator David Norris:** Well, of course, I am-----

**An Leas-Chathaoirleach:** No.

**Senator David Norris:** -----through the Leas-Chathaoirleach.

**An Leas-Chathaoirleach:** I do not want the Senator to-----

**Senator David Norris:** No need for these further interruptions, please.

**An Leas-Chathaoirleach:** The Senator will not get away with that one.

**Senator James Reilly:** One rule for the Senator and another for everybody else.

**An Leas-Chathaoirleach:** There will be the same rule for everybody.

**Senator James Reilly:** Thank you.

**Senator David Norris:** The motion has four cardinal points. The first is that there has been a lack of clear communication. During the TTIP negotiations some European parliamentary members were reluctantly allowed into a closed room in which they could not make records of the documents they saw. There was absolutely absurd secrecy.

The second cardinal point of the motion, as I take it, is as follows: “Given this anticipated change in the scope of provisional application, the Irish Government is not in a position to fully assure the public that provisional application will not open Ireland up to potential Investor Court System procedures”. This is the delayed impact of the Singapore court case. In the light of these things, the Government should neither agree to sign up to nor authorise “provisional application”. That seems to be absolutely sensible, as would upholding Article 29.5.2o of the Constitution that the State shall not be bound by any international agreement unless it is agreed to by the Dáil. Let us have a little democracy. An international document, from which I cannot quote because I do not have it, states this would be a real threat to democracy. That is an internationally established standard.

With regard to hormone-injected beef, what will happen if one of the United Nations’ subsidiaries in Canada takes an action? In the light of the judgment of the ISDS in the past, we cannot really guarantee that it would not happen.

Allow me to outline to the House a couple of cases to show what happens under ISDS. In the 1990s Argentina embraced a privatisation scheme for its national water system. It gave it to a firm called Azurix which was a subsidiary of Enron. Hello. Does anybody remember

Enron, that wonderful sign of liberal capitalism that collapsed disgracefully? This subsidiary of Enron eventually produced filthy, undrinkable water at unaffordable rates. The Argentinian Government put something out requiring it to produce clear water at affordable rates, but it was sued under the ISDS and the company was awarded \$165 million. A government cannot even require that a privatised company give it clean water. That is pretty astonishing.

What was even more astonishing was the case of *Achmea B. V. v. The Slovak Republic* in which there was deregulation of the health insurance industry and subsequent re-regulation. The arbitrators awarded €22 million. That is the crucial aspect. In their judgment they insisted that the public good and the public interest were not sufficient reasons for the government to interfere in the free market. How is that? A government elected by the people cannot operate for the public good and the public interest because they are not sufficiently important when weighed and balanced against profit. How is that for democracy? Even modified, the ISDS system is rotten to the core and grotesquely undemocratic. It amazes me that elected or even partially elected Senators could vote in favour of this system.

What about closer to home and our own wonderful Veolia that put in place the Luas system? It brought a case against Egypt that was successful. What was that all about? The Egyptian Government decided to raise the minimum wage in the interests of workers. However, the profits of Veolia are much more important than decency, justice and equal rights for ordinary Egyptian civilians. That is what we are opening ourselves up to.

The European Association of Judges has expressed serious reservations about this situation. It states provisions for the election, term of office and remuneration of judges do not meet the minimum standards for judicial office, as laid down in the European Magna Carta for judges. The independent UN expert on the promotion of a democratic and equitable international order, Alfred de Zayas, has called for the total abolition of ISDS mechanisms. He has noted that far from contributing to human rights and development, the ISDS has compromised a state's regulatory functions and resulted in growing inequality among and inside states.

This country is contemplating giving away control over policy in various areas, not even to other governments or the European Union. We have heard so much about giving away sovereignty to the European Union. This is not about giving away sovereignty to another political body but to companies such as Veolia and Monsanto, as well as to the tobacco companies.

**Senator James Reilly:** Rubbish.

**Senator David Norris:** They are suing Australia, as the Senator knows very well.

**Senator James Reilly:** Bombast and bluster instead of facts.

**An Leas-Chathaoirleach:** Regrettably, tá an t-am istigh.

**Senator David Norris:** Well if my time is istigh, I hope I have at least made a passionate argument for the Fianna Fáil Members to at least abstain. For God's sake, can they not abstain on a motion concerned with democracy or are they determined to hand over responsibility for politics and political decisions in this country to multinational corporations?

**An Leas-Chathaoirleach:** The Senator's time is up. He can have a chat with anybody he likes outside.

*(Interruptions).*

**An Leas-Chathaoirleach:** No applause from the Visitors Gallery; it is not allowed.

**Senator David Norris:** It is very gratifying

**An Leas-Chathaoirleach:** I am glad that the Senator likes it.

*(Interruptions).*

**An Leas-Chathaoirleach:** The Senator knows that was different.

**Senator Neale Richmond:** It is a pleasure to follow that oration from Senator David Norris that was met with such resounding applause. I fear my oration will not be as rousing and will definitely not be met with applause. I welcome the Minister of State and thank him for taking this debate. I look forward to his response. I commend Senators Alice-Mary Higgins and Grace O’Sullivan and the other signatories for putting forward the motion. It is a fine motion and it is vital that we debate it in the House.

I am a committed Europhile and supporter of the European Union, but one of my biggest criticisms of it in recent months concerns something that led directly to the Brexit vote in the United Kingdom, namely, an outdated and highly arrogant approach to the way it does business. It is completely out of touch, despite all the positives coming from it. The very fact that this agreement was largely negotiated in secret behind closed doors might have been due to very valid commercial reasons, but, ultimately, it is no longer acceptable. Hiding things behind closed doors, giving them an incomprehensible acronym and expecting widespread public support will not do anymore. The great political leaders in Brussels, Strasbourg and beyond need to take this on board if there is to be any chance of the European Union surviving what is easily the biggest crisis it will face in the next couple of years. The fact is that we have not had a comprehensive discussion or any discussion about the CETA in this country and the discussions held so far at European level have been limited at best. I was very fortunate to take part in one of them during my time on the European Committee of the Regions as I was the rapporteur for the report on this topic. Arguments and comments that are misleading in some cases, factually incorrect in others and generally highly emotive have developed in that vacuum. It is very easy to get behind a banner with a big red line going through a couple of anonymous letters and put the case that one is looking to protect this or that, but it is not as easy to put forward the case for a highly complex yet vitally important trade deal.

I make these criticisms of the European Union and, with apologies to the Minister of State, my Government because I am not only a strong supporter of the European process but I have also no problem in admitting and stating I believe strongly that the CETA is a really good deal. It is a good deal for the European Union, Ireland, Canada and, most importantly, the people of the European Union and the countries mentioned. Very few people are prepared to actually go out and bat for more, freer and better trade because that is what we need now. Facing into a period of absolute economic uncertainty, the last thing a small open trading country like Ireland needs is closing itself off from the very things that will allow us to navigate these choppy waters and assert ourselves in the global world.

I have no problem with the first three points in the motion. I agree with them, but I believe competition is good when we are looking at public service provision, procurement and tendering. I dare say that if we had a little more competition and privatisation in the bus market, we would not have had as many days of strikes as we had in the capital city.

**Senator Máire Devine:** Shame on the Senator.

**Senator Neale Richmond:** There you go. It is the easy heckle.

**An Leas-Chathaoirleach:** Senator Neale Richmond has the floor.

**Senator Neale Richmond:** It seems to be the case that whenever people decide that they are going to take the self-righteous approach and put themselves on a moral pedestal, when one comes back with a counter argument, one sometimes is booed. This is an institution of democracy and we are allowed to give our opinions. They are not exactly radical. I am not looking for us to turn our backs on certain sectors of society. I am putting forward a decent, heartfelt and thoughtful political position and if others want to heckle and reduce this to an argument between five-year-olds in the playground, so be it, but it does those who heckle and this debate no service.

**Senator David Norris:** The Senator is very sensitive.

**Senator Neale Richmond:** I am. The Senator, someone for whom I have huge respect and who has been in this House for possibly longer than I have been alive, has no problem in heckling others, but he does not like it when they strike back. I am striking back. People will heckle me, but I have no problem in saying I am a politician from the centre right. I believe in free trade, competition and allowing Irish companies to sell more things to more people across the world. I believe half of the conspiracy theories dreamed up by elements-----

*(Interruptions).*

**Senator Neale Richmond:** There you go - more five-year-old behaviour. Half of the conspiracy theories are dreamed up because nobody is prepared to stick up for the other side of the argument. I am issuing a challenge to the Government, the leaders in Europe, business leaders, farm leaders and the vast majority of people this deal will benefit to get out and tackle the naysayers and the misinformation.

The motion states this is a huge attack on local government. I note that the initial five signatories never sat on a local government body, something I had the privilege of doing for seven years, with Senator Gerry Horkan in Dún Laoghaire-Rathdown County Council, and at European level on the European Committee of the Regions where I had the honour of leading the Irish delegation. We discussed this and saw that the impact on local and regional authorities and government throughout the European Union of trade deals such as the CETA, the TTIP and the South Korean deal that is the model for best practice had an overwhelmingly positive effect. Just because motions were passed by just two local authorities in the Republic, in County Clare and Dublin city, we are meant to take at face value the statement that this is negative for local government or local authorities. It is not.

I decided to engage on this matter. During the week I attended the briefing given by congress. I apologise that I was not able to make Senator Alice-Mary Higgins's briefing, but it was purely a life administration issue rather than any boycott. At the briefing given by congress, someone asked me would I not have the decency to put the CETA to a referendum. This notion of direct democracy and that we throw everything at a referendum is absolute rubbish because, at the end of the day, if the CETA is put to a referendum, we know that we will not be discussing it; it would be a referendum on mad ideas like abortion on demand and conscription to a European army. We have seen that happen too many times; therefore, I disagree fundamentally

that the CETA should be put to a referendum. Neither the Social Welfare Bill nor the Finance Bill is put to a referendum.

**Senator David Norris:** The Senator does not trust the people.

**Senator Neale Richmond:** No, I absolutely trust them. I trust them to elect representatives to govern on their behalf based on the mandate sought by them. The mandate I sought, when I sought election at local authority and Seanad levels, was to deliver more jobs and a stronger economy. I absolutely disagree with the motion and compel all sensible people in all parties and none to vote against it. I again thank the Minister of State for his time.

**Senator Trevor Ó Clochartaigh:** Tá an-áthas orm a bheith in ann tacú go láidir leis an rún seo. Creidim go bhfuil cuid mhaith raiméise ráite, ach go háirithe ag an Seanadóir a labhair romham, maidir leis an gcomhaontú áirithe seo. Senator Gerry Horkan finished his remarks by saying, “No agreement is ever perfect.” However, it appears the confidence and supply agreement is certainly holding water tonight in the Seanad, that the Fianna Fáil-Fine Gael coalition on this issue is very evident and that there is very little difference of opinion between them on these matters.

To pick up on-----

**Senator James Reilly:** Common sense is common.

**Senator Trevor Ó Clochartaigh:** There are five-year-olds on all sides of the House tonight.

To pick up on a point made by Senator Neale Richmond about the people in Europe who should be fighting the battle on behalf of the CETA and battling on its behalf, perhaps they do not have the confidence in it to do so. Perhaps if they were so confident in it, they would be battling on behalf of it. We, in Sinn Féin, have had serious concerns about this agreement from day one and have been very vocal on it. I welcome the opportunity to speak to the motion and I am delighted that the Sinn Féin Seanadóirí have all signed up to support it.

I raise the fact that the negotiating process for the CETA, as has been said, and the TTIP has been marked by secrecy and a lack of transparency. My colleague, Matt Carthy, MEP, had to fight tooth and nail to gain access to documentation on the negotiations. When he finally achieved this, he had to view the documents in a secure reading room in Brussels. It is ironic that the likes of Brian Hayes, MEP, extol the virtues of free trade and openness in respect of the TTIP, yet refuse to afford the same freedom of information when it comes to the agreement. There is also a democratic deficit in Ireland in that regard. By all accounts, the Dáil will not have an opportunity to debate or vote on any agreement. Given that the Oireachtas has no mandate in that regard, it is highly worrying that the Minister, Deputy Mary Mitchell O'Connor, wrote to Commissioner Malmström to urge the European Commission to press on with the CETA and the TTIP. On whose behalf did she write? Many councils and local authorities have also passed motions vowing not to adhere to or be bound by the agreements.

**Senator David Norris:** Did the Minister not drive off the plinth?

**Senator Trevor Ó Clochartaigh:** There is an argument that the entire process also runs counter to Bunreacht na hÉireann. Nach bhfuil sé aisteach gurb iad an dream céanna a chaith a dteanga ag rá go gcaithfear an Bunreacht a chosaint i gcónaí le linn na coinbhleachta ar an

oileán seo ach anois atá sásta an chumhacht sin a ghéilleadh.

Given that the TTIP was effectively defeated by people power, we now see an attempt to fast-track the CETA in order that the momentum cannot be built up in a similar way. We, in Sinn Féin, both here and elsewhere in Europe, have been and will be highlighting how the CETA is as bad as, if not worse than, the TTIP. It contains threats to agriculture, consumer rights and employment. There has been a lack of debate in civic society on the issue. Any attempts to raise concerns is dismissed as an attempt to damage Ireland's reputation internationally. I must point out that it is mainly Fine Gael Deputies and MEPs who seem hell-bent on stifling public debate. The fact that the negotiations are taking place away from the public gaze allows some of the more repugnant elements of the deal to slip under the radar. The investment court would worry most people if they were fully aware of it. Once again, the Government is behind public opinion and I warn it that on the last few occasions it has pressed on with initiatives in spite of public opposition, it has been forced into embarrassing climbdowns. We have with the motion an opportunity to constructively guide the Government away from another disastrous situation.

Part of the blocking of the debate in Europe is due to the Fine Gael group in the European Union having blocked the Committee on Agriculture and Rural Development from setting out a formal opinion on the CETA. It is important that the committee noted that the CETA would allow 50,000 tonnes of Canadian beef to enter the EU market, much of which would displace Irish exports. How much of that debate has happened with the Irish farming sector? Farmers were not allowed to put forward formally their views on the deal in advance of it being made. Matt Carthy, MEP, during the Committee on Agriculture and Rural Development discussions on the Common Agricultural Policy, CAP, warned that deals such as the TTIP, the CETA and the Mercosur agreement posed direct threats to job creation and threatened traditional farming models in rural areas. There may be a sense that this will only affect Irish farmers, but I attended a meeting in the European Union on the TTIP with American farmers - small and community farmers - who were equally as concerned about the implications of the negotiations and deals such as the TTIP and the CETA for their incomes and that we were corporatising the industry and handing it over to the big corporations to do what they would.

Can the Minister of State confirm to us that he is not concerned that fracking or fracking companies could in the future use the investment court to sue this country if fracking is not allowed on the island of Ireland? Can he give us that commitment?

I note also that during the discussions on the TTIP there was much talk about trade and investment, etc., but very few economists could show the net job gains that would come from the TTIP. I argue that the situation is similar in the case of the CETA. We will see many smaller businesses go to the wall and amalgamation of businesses and multinationals taking over and corporatising smaller businesses. It will affect small operators in both places.

On the issue of constitutionality, will the Minister of State tell us whether he or the Government received legal advice on referring chapter 8 of the CETA which concerns investment to a referendum? Perhaps he might talk to us about that matter because Matt Carthy, MEP, obtained legal advice in April that the chapter on investment protection would require a referendum before it could be signed into Irish law. The creation of a permanent investment court would remove national accountability for the benefit of international investors and multinational corporations and we believe infringe on the Constitution to the detriment of citizens. Mr. Carthy has sought meetings with the Minister to present these legal findings but to date she has declined and refused to meet him. I find it very strange, if she is acting in the national interest

and in favour of debate and checking all of the options, that she has refused to meet him on this issue to consider the legal advice he has been given.

Contrary to Senator Neale Richmond's note on people standing up for the CETA at a European level, a number of European organisations have come out against it, including the European Trade Union Confederation, Friends of the Earth, the European Consumer Organisation and the European Anti-Poverty Network. I believe agreements such as the CETA and the TTIP are part of the race to the bottom and a push across the world to dilute workers' rights, turn labour into more of a commodity and diminish the role of trade unions across the board. Therefore, we are wholeheartedly in support of the motion, commend Senators for tabling it and call on Fianna Fáil to reconsider its position. As I did not see the acronym "CETA" in the confidence and supply agreement, I am not sure if it is totally tied into it.

**Senator David Norris:** Abstain.

**Senator Trevor Ó Clochartaigh:** If Fianna Fáil Senators cannot bring themselves to oppose the motion, they might abstain. Particularly in the light of the fact that we are waiting for a court determination in April, they should not buy a pig in a poke and sign up to an agreement at this stage when they do not have the full facts on the issues involved. Cuirim an méid sin os comhair an Tí agus tá súil agam go dtacóidh na Seanadóirí ar fad leis an rún.

**Senator Gerald Nash:** I am grateful to have the opportunity to speak in favour of the motion tabled by Senator Alice-Mary Higgins. Regardless of where one stands on the substance of this new generation trade agreement, we should be extremely cautious as legislators about how we proceed. As this is a mixed agreement, the Dáil, under the treaty rules and as required under the Constitution, as I understand it, is required to have a say on whether it is to be passed into law. It has not yet had that opportunity and I firmly believe it would be very unwise of Ireland to assert its support for any provisional application on this matter until there is a full and open debate and a decision of the Legislature on what we are to do with it. That is why the Labour Party Senators and I support the general thrust and ambition of this very timely and well considered motion.

The CETA has an enormous scope and its impact will be felt way beyond industry. I hope the debate will shine a light on some of the potential implications and consequences for public policy-making, regulation and sovereignty from the terms of the proposed agreement. I spoke last night about the Labour Party's support for the Government's decision to challenge the European Commission's view on the Apple issue. We spoke about protecting both our sovereignty and our reputation and I hope the Government can apply the same principles to its consideration of this proposed agreement. As the Department's own briefing notes state, "CETA covers virtually every aspect of economic activity". On the face of it, with 99% of tariffs between Canada and the European Union set to be lifted, there appears to be very clear benefits for Irish business and Irish jobs, particularly in the context of the need for Irish businesses to broaden their horizons in the very uncertain and difficult Brexit era.

On mutual recognition of professional qualification standards and addressing the costs and barriers associated with double testing, the agreement appears to be very positive and something with which anyone who is interested in economic growth would find some favour. However, these are not the areas on which the public here, across Europe and, to some extent, in Canada have expressed concern. With citizens having become increasingly more disconnected from decision-making and feeling more disempowered, it is entirely understandable trade unions and

NGOs should raise concerns about the creation of new policy innovations such as investment court systems, which appear to provide gold standard, first-rate protections for multinational corporations and investors. There are no similar protections or supports for enforcing better labour standards and it is at least peculiar that the agreement provides for the establishment of an investor court system between trading blocs which already have some of the most progressive and advanced judicial and court systems in the developed world. I have yet to receive an explanation for this and there is a suspicion that this innovation provides very privileged status for investors and elevates the rights of corporations above and beyond those of citizens and the public interest.

There is a lot of rhetoric in the agreement about labour standards and labour rights, but the references thereto are neither enforceable nor binding. Canada has yet to invoke many ILO conventions and the labour element of the CETA is not covered in the general dispute settlement provisions of the agreement, something which tells us an awful lot about its purpose and scope. Where there is a dispute over standards, the only requirement the CETA appears to have is for the parties to engage in toothless, non-binding consultations, and we know where that gets us. There are many examples of the capacity of globalisation to transform people's lives and work for the betterment of communities. We should not go down the cul-de-sac of saying all globalisation is bad as that is evidently not the case. However, on reading about what some elements of the CETA seek to achieve, I wonder if the lessons of the past decade of economic and social catastrophe, following the great recession, have been learned or understood.

There are few Senators in this Chamber who have worked harder with business than I to create jobs and I have worked with trade unions and others to improve labour standards. I know that the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Pat Breen, is also working hard in this area and I have every confidence that he will deliver in that regard. I do not want our hard won gains to be diluted in any way by agreements that will not be subject to the scrutiny of this Legislature. We are elected by the people to make these decisions and it is important that this Parliament have a full and open role in deciding whether nation states endorse such agreements. I urge caution on how we proceed to apply the proposed agreement which I predict will be caught up in debates in the European Parliament and national parliaments for some time to come. With Labour Party colleagues, I am happy to support the motion, particularly the call to closely scrutinise its provisional application.

**Senator Joe O'Reilly:** This is the first time the Minister of State at the Department of Jobs, Enterprise and Innovation, Deputy Pat Breen, and I have been in the Chamber at the same time. I congratulate him on his appointment. He has hit the ground running in his role and is bringing to bear all his experience as Chairman of the foreign affairs committee and deputy leader of the Irish delegation to the Council of Europe.

**Acting Chairman (Senator Diarmuid Wilson):** The Senator neglected to say he was the leader of that delegation.

**Senator Joe O'Reilly:** Modesty prevented me from doing so, but I am glad th at the Acting Chairman stitched it into the record of the House. It was my great privilege and honour to succeed the Minister of State in that role and I try to emulate the good work he did. He gained a huge reputation in Europe from performing that role.

We had a debate earlier today on Brexit and how the sterling factor could jeopardise a number of our businesses and traders. We talked about the need for a Brexit-proofed budget and a

strategy to deal with Brexit, both at sectoral and national level. In the context of that debate, the confirmation of a trade deal with Canada can only be good news because it opens up another theatre of business for an open economy such as ours, with the prospect of more trade, interaction and exchange. There is massive business potential from this deal. There is a popular idea that farming interests could be prejudiced, but Mr. John Whelan, chief executive of the Irish Exporters Association, has confirmed that he sees no risk to Irish agriculture from the deal.

**Senator David Norris:** He is not a farmer.

**Senator Joe O'Reilly:** He is an accomplished economist and expert on these areas. He is of the view that-----

**Senator David Norris:** He is still not a farmer.

**Acting Chairman (Senator Diarmuid Wilson):** I listened to the Senator's eloquent contribution. Will he, please, give Senator Joe O'Reilly an opportunity?

**Senator Joe O'Reilly:** That is also good news to be added to this.

I was very pleased to hear Senator Gerald Nash confirm his confidence that the Minister would defend workers' rights, trade union laws and domestic protection of workers and their negotiating position and standards, as well as his confidence in the Minister's anxiety to defend these areas. I was impressed by that fact. It is very non-partisan of the Senator to say that, but it is also very true. We have robust worker protection legislation in this country, rightly so. These rights were hard won and include the right to strike, to free assembly, to union membership, to the national minimum wage, to regulation of hours and to adherence to health and safety laws. These protections are correct and need to be built on, advanced and enhanced. If we have a civilised society, the rights of workers have to be a core value. However, I believe these rights are sufficiently robust and indigenous and ingrained and I do not see the agreement prejudicing them in any way. I am happy on that score.

The agreement was launched in May 2009 and political agreement was reached between the European Union and Canada on 18 October 2013. The negotiations concluded and were formally welcomed in the joint statement at the EU-Canada summit on 26 September 2014. The aim of the summit schedule for 27 October 2016 is to achieve the signing of the CETA. I believe that will be a very good development for this country and Europe, in particular mutual trading opportunities. There is an EU market of 500 million people and the agreement will greatly expand the potential market. We are well placed geographically to take advantage of trading opportunities in a European context.

On 14 September the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor, with 11 other Ministers from member states, wrote to Commissioner Malmström. The letter welcomed the conclusion of the negotiations and the signing of the CETA on 27 October and subsequent provisional application of the agreement. The agreement was discussed at the informal Foreign Ministers meeting in Bratislava on 23 September 2016. Member states highlighted the high quality of the agreement reached with Canada and reaffirmed their desire to work towards its signature at the EU-Canada summit envisaged to take place in Brussels on 27 October 2016. A further extraordinary meeting of the Trade Council is likely to take place on 18 October in Luxembourg in order to make a decision on the CETA. The agreement will be made available for signing by member states.

Given the position taken by Ireland and other member states, the European Commission will submit the CETA to the Council for decision as a mixed agreement. This means that the agreement contains provisions that fall under within EU and member state responsibility. It will be a matter for the Council and the European Parliament to decide on the signature and provisional application of the CETA. Following a decision by the Council, with the consent of the Parliament, it will be possible to provisionally apply the CETA. The Dáil will have a role in that its full entry into force will be subject to conclusion by the European Union through a Council decision with the consent of the European Parliament and by all member states through the relevant national ratification procedures. This means that the Dáil will be part of the final decision to ratify the agreement. In that sense, it will be truly democratic.

The CETA is a new and exciting opportunity for our exporters and indigenous businesses, trade and all aspects of Irish exports. It provides for an expanded market which, as an open economy, we need. It is also something of an antidote to the depressing talk about Brexit. I believe our robust worker protection legislation and the place of workers' rights in domestic law and established practice will hold and be defended by every citizen and the Parliament. It is a good day's work. I am personally completely in favour of the agreement and delighted when there is an opportunity to enhance the living conditions of the people through a trading agreement.

**Senator Lynn Ruane:** I wish to share time with Senators Frances Black and Colette Kelleher.

**Acting Chairman (Senator Diarmuid Wilson):** Is that agreed? Agreed.

**Senator Lynn Ruane:** I thank Senator Alice-Mary Higgins for bringing the motion before the House. No matter how we look at the CETA, it is clear the agreement undermines the public good and threatens public services, everything from health and energy to social services and transport. We should not now or ever see the provision of essential public services as a potential market, whereby corporations can make a profit. Trade agreements such as these set their sights on public services as an opportunity to take advantage of Irish citizens in order for corporations to make money, even in an era of record corporate profits. The CETA, however, goes even further as it also serves to restrict governments in the creation and expansion of public services and the restoration and proper regulation of these services. Have our recent and disastrous experiences of poor regulatory practice, particularly in the financial sector, taught us so little that we will blindly sign up to an agreement that encroaches so significantly on our regulatory practices? Ultimately, what the CETA does is challenge a government's ability to make decisions on how best to provide for the public. It allows for corporate interests to be represented like never before in decision-making processes.

The CETA is objectively the most far-reaching and wide-ranging trade agreement to which Ireland has ever been party. Moreover, public services are affected in a number of ways by the CETA through obligations imposed on investments, cross-border trade and procurement, as well as market access. The CETA does not ensure the parties committed to the agreement will remain free to provide and regulate services, for example, the services we provide for Irish citizens. Essentially, what we will experience is a reduction in public policy space and the ability of a state to control what happens within its own borders. In return for this huge reduction in our internal sovereignty, we receive the dubious reward of increased market access for foreign corporations and the protection of the rights of foreign service providers, even if that access and these protections are to the detriment of domestic interests.

Under the CETA, only a few public services will be excluded from the liberalisation of the market. As it stands, investment protections will restrict the capacity of governments to expand public services, or even to create new public services, owing to the potential of these decisions to impact on commercial interests. There are no two ways about it: the CETA clashes with elected governments and the ratchet clause constrains governments' ability to restore privatised services to the public. If a government was to attempt to pull services back into the public arena once foreign investors were established, compensation claims would be imminent. This is, in fact, the bolting in and copperfastening of privatisation. The provision of services at a local and national level and government scope to regulate these services is in jeopardy. The CETA threatens the public good and the regulation that serves the public interest.

This is not business as usual, as some would have us believe. Previous trade agreements listed the services and sectors they would agree to cover, which is called a positive list. What we are seeing with the CETA is a system using a negative list. This means that services and sectors pertaining to investment or trade are automatically covered unless otherwise set out. This is a feather in the cap of corporate lobbyists and potentially opens the State to a dizzying array of legal attacks from hundreds of corporations across every major industry.

The CETA is not a good deal for Europe. I call on all Members to support the motion until Ireland completely understands the far-reaching effects of this trade agreement and what the true scope of provisional application entails. The Government has admitted that we are not fully aware of the scope of on what we will agree in a few short weeks. We are signing the agreement blind. Not only is that irresponsible, it is also potentially dangerous. It is impossible for any party and politician to claim to be a champion of strong public services and still support provisional application of the CETA. They are completely incompatible. Public services are threatened by the CETA and it is incumbent on us all to respond to and neutralise the threat. I ask all Senators to support the motion and call on the Government not to agree to provisional application of the CETA.

**Senator Frances Black:** I commend Senator David Norris for bringing up the issue of tobacco health warnings and the CETA. As we all know, according to the World Health Organization, tobacco kills almost 6 million people annually. The 2005 Framework Convention on Tobacco Control advocates numerous regulatory measures to restrict tobacco marketing and promotion. The multinational tobacco industry has opposed these measures, launching numerous trade challenges to strike down public health measures designed to reduce tobacco consumption.

In 1994 Canada drafted new legislation requiring manufacturers to sell cigarettes in plain packaging, based on evidence from the public health community that industry advertising linked logos and images on cigarette packages with attractive, sophisticated lifestyles and thus encouraged smoking. Despite the health rationale, Canada abandoned plain packaging, fearing it would lose a trade challenge from US tobacco interests. Had the legislation passed many Canadians might not have started smoking. Canada's abandonment of this policy tool provides a clear warning that trade agreements can undermine health policy. This matter greatly concerns me as the CETA might deter Ireland from adopting restrictions on marketing or labelling on tobacco products. The great work done by Senator James Reilly and Deputy Micheál Martin in addressing the health implications of tobacco use must not be put in jeopardy by our signing of the CETA.

Other labelling requirements are also at risk. Phillip Morris initiated arbitration proceedings

to stop Uruguay from placing graphic images of smoking victims on cigarette packages. The threat of trade litigation has deterred countries from implementing health measures already enacted such as tobacco control. *The New York Times* recently noted that Uruguay and Uganda, as two examples, had failed to implement their tougher anti-smoking legislation fearing expensive tobacco trade challenges.

Alcohol causes numerous health and social problems. With the imminent adoption of the Public Health (Alcohol) Bill I am concerned that the health warnings and restrictions on marketing, included in the Bill, would be liable to challenge from the major alcohol producers. While current Irish regulations may be protected, new regulations on smoking or alcohol will be at risk.

**Senator Colette Kelleher:** The CETA is unlike any trade agreement we have signed before and must be considered cautiously and carefully. The so-called negative list in the CETA that my colleagues have mentioned means that all public sector areas are included in the agreement unless explicitly ruled out by the Government at the start of negotiations, which is a first for an EU trade agreement. Ireland has added very few areas to the negative or excluded list. Health care, with the exception of nursing homes, for example, was not excluded; therefore, health care provision will be subject to CETA rules. My understanding is these rules will allow companies to sue governments for compensation in private arbitration proceedings when laws interfere with their profits. This is a matter of huge concern to me.

This morning I spoke at the Oireachtas Committee on the Future of Healthcare when I called for transformative investment in home care provision with robust regulation, a legal entitlement to guarantee access and proper workforce planning. I have a very real concern that provisional application of the CETA could impinge on the State's ability to regulate home care that is currently unregulated and, therefore, affect the most vulnerable. As such, regulation or transformation will undoubtedly impact on the profits of international private providers already operating in the market. I call on Senators on all sides of the House to support the motion.

**Senator Brian Ó Domhnaill:** I thank the Senators concerned for tabling this important motion. The issue crosses over public and private services, vested interests and the public interest. We must, therefore, discuss the matter.

I have some knowledge of the CETA agreement having read about the subject and also from what I observed in Canada as my wife is Canadian. I know that prior to the last general election in Canada, the then Canadian Prime Minister, Mr. Stephen Harper, sold the agreement to Canadians as part of his re-election campaign.

Who will benefit the most? Is it Canada or the European Union? Should we benefit equally? The trade deficit between Canada and the European Union must be considered. Canada trades more with the European Union than *vice versa*. For Canada the figure is just short of 10% of its overall trade, whereas for the European Union it is currently just under 2%; therefore, there is room for growth. I am always of the view that Ireland needs to expand into new markets, open up corridors of trade and see more movement of goods and people.

I do not know enough about the CETA deal being put together. It is a complicated trade agreement with all European Union member states and provincial or federal governments as they are known in Canada. In order for the deal to be passed, it must be approved by 36 autonomous units of government. We have not read the details of the final product yet. This month the

European Commission hopes to have a finalised agreement for approval on the table from the Council of Ministers; it will then go before the European Parliament for co-decision and each of the relevant national parliaments will then debate it. Before that occurs, the proposal must be translated into the official languages of the European Union. A lot of negotiations must take place. One could argue that the motion is premature, but I do not think so and believe it is very relevant. There are major consequences if the deal is approved. I listened in my office to some of the earlier speakers such as Senator David Norris.

I am concerned about the way the European model works and how the Union conducts its business. Unfortunately, when one centralises power, one also centralises access to power in terms of lobbying and so forth. One can go to Brussels on any day of the week where one will discover the best paid lobbyists in the world working, whether in pharma or big business. These lobbyists work in Brussels because it is at the crossroads of power in Europe.

Will the agreement centralise power? I am not sure. I do think we should have this debate and that this House should debate the agreement somewhat further after the final details have been published. Research on the trade deal has been commissioned and depending on who funds the research, different opinions will emerge. Following a cursory look at the deal I am left with questions about big business being able to capture national governments within the European Union and provincial governments in Canada. One of the articles of the trade deal allows for governments to be sued. Clarity is required on these questions.

Another issue is financial regulation. Senator David Norris referred to Enron in the United States. I am concerned about the ability to capture, or lack of regulation, in financial services in the United States. Regulations in the United States are totally different from those in Europe because they are legislative-based, while in Europe they are based more on rules. There are differences, even though Canada has a different set of principles in the regulation of the financial services sector. We cannot allow different regulations to rule. We cannot allow big business to be able to subvert money out of one jurisdiction and into another just to comply with equity requirements to satisfy shareholders. I have not received answers to these questions and do not think there will be any forthcoming.

There are other interests such as tourism. Also, issues were raised by the parliaments in Romania and Bulgaria about visa access for citizens and the fact that some European Union member states could obtain visas for their citizens in Canada, while others could not. I am not sure if that is the case, but questions have been raised about these matters and answers have not been forthcoming.

*6 o'clock*

We should always grasp the opportunity to develop trade links with other countries and jurisdictions, but in this case I have reservations and a mixed opinion. There is a lot of detail and there is a need for clarification. We are a member of the European Union and if it was getting things right, we would not have a Brexit in the aftermath of the referendum. We all hear it on the street from our electorate that bureaucrats in Brussels are making decisions that are beyond the scope or remit of democratic politics and perhaps that is the case with this deal. There was much debate in this House this evening about decisions being removed from democratic accountability. There is a darker side, whether we like to admit it, where big business can capture those who have centralised power, whether in the Commission or elsewhere. We should stand up against and question this. That is why a motion such as this is absolutely important. We

should never be afraid to question consensus, particularly where so much money and trade deals are involved. I may be wrong, but I am not sure pushing this to a vote is the right thing to do; I would actually rather see this issue being kept alive rather than being killed tonight in a vote. Perhaps this is a matter into which we should delve more. I would love to see this Chamber actually scrutinise what is happening in the European Union much more. I remember when former Senator Maurice Cummins was Leader, I made a suggestion that the Seanad should sit just one day a week to scrutinise EU legislation and what was happening in the European Union, but there may be another platform on which we could do this. We only find out about all of the laws made in Brussels when they impact on us, whether it be special areas of conservation, SACs, or health inspectors operating under European Union law, etc.

Fair play to the Senators who tabled the motion. There is a lot of information provided in it. There are lorry loads of text that need to be scrutinised. I do not believe it can be properly scrutinised in a four or six minute contribution. However, I would be very happy to play my part.

**Senator Pádraig Mac Lochlainn:** Ba mhaith liom buíochas a ghabháil leis an gCathaoirleach Gníomhach. I commend Senator Alice-Mary Higgins and the Civil Engagement group for tabling this important motion and welcome the chance to speak to it. I am glad to see that it has received broad support from other Senators.

I wish to outline my deep reservations concerning the EU-Canada comprehensive economic and trade agreement, CETA. These reservations are also held by European civil society organisations, trade unions, consumer organisations, anti-poverty networks, NGOs and farming organisations, European organisations that have the best interests of European peoples at heart. It may not be widely known that there are also deep reservations within Canada and civil society groups there about the deal. The Council of Canadians has published a report containing many concerns within Canada which I will address.

Why are there such deep reservations about this and similar deals among such a broad base of civil organisations? This deal was negotiated and developed behind closed doors. Why is such a deal, which has massive implications for the economies and business sectors of all European member states, being conducted and negotiated in this manner? Where is the transparency and what is there to hide? The single biggest group in Ireland which will be affected by the deal is farmers. The CETA will allow 80,000 tonnes of pork and 50,000 tonnes of beef to be released tariff free into the European Union. We have Senators who eloquently argue the case for the farming community almost every day that we sit in this Chamber. Can those who will vote against the motion not join up the dots? Ireland's agriculture sector is far too important and under enough pressure as it is without entering into this deal and failing to carry out adequate due diligence to fully investigate the full consequences. If the Government was to put up a fraction of the resistance to this deal as it did in rejecting €13 billion, plus interest, from Apple in a positive ruling for citizens from the European authorities, we would be in a much better place and truly looking after citizens' interests.

There are many concerns about the ratification of this deal, but I will concentrate on agriculture. The main concern, apart from the implications in terms of economic activity for farmers, is the impact on food safety standards. There are significant differences between the regulatory practices of Canada and the European Union that could jeopardise EU food safety and production standards. EU farmers will now be competing with a Canadian agribusiness sector that has no animal welfare penalties to face and much lower safety standards. This is

an absolute kick in the teeth for Irish farmers who are on the verge of collapse from the weight of bureaucracy and paperwork that they face as a result of EU regulations. Canada has a very different agricultural model from that in Ireland. There are not the numerous green family-run farms that take absolute pride in their homesteads. In Canada there is large-scale agricultural production, with half of all food produced coming from just 5% of farms. The report from the Council of Canadians details areas where Canadian regulations are much weaker than those in the European Union - genetically modified foods, pesticides, food dyes, chlorinated chicken and hormones. The Fine Gael Party, through its representatives in the European Parliament and its actions and behaviour, is selling out Irish farmers and the people. My colleague in the European Parliament, Matt Carthy, and the GUE-NGL group recently put forward a proposal that would have allowed the agriculture and rural development committee to submit a formal opinion on the CETA deal, but it was blocked by the European People's Party, of which Fine Gael is a member. I ask the following questions again. Why did this happen? What is there to hide? Where is the transparency?

I reiterate my support and that of Sinn Féin for the motion. I call on the Government to respect the democratic rights of the citizens of this state, to bring the issue of ratification of the deal before the Dáil and the Seanad, if necessary, and, under no circumstances, to agree to its provisional ratification within European Union structures.

On the point made about people being centre-right, left or centre-left, in fairness to the Civil Engagement group, the track record of its Senators across civil society in Ireland is beyond question. Without a shadow of doubt, Senators represent the best interests of the people, with a balance of views across society. Let us consider their counterparts in Canada against the interests of big business. Let us be frank - there is the debate in the United States about Wall Street against main street and access to the corridors of power, be it in Washington DC, Brussels or Ottawa. That is what dictates what is included in these agreements. Those are the interests that are being protected. If the Government is stating that is not the case, conduct the negotiations in open and clear view and heed the genuine concerns and opposition of civil society.

I have heard kind words from the Senators who will vote against the motion. They spoke about how wonderful and commendable motion it was. I ask them to vote with the Civil Engagement group and against big business. I ask them to vote in favour of the interests of those who represent the views of the Irish people rather than the corporations, the representatives of which hide in the corridors of power to gain access to those in power in the major political centres, be it Brussels, Washington DC, Ottawa in this case and elsewhere. That is the choice for the Senators in question and how they vote will speak volumes about where their priorities lie.

**Minister of State at the Department of Jobs, Enterprise and Innovation (Deputy Pat Breen):** I thank all 14 Senators who contributed to the debate on the motion, whether they supported it or were against it. I also thank the Senators who came to listen to the debate but did not speak. I also thank, of course, the proposer of the motion, Senator Alice-Mary Higgins. We debated this issue before in the Seanad Chamber, when I realised her special interest in this subject. She said Ireland had a healthy trading relationship with Canada, which is correct, but we want to make the relationship even better. There are new opportunities and frontiers and new air links between Ireland and Canada and we want to be ready to seize these opportunities in the challenging environment in which we live.

I ask all Senators present to remember three aspects of the CETA agreement. Senators Neale Richmond and Trevor Ó Clochartaigh referred to a number of issues. Senator Neale

Richmond referred to the EU-South Korea agreement that was finalised four years ago. Again, widespread concern about that agreement was aired at the time. That is democracy, which is important. However, when we look at the statistics for the European Union and South Korea in that four year period, the figures for exports of goods and services from the European Union have risen by 55% and 40%, respectively. These figures speak for themselves on what a good trade agreement can do. Furthermore, we do not need to take just what politicians are saying on board. Independent studies across Europe and Canada have shown that the CETA will boost trade and investment. The last thing I want to note is that every €1 billion in exports from the European Union supports 14,000 jobs in the European Union. We all talk about employment and jobs in today's challenging environment, but we need to bear these figures in mind because they are important.

I cannot respond to every Senator who contributed, but I have listened attentively to all of them and noted their concerns. However, I wish to make clear that the text of the CETA, as well as that of the TTIP, has been publicly available for the past six months on the Commission's website.

I welcome the opportunity to address the Seanad on this major transatlantic agreement which will be of significant benefit to Ireland. It is part of the European Union's global trade agenda to harness and improve globalisation through progressive agreements with third countries. Expert-led growth and foreign direct investment have transformed Ireland's economy. It is now time to take the next step forward in trade in working with our EU partners and third countries to jointly increase prosperity for all citizens. The global economy is changing in many ways and making trade more important than ever before. Ireland is an open economy. We export 80% of what we produce. We, therefore, need ambitious, modern and progressive trade agreements. We need agreements which protect our values and high standards such as the protection of labour rights, as Senator Gerald Nash stated, and environmental standards, as Senator Grace O'Sullivan stated. We need to have trade agreements which benefit small firms and citizens. SMEs were mentioned. This is particularly true as a result of the UK referendum, but there was little mention of Brexit. I thought there would be far more. Trade agreements provide opportunities for Irish-based firms to further diversify their export markets. The CETA is a comprehensive free trade agreement that will remove tariffs between the European Union and Canada. It will create new business opportunities in services and investment. It is a modern, high standard agreement with the ability to set a new global standard for trade agreements. It will end limitations in access to public contracts, open up markets for services and offer predictable conditions for investors.

The CETA is about benefiting people and business - big and small. It will save on duty costs, as 99.6% of all industrial tariffs will be eliminated on entry into force of the agreement. Irish firms will benefit from the recognition of product standards and certification, saving double-testing on both sides of the Atlantic. This is of particular benefit to smaller firms which can ill-afford to pay for the same certification test twice.

Ireland has also successfully campaigned for the low beef import quota from Canada into the European Union, thereby safeguarding our important EU market. Ireland, on the other hand, has secured full, unrestricted access for Irish beef and other meat products to the Canadian market, which is very important. We have unrestricted access to the Canadian market, whereas Canadian beef imports will be restricted. The first 35,000 tonnes carcass weight will be allowed tariff free, but thereafter there will be tariffs.

We speak about Ireland and our exports. Let us be positive about brand Ireland. It is a huge selling point for us all over the world, particularly when it comes to our food products. The CETA has the potential to keep prices down and provide consumers with a greater choice of quality products. These are some of the benefits of the trade deal with Canada, as well as providing new market opportunities for Irish firms. For example, an Irish software start-up in the telecommunications sector is seeking to expand into the North American market. The CETA provides for the expansion of visas for intra-organisational employee transfers from 90 days to a maximum of three years. It will allow the Irish company to establish a presence in the market by sending an employee to Canada. In addition, the CETA opens public contracts to Irish tenders such that this Irish software start-up will be allowed to bid for both federal and sub-federal public contracts.

Another Irish company is supplying the Canadian market with specialised construction materials. The CETA will eliminate 99.6% of industrial tariffs applying to Irish companies exporting to Canada. For certain construction products, this will result in an immediate reduction of 7% in tariffs. The CETA's provisions surrounding intra-organisational transfers will also be of benefit to this Irish company.

Irish firms exporting to Canada will have an opportunity to improve their after-sales and maintenance-related services by sending engineers and other specialists to Canada. Professionals may be accompanied by their spouses and families when temporarily assigned to subsidiaries abroad. Contractors may stay in the country for a period of 12 months instead of the current six months. The European Union and Canada will, for the first time, agree to accept the products standards and certifications currently upheld in both jurisdictions. This means that a conformity assessment body in Ireland can test Irish products for export to Canada and *vice versa*. As a result, Irish companies can expect to benefit from savings as they will not be required to undergo double-testing on both sides of the Atlantic. There is a clear opportunity for Irish firms which I want to see move quickly to benefit from the advantages which we have negotiated.

I would also like to address some specific issues raised during the debate on the motion. Given the position taken by Ireland and other member states, the European Commission has submitted the CETA to the Council for a decision as a mixed agreement, that is, one which requires both EU and individual member state ratification, as outlined by some speakers. As that process may take a number of years to complete, the agreement provides for provisional application. Provisional application is a standard process in free trade agreements. It provides for the coming into effect of those provisions in respect of which the European Union has competence. The European Commission is finalising the text on provisional application of the CETA for submission to the Council for decision. It will be a matter for the Council and the European Parliament which also has to decide on the signature and provisional application of the CETA.

All of the concerns raised by a number of EU member states - Senator Alice-Mary Higgins referred to Germany - have been addressed and all of the relevant areas have been omitted from provisional application. I repeat that the European Union now proposes not to apply the provisions included in the agreement relating to investment protection and investment dispute settlements. This will be confirmed by a legally binding declaration between the European Union and Canada. The text of the declaration is being finalised. The declaration will also provide further assurances that public services and the European Union's high standards in health and safety will not be affected by the CETA. I will be attending a meeting of EU Trade Ministers in Luxembourg on 18 October to decide on the signature and provisional application of the CETA and approve the joint declaration. As Senator David Norris said, an idiot was going there; I am

the idiot to whom he was referring. That is his opinion. It is a pity he is not present to hear my response. He would learn a little more rather than jumping in and out to talk.

The full entry into force of the CETA will be subject, in the first instance, to a Council decision, with the consent of the European Parliament. Second, it will be subject to the approval of all member states through the relevant national ratification procedures. In accordance with Article 29.5.2° of the Constitution, Dáil Éireann will be part of the final decision to ratify the CETA. By virtue of this, the proposed investment court system can only come into effect once ratified by a vote of the Dáil. The basic laws and principles of the European Union, including the precautionary principle, will not be affected by the CETA. The CETA will not affect EU rules on food safety or the environment, which was a concern of some speakers in the debate. As is the case now, Canadian products will only be able to be imported and sold in the European Union if they fully comply with EU regulations. Senator Grace O'Sullivan referred to that issue. The CETA does not affect EU restrictions on beef containing growth hormones or genetically modified organisms, GMOs. The CETA will not restrict either the European Union or Canada from passing new laws in areas of public interest such as the environment and health and safety, which is of extreme importance.

The CETA provides the basis for a future dialogue between the European Union and Canada on policy developments. The regulatory co-operation forum is a voluntary co-operation mechanism. It cannot change existing, or develop new, legislation and does not have decision-making powers. It can only make recommendations to regulators and legislators. Any initiative entailing a change in EU regulations can only be introduced and pursued outside the CETA framework. The CETA affirms governments' right to organise or regulate public services such as the water supply, health and education. The state will be able to keep public monopolies for a particular service, if it wishes. Nothing in the CETA prevents the state from deciding which services it wishes to keep universal and public and if it wishes to subsidise them.

With regard to public procurement, the CETA will eliminate the imbalance between the European Union and Canada. The EU procurement market is already *de facto* open to Canadians. This includes the sub-federal level. Access for EU firms in Canada is very limited. For the first time, Canadian provinces, territories and municipalities will open their procurement markets to a third country. Canada's provincial procurement market is estimated to be double the size of its federal equivalent. Canada will also create a single electronic procurement website that will combine information on all tenders, which corresponds to existing intra-EU arrangements. This will greatly facilitate the effective access of firms to procurement opportunities in Canada. Making the trading landscape easier is particularly important to SMEs to internationalise and grow exports. Trade barriers tend to disproportionately burden smaller firms which have fewer resources to overcome them than larger firms.

I support and welcome the CETA which is very important for Ireland. Given our historical economic and cultural ties, Ireland's enterprises are particularly well placed to take up opportunities to trade more easily with Canada. This morning I attended the opening of Enterprise Ireland's annual International Markets Week, with the Taoiseach and the Minister for Jobs, Enterprise and Innovation, Deputy Mary Mitchell O'Connor. International Markets Week is Enterprise Ireland's single largest client event, at which more than 140 international market advisers from over 30 Enterprise Ireland overseas offices will hold meetings with over 400 client companies on developing new global export plans in the context of Brexit. This event is just one example of the importance of outward looking and open trade for Ireland. The Canada agreement and the European Union's other trade agreements are key instruments to assist the

work of Enterprise Ireland in supporting Irish enterprise.

The total value of Irish exports to Canada is €1.874 billion per year, with total imports of €542 million. Ireland is the fourth largest recipient in the European Union of foreign direct investment from Canada. The value of our exports could increase substantially with this new trade deal. I support provisional application of the CETA as I am keen for Irish firms to enjoy the tariff free benefits and new business opportunities as soon as possible. The CETA and the European Union's other trade agreements help to open new markets, break down barriers and provide new opportunities for Irish firms. For these reasons, I support the signature and provisional application of the CETA and oppose the motion.

I thank Senators for their contributions to the debate. It was a lively, constructive and colourful debate, which is what we wish to see in the Seanad in the future also.

**Senator Alice-Mary Higgins:** I thank the Minister of State. Hillary Clinton spoke two months ago in Michigan. She is a former champion of the North American free trade agreement, NAFTA, which was in many ways the template for these trade agreements and one of the first of the new generation of trade agreements to be passed with these mechanisms. She has now changed her position. She now opposes the TTIP and the trans-Pacific partnership, TPP, and acknowledges in speeches such as the one she made recently in Michigan that: "It's true that too often, past trade deals have been sold to the American people with rosy scenarios that didn't pan out and promises that now ring hollow." We have heard a number of rosy scenarios outlined by the Government. We even heard that this might be seen as a positive antidote to all of the depressing talk about Brexit. I cannot agree that we are facing a rosy scenario. I fear that if we plough ahead with provisional application of the CETA, there might be considerably more depressing talk in the future.

I will respond to some of the points raised by the Government's spokespersons. With regard to some of the areas that were lauded as areas of opportunity under the agreement such as agribusiness, today we have representatives of the food industry and small businesses in the Visitors Gallery who are extremely concerned. Darina Allen, Irish members of Euro-toques and those in the food and high quality food industry have been almost uniform in their opposition to the agreement. The Minister for Agriculture, Food and the Marine called at the Council of European Agriculture Ministers for an impact assessment to be carried out. That impact assessment of what the CETA will mean for agriculture is due at the end of the month, but we are planning to sign before we receive the assessment we demanded. That is our current position on agriculture.

With regard to universities and university opportunities, it is notable that the Irish Federation of University Teachers is clear about its opposition to the deal and specifically its provisional application.

In terms of the overall benefits, rather than speaking about jobs and opportunities, let us consider what the analyses show. Analysis from Germany shows that we might see, over ten years, a 0.03% to 0.08% increase in European GDP, largely concentrated in the larger northern European countries. This amounts to €20 per citizen after ten years. Of course, it may be added to our GDP figure of 26%. There is no guarantee that the increase in GDP will reach our citizens. Can we take that risk for such a small estimated gain?

I will not go into the details of regulation, but I believe Senator James Reilly knows that

we are facing dangers in the area of regulation. While existing regulations might be protected and there is a right to introduce new regulations, that comes with the risk of the court system attached and must jump through the new hoops. There is a clear provision in the CETA that allows corporate stakeholders to make their views heard on regulatory initiatives on the same basis as other stakeholders, for example, citizens. The court systems in Canada may be wonderful, but the court system we are discussing has nothing to do with Canada's open society or its values. The press release issued by the European Commission states this a step towards the European Union's ultimate goal of a global investment court. That is what this is about, not Canada.

I respect Senator Neale Richmond's thought and consideration. There are many areas related to the European Union on which we agree. However, I was disappointed when he dismissed so many points as conspiracy theories. I believe the points I have made are not conspiracy theories. I have looked at the text of the CETA. I have entered the private and special reading rooms. We have one in Dublin and I encourage every elected representative to visit it. I have looked at the text of TTIP and the text of the CETA. I am very confident that the clear points I am making are of concern. Some points were addressed but what were not addressed were concerns about the court systems; the ratchet clause, which means that we cannot have real competition between public and private services because the Government cannot choose to place a service within the realm of public provision if it has previously been private; and the negative and positive lists.

It has been said across the House that this is a new departure. It is a very serious change in how we trade. That issue has not been addressed. There are also constitutional issues. I have raised different constitutional issues with the Minister of State and it is appreciated that he referenced them again. They differ from the issues of concern raised by Sinn Féin. I still believe these constitutional issues may be outstanding and ask that the Attorney General be consulted on them.

While I welcome the new declaration that may come on Friday, it will be meaningless unless it is a new legal position by the European Commission. The European Commission states it has decided to propose the CETA as a mixed agreement, but this is without prejudice to its legal view as expressed in the case being examined by the European Court of Justice. Until we have a different legal view from the European Commission - I urge the Minister of State to fight for that view and its inclusion in the declaration - we will still have a situation where provisional application may jeopardise our constitutional obligations. If we decide there are concerns about the agreement and leave, I note that under Article 30.8.4 of the CETA, there will still be a three-year period in which companies will be allowed to take cases. These cases will result in a public charge on the State that could violate these constitutional concerns.

I thank everybody for his or her participation in the debate and kind words on this subject. Unfortunately, I am unable to leave this issue open and will push for a vote, but I encourage Fianna Fáil to raise it again and engage in further debate.

Question put:

The Seanad divided: Tá, 17; Níl, 16.	
Tá	Níl
Black, Frances.	Burke, Colm.

*Seanad Éireann*

Conway-Walsh, Rose.	Burke, Paddy.
Devine, Máire.	Buttimer, Jerry.
Dolan, John.	Byrne, Maria.
Gavan, Paul.	Coffey, Paudie.
Higgins, Alice-Mary.	Coghlan, Paul.
Kelleher, Colette.	Feighan, Frank.
Landy, Denis.	Hopkins, Maura.
Mac Lochlainn, Pádraig.	Lawless, Billy.
Mullen, Rónán.	Lombard, Tim.
Norris, David.	McFadden, Gabrielle.
Ó Clochartaigh, Trevor.	Mulherin, Michelle.
Ó Donnghaile, Niall.	O'Donnell, Kieran.
Ó Ríordáin, Aodhán.	O'Reilly, Joe.
O'Sullivan, Grace.	Reilly, James.
Ruane, Lynn.	Richmond, Neale.
Warfield, Fintan.	

Tellers: Tá, Senators Frances Black and Lynn Ruane; Níl, Senators Paudie Coffey and Gabrielle McFadden.

Question declared carried.

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

**Senator Jerry Buttimer:** At 10.30 a.m. tomorrow.

The Seanad adjourned at 6.45 p.m. until 10.30 a.m. on Thursday, 6 October 2016.