



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**SEANAD ÉIREANN**

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

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## SEANAD ÉIREANN

*Dé Máirt, 30 Eanáir 2018*

*Tuesday, 30 January 2018*

Chuaigh an Leas-Chathaoirleach i gceannas ar 2.30 p.m.

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*Machnamh agus Paidir.  
Reflection and Prayer.*

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### **Business of Seanad**

**An Leas-Chathaoirleach:** I have received notice from Senator John O'Mahony that, on the motion for the Commencement of the House today, he proposes to raise the following matter:

The need for the Minister for Transport, Tourism and Sport to provide an update on the funding allocation for road maintenance on national and regional roads in 2018. I have also received notice from Senator Paul Gavan of the following matter:

The need for the Minister for Foreign Affairs and Trade to provide a statement on the Government's policy of neutrality following the address by US Vice President, Mike Pence, to American troops at Shannon Airport, County Limerick.

I thought Shannon Airport was in County Clare. I have also received notice from Senator Tim Lombard of the following matter:

The need for the Minister for Housing, Planning and Local Government to introduce planning guidelines for solar farms to ensure there is proper regulation and sustainability of solar farm development.

Of the matters raised by the Senators suitable for discussion, I have selected those of Senators O'Mahony and Gavan and they will be taken now. I regret I had to rule out of order the matter submitted by Senator Lombard on the ground that it is a repeat of a Commencement matter taken on 28 September 2017.

### **Commencement Matters**

#### **Roads Maintenance Funding**

**Senator John O'Mahony:** I thank the Leas-Chathaoirleach for selecting this Commencement matter and I welcome the Minister, Deputy Ross. The Minister will be aware that I am a member of the transport committee, and the reason I have raised this matter is that the chief executive officer, CEO, of Transport Infrastructure Ireland raised it at the committee's meeting last week. He informed the committee that the current funding allocation for road maintenance was cut by approximately €6 million, or 16%, to €31 million. He mentioned that the funding allocation was €58 million in 2008, before the financial crisis.

During that financial crisis the Minister's predecessors confirmed that even though major projects had to be delayed or cancelled at that time, road maintenance would always be maintained or, in some cases, increased. I am aware of some large projects that have been restored and in the case of the Gort to Tuam motorway, it has been completed to Tuam. There are other projects in the capital plan. It is ironic that the road maintenance funding is being reduced. The allocations for local and regional roads were announced yesterday, but my question is specifically about maintenance. The weather over the winter and especially over the last month has caused havoc, particularly with regional and secondary roads in more rural parts of the country and in my constituency, Mayo. The potholes never disappeared but they are now back with a vengeance. Mayo and Galway have the biggest network of secondary and local roads in the country so there is a need for more maintenance. The CEO, Mr. Michael Nolan, said:

If current levels of maintenance funding are not increased, there is an increasing deterioration in the condition and capital value of our national roads network. Even with increased funding for capital pavement renewals, if routine maintenance is not adequately funded, we will see pavements and other assets deteriorating more quickly and having to be replaced earlier than otherwise would have been the case. A proper balance between ordinary maintenance expenditure and capital renewals investment is essential. [...] In relation to our 2018 maintenance allocations, we have been forced to substantially cut our allocations to local authorities. We have reduced our provision for salt purchases for 2018. While salt stocking levels are adequate, we will review the situation following the winter season. We have also cut our allocations for traffic route lighting. The budget provisions for maintenance of the high-speed motorway network has been maintained.

I ask the Minister to clear up some of the confusion that has arisen.

**Minister for Transport, Tourism and Sport (Deputy Shane Ross):** I thank the Senator for raising this very important matter, which no doubt he will raise at the Joint Committee on Transport, Tourism and Sport when I am there next week or the week after. As Minister, I have responsibility for overall policy and funding on the national roads programme. In its annual budget, the planning, design and implementation, as the Senator will know, of individual roads projects is a matter for Transport Infrastructure Ireland, TII, under the Roads Acts 1993 to 2015, in conjunction with the local authorities concerned.

The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from local authorities' own resources supplemented by State road grants. The overall funding position for 2018 is that while current budgets for national, regional and local roads are being cut, there are increases in capital budgets. Of course, I would have preferred not to be in a position where I had to opt for cuts in the current roads budget.

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However, it is important to emphasise that the increases in capital funding will more than offset the current expenditure cuts. In this context the national roads capital budget will increase by €35 million to €434 million. The regional and local roads capital budget is increasing by about €100 million to €381 million in 2018.

As regards regional and local roads, I was happy to be able to announce yesterday, of which the Senator will be aware, a much-needed increase in grant allocations of around 29%. Funding in 2018 will largely continue to support the maintenance of the regional and local road network and should allow approximately 2,300 km of regional and local roads to be maintained and 2,100 km to be strengthened this year. The allocations in 2018 will also see expenditure on road improvement projects increasing to approximately €50 million.

Capital projects included in the capital plan will progress together with a significant number of safety related and bridge rehabilitation schemes. I am also introducing ring-fenced funding for community involvement schemes and for drainage. As I indicated yesterday, these are two areas where I have very much wanted to take action and I am very glad to be able to do so this year.

There needs to be an increased focus on measures to improve the resilience of the road network in the face of climate change. There is also provision for 216 smaller bridge rehabilitation schemes and 227 safety improvements projects to be carried out. The main focus of the safety improvements scheme is to improve safety at locations where collisions have taken place. The Government gave a specific commitment after the devastating flooding in County Donegal last year to assist Donegal County Council with road repairs and funding is being provided in 2018 to meet that commitment. It is also important to note that these grant allocations do not represent the total investment in regional and local roads for this year. State grant funding is in addition to the resources the local authorities put into their roads. Considerable autonomy is given to local authorities to decide their roadworks programme. I always emphasise to local authorities the need to prioritise expenditure on roads when allocated their own resources.

**An Leas-Chathaoirleach:** The Senator may ask a brief supplementary question.

**Senator John O'Mahony:** I thank the Minister for his response. I welcome the increase in capital spending and the new projects which he announced yesterday. I did get the list of the named roads, but as the Minister said, there is a cut in the actual maintenance of roads. The difficulty is that as a result of the severe weather, with frost, low temperatures and almost torrential rain, there has been a significant increase in the breakdown of the surfaces of local roads in rural areas. If those roads are not on the list that has been outlined by the Minister, then the local authorities have a problem. I am requesting the Minister to create an emergency fund to deal with the havoc resulting from the weather conditions in the past month to six weeks. That is my main point. Were the Minister to give me some hope that he will address this issues with the local authorities, I think everyone would be happy.

**Deputy Shane Ross:** With the permission of the Chair, may I respond to Senator O'Mahony?

**An Leas-Chathaoirleach:** It is in order.

**Deputy Shane Ross:** The Senator has made an important point. He cannot expect me to come in here and say I will write a blank cheque for emergency funding. That is not something I am going to do. I mentioned County Donegal in my initial response. The Government has never been found wanting in a situation or category like that mentioned by Senator O'Mahony.

I do not think he will find that we are found wanting on this occasion.

### **Military Neutrality**

**An Leas-Chathaoirleach:** I welcome the Tánaiste, Deputy Coveney.

**Senator Paul Gavan:** I welcome the Tánaiste. Ten days ago, images of the Vice President of the United States rallying US troops on their way to the Middle East went viral across the Internet because he was doing so in a civilian airport in a supposedly neutral country. These images served as a stark reminder that for over a decade, our civilian Shannon Airport has been used by the US army as a virtual forward base for carrying out military operations and exercises in the Middle East. Could one imagine a more salient image to undermine the neutrality of this State than an image depicting the US Vice President rallying US troops in our civilian airport in Shannon before they are transited off to a war zone in the Middle East to do God knows what? Such images make our neutrality a laughing stock.

Since 2002, over 2.5 million US troops have transited through the civilian airport at Shannon on their way to war zones in Iraq, Iran and Afghanistan. Millions of people have been murdered in those wars. We know that in the first six months of 2017, some 427 permits were approved for military-contracted airplanes to stop off and fly through Irish airspace. We know from these permits that the airplanes in question were on their way to Kuwait, Jordan, Saudi Arabia, the United Arab Emirates and Bahrain. Does the Tánaiste believe it is a coincidence that each of those countries is part of the Saudi-led coalition that is waging a savage war against the Yemeni people? Does he know how many people have died in that conflict in the past two years? Between 8,500 and 10,000 people have died in the Yemeni conflict, and at least 5,000 of them were civilians.

Thanks to this country's Government, we are facilitating ongoing death and destruction through a civilian airport. Perhaps the airport in question, Shannon Airport, has become a military airport. We need to call this what it is - the end of any reasonable claim by Ireland that it is a neutral country. I do not know whether the Tánaiste believes in neutrality. Perhaps he would like to tell us. We allow US military aircraft to transit troops and weapons to war zones where they kill people. We are now in the process of committing ourselves to permanent structured co-operation, which would increase our military spending year on year at a time when we are experiencing a housing and homelessness crisis. In effect, we are committing ourselves to a European army that will involve itself in the missions and crimes of NATO.

Does the Tánaiste accept that we - the Irish people - have a right to our civilian airport in Shannon? Does he accept that this right is continuing to be denied to us? It has been laid bare to people since 2003 that a civilian airport is being used as a military forward base. The idea that the US Vice President could address US soldiers on their way to the Middle East in our civilian airport in Shannon reveals the extent to which Irish neutrality has been undermined by successive Irish Governments. The question I originally tabled sought to ascertain how the Tánaiste reconciles these facts with our policy of State neutrality. I see that his colleagues in the Civil Service have translated that question so that it has become a request for a statement on our policy of neutrality. I ask the Tánaiste how he can reconcile the disgraceful scene at Shannon Airport just over a week ago, when the US Vice President told his troops to focus on their mission as they headed off to war from our airport in Shannon, with the policy of neutrality.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I hope the Senator is not insinuating that civil servants have done something inappropriate here because I do not believe they have. I will answer the question I have been asked to answer. I welcome the opportunity to reaffirm this Government's full commitment to Ireland's long-standing policy of military neutrality, which is characterised by non-participation in military alliances. Article 29 of the Constitution provides a framework for our policy of military neutrality. It clearly commits the State to uphold "the ideal of peace and friendly co-operation amongst nations" and "the principle of the pacific settlement of international disputes". That commitment was most recently detailed in the White Paper on defence I brought forward as Minister for Defence, which was published in August 2015. It reaffirmed that Ireland's policy of military neutrality remains a core element of Irish foreign policy, as was previously articulated in the review of foreign policy, *The Global Island*, published in January 2015. The Government recognises that our neutrality underpins and strengthens our foreign policy and adds substance to the peacekeeping efforts in which we have been involved for over 50 years. This allows Ireland to project a positive, progressive and impartial image on the international stage. The Government upholds and will continue to uphold that long-standing and publicly cherished policy.

The Senator's question refers to a routine refuelling stop of the aircraft of the Vice President of the United States, Mike Pence, on 20 January 2018. Responsibility for the regulation of foreign aircraft landing or overflying the State is shared between Departments. The Minister for Foreign Affairs and Trade has primary responsibility for the regulation of foreign military aircraft. Successive Governments have made landing facilities at Shannon available to the United States for many years and the facility to land is also made available to military aircraft from other countries. Permission must be sought in advance for all landings by foreign military aircraft. Foreign military aircraft of all states request permission to avail of facilities at Shannon or other Irish airports and must adhere to strict conditions that are applied to ensure compatibility with Ireland's policy of military neutrality. Such conditions routinely include stipulations that the aircraft is unarmed, carries no arms, ammunition or explosives, that it must not engage in intelligence gathering and does not form part of any military operation or exercise. In considering requests for landings by foreign military aircraft, my Department's primary focus is on whether the flights in question comply with these conditions. No distinction is made between states when it comes to applying these criteria. Facilitation of landing requests for foreign military aircraft does not alter or breach Ireland's policy of military neutrality and nor does the refuelling of a government jet *en route* to political consultations..

The Vice President of the United States was welcome in Ireland during his very short visit. It was a routine stopover and Ireland should continue to co-operate in a friendly manner with the United States, in particular when the Vice President is on his way to another part of the world and Ireland can offer an efficient stopover, as it did. My understanding is that, coincidentally, there were United States troops in Shannon Airport at that time. As Senator Gavan stated, there have been many instances of United States troops passing through Shannon on their way to other parts of the world. Ireland is a natural and very convenient stopover for flights crossing the Atlantic on the way to parts of the Middle East and, under the conditions I outlined, we have for many years offered that facility to unarmed US troops. My understanding is that in this instance the troops were on a civilian aircraft. It is no surprise that a Vice President of the United States, knowing that there were US troops in an airport through which he was travelling, chose to go and meet them. Were I in his position, I would have done the same.

**Senator Paul Gavan:** I am struck by a couple of phrases from the speech the Tánaiste

has made, such as the “positive, progressive and impartial image” that our neutrality helps our country to portray. Does he think a positive, progressive and impartial image was portrayed when the Vice President of the United States was rallying his troops in our airport in Shannon? The Tánaiste did not answer my question as to whether he thought it appropriate for Mr. Pence to do so in a civilian airport in what is supposed to be a neutral country.

I am glad the Tánaiste quoted Article 29 of the Constitution, which refers to “the ideal of peace and friendly co-operation amongst nations”. Perhaps he can reconcile that with the facilitation of the war in Yemen by the Government. I cannot reconcile the concepts of peace and friendly co-operation among nations with the Government decision, and the Tánaiste is the man in charge in this regard, to facilitate the ongoing support of that war through Shannon Airport.

**Deputy Simon Coveney:** It is important to say that, as would be customary in any routine refuelling stop, the Vice President of the United States of America availed of the facilities at Shannon Airport. My notes are very clear on this. During the course of this stopover, the Vice President availed of the opportunity to engage informally with a number of US troops since they were passing through also.

To answer the Senator’s question directly, I do not believe that this is proof or an indication of anything that undermines Irish neutrality. It is no secret that US personnel crossing the Atlantic often stop in Shannon Airport for refuelling. This does not mean that it determines Irish foreign policy. The Senator would like to insinuate that, but it does not.

**Senator Paul Gavan:** It clearly does.

**Deputy Simon Coveney:** No, it does not. Irish foreign policy is determined by the Government and by the Oireachtas. Before Irish troops go anywhere to any part of the world, we have a triple-lock system, which is a proven system that people trust. This is the basis for our military neutrality.

**Senator Paul Gavan:** The Government is facilitating the US support for war in-----

**Deputy Simon Coveney:** We have also facilitated other countries that have landed and refuelled aircraft in Shannon.

**Senator Paul Gavan:** Does that make it right?

**Deputy Simon Coveney:** This is called international co-operation. Ireland is a friendly country with friendly relations with many countries. It does not mean-----

**Senator Paul Gavan:** Tell that to the people of Yemen.

**Deputy Simon Coveney:** With all due respect to the Senator, I suspect that I have spoken a lot more about Yemen than he has-----

**Senator Paul Gavan:** What has the Minister done about it?

**Deputy Simon Coveney:** I do not know that for sure, but I have raised the issue of Yemen repeatedly-----

**Senator Paul Gavan:** So have I.

**An Cathaoirleach:** The Senator will have to find another way of dealing with it.

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**Deputy Simon Coveney:** -----so I will not take any lectures from the Senator about moral positions on Yemen. We have worked through UN bodies and through the EU to try to ensure action is taken to protect civilians in Yemen and to make sure aid can get in to Yemen, which is being prevented.

**Senator Paul Gavan:** What action is the Minister taking to ensure this?

**Deputy Simon Coveney:** I will continue to do that but I will not accept the insinuation that because we have a friendly relationship with many countries, some of which choose to use our airport facilities appropriately and within a framework that I have outlined, this somehow undermines Irish neutrality-----

**Senator Paul Gavan:** They are on their way to war.

**Deputy Simon Coveney:** -----and our decision making, because it does not.

**An Cathaoirleach:** I thank the Tánaiste and the Senator.

*Sitting suspended at 2.58 p.m. and resumed at 3.30 p.m.*

### Order of Business

**Senator Jerry Buttimer:** The Order of Business is No. 1, Private Members' business, Control of Economic Activity (Occupied Territories) Bill 2018 - Second Stage, to be taken at 4.45 p.m., with the time allocated to the debate not to exceed two hours; and No. 2, Technological Universities Bill 2015 - Second Stage, to be taken at 6.45 p.m. and to be adjourned no later than 7.45 p.m., with the time allocated to group spokespersons not to exceed eight minutes and all other Senators not to exceed five minutes. I remind the House that tomorrow evening this debate will resume at 5 p.m.

**Senator Catherine Ardagh:** Last week, I raised the issue of a primary care centre at Curlew Road which was promised by the Government in 2012. It was apparently still in the Government's plans when my colleague, Deputy Billy Kelleher, tabled a parliamentary question in 2015. Today, at 3.13 p.m., I received a note from the HSE stating that the site does not form part of the funded plan for development. Can the Leader say how this site fell off the plan for development, having been there between 2012 and 2015, and why this is the first we have heard in writing on this matter? Is this related to the questions which my party leader, Deputy Micheál Martin, asked in the Dáil earlier? Is there a serious issue related to the HSE budget deficit? Is this the reason that this project has been sidelined? I call on the Minister, Deputy Simon Harris, to come to the Chamber to address this issue.

I also wish to raise the mortgage to rent scheme. I welcome the terms of the scheme, which offers a 2% fixed interest rate over a lifetime of 25 years. I would be very happy with those very favourable terms and welcome them for all young couples. However, the big issue is supply. I know a young couple who have been in the market to buy a house in Crumlin for the past month. When this scheme was announced last weekend, house prices jumped dramatically



from the €280,000 bracket to the over €300,000 bracket. First, we should review the scheme to ensure it is working and having the correct effect. Second, as I have said before, we must ensure that we have a State-wide house building programme. Without addressing the matter of supply, we will never correct the housing market.

**Senator Victor Boyhan:** We should support the *Irish Farmers' Journal* in its campaign to promote the suckler herd in Ireland. It is a major story online. We should do so whether we are based in urban or rural areas as farming knows no divide or boundaries. The save our sucklers campaign is being co-ordinated by the *Irish Farmers' Journal* and is supported by the IFA. As part of this campaign, it has issued a letter to EU Commissioners Phil Hogan and Cecilia Malmström, the Taoiseach and the Minister for Agriculture, Food and the Marine, Deputy Creed. I thank the Minister, Deputy Creed, for coming to the House recently and giving us a comprehensive and detailed account of his stewardship in agriculture, although time did not permit him to cover all areas. I acknowledge that he came to the House and I thank the Leader for organising the debate.

Time and again, it has been said that farming is the backbone of rural Ireland, and I agree. Whether people live in urban or rural areas, our economy relies on agriculture. It is important that people support the suckler farming sector and this campaign, acknowledging how the trade feeds into and sustains rural communities. People can go online and see the campaign for themselves but I will share four key messages that I have take from my engagement with this campaign.

First, the campaign seeks a fully funded Common Agricultural Policy. Second, it calls for EU protection of the Irish suckler herd because of the quality and supremacy of Irish beef and the need to protect the Irish beef trade and the local and international economy associated with it. The third point is the need to safeguard farm income. That is particularly important when we talk about sustainability and rural communities. Finally, it calls for a payment for suckler cows. A sum of €200 has been suggested. That is a matter for the Minister and the lobbyists to pursue. I ask my colleagues here to engage with their communities, whether rural or urban, and to look at the *Irish Farmers' Journal* online and read for themselves the importance of this national campaign.

I also remind my colleagues and ask them to spread the word in their own communities about the four public consultation meetings on reform of CAP 2020. Those meeting were announced on Friday. They will be announced in the public press if they have not already been. There will be a series of meetings and the Minister of State, Deputy Doyle, is taking most of them. He will be touring around the country explaining it to people and listening and engaging with farmers on their input on CAP 2020.

**Senator Rose Conway-Walsh:** The first issue I will raise is that of flood defence barriers, in particular the length of time it is taking the Office of Public Works, OPW, to approve works that need to be done. It is absolutely unacceptable. Areas like Carraholly, Rosmindle and Kilmeena near Westport have been waiting since 2014. During the floods of 2014, the damage that was done there needed to be repaired immediately. It has taken four years to get to this stage and we have not even got approval yet. There are two things wrong with that. First is the length of time and the cost of drawing up plans. All that needs to be built is a simple wall - a flood barrier for the communities. It is totally wrong that four years later nothing has been done. I ask that the Minister of State, Deputy Moran, come in here to tell us exactly what he will do and what he is doing to speed up this process because four years is absolutely unacceptable. It

is also unacceptable that the OPW and other consultants have failed to engage with or listen to local communities when they have the resolutions to many of these problems. We are spending millions on consultants without consulting with the local communities that are most affected by it. I would like the Minister of State to come in here to address that.

The other issue I will raise is a hidden aspect of the current crisis in our health service in the care and management of those living in constant pain. Many of these people, who have already been through the health system and are now living with pain, need access to continual care. I was alarmed to be informed about it by a constituent who applied to attend the pain management clinic in Galway in 2016 and who is still on that waiting list. She was recently told she will have to wait at least another 18 months. The end of year waiting figures published by the National Treatment Purchase Fund for pain management does not include any figures for University Hospital Galway. There is a suspicion that the figures for the pain management clinic at University Hospital Galway have been included in the figures for anaesthetics. If this is the case, it is a worrying development. Having long waiting lists is bad enough but they should at least be transparent and fair in terms of how they are operated. Leaving patients with indefinite waiting times and confusing waiting lists is totally unfair. We need clarity from the Minister for Health that if people are placed on the waiting list for vital pain management treatment, they can at least track their progress and gain some idea of when they will be seen. While we may all have different solutions and priorities for fixing the health care system, we absolutely need reliable figures for waiting times to properly assess how it is performing. It is grossly inhumane that we have people in really bad pain around this country waiting years for basic pain relief management. I ask the Minister to come in to discuss that.

**Senator Aodhán Ó Ríordáin:** I will raise two issues. First is the issue of the section 39 workers who, along with their representative body, SIPTU, unfortunately have come to the conclusion that they have no option but to go on strike on 14 and 15 February. The Government must take this issue quite seriously. They are people employed in voluntary organisations who have service level agreements with the HSE. They are coming to the end of their tether. I remind the Government that when the Labour Party was in government, we spent a huge amount of time and energy trying to restore people's pay by bringing in legislation that has effectively helped to restore the pay of contract cleaners, security workers and people in the public service. The eye has been taken off the ball in this regard. We have industrial action from special needs assistants, SNAs, teachers who are deeply upset about the lack of pace in pay equalisation and now we have section 39 workers. Unfortunately, the Taoiseach has form in cracking down on workers' rights in some of his previous pronouncements. The supposed leader of the Independent Alliance has made scurrilous remarks about the trade union movement in the past. I hope that is not the type of rhetoric that will be used to deal with this particular issue. Nobody wants to see section 39 workers on strike. I wish the Government would deal with this issue and begin to restore their pay because they do not want to be on strike. I ask the Leader to facilitate a debate in that regard.

Second, I want to raise the issue of schools, particularly those on the north side and south side of Dublin, which are selling their lands to private developers. We have an issue in St. Paul's, Raheny, whereby the Vincentian order was handed land from Dublin City Council in the 1950s but has now sold that land to a private developer. A planning application for a huge development has been made, which will effectively destroy St. Anne's Park on the north side. We also have a situation on the south side, about which Councillor Deirdre Kingston in Dún Laoghaire has alerted me, whereby the Edmund Rice Schools Trust is asking the Minister to

disband the board of management of Clonkeen College due to the latter taking a court case to prevent the selling of lands in that school.

It is about time the Minister for Education and Skills got out from behind his desk, came into this Chamber and began to discuss the reality of communities across Dublin and, I assume, across the country losing playing pitches and community facilities because religious orders are selling them off to private developers. In this quite concerning case, the trust wants to abolish the board of management that is taking this case and is asking the Minister to facilitate that. I believe the Minister has a real role in this situation. I ask the Leader to facilitate his arrival in the Chamber in order that we can stop the religious orders from selling off lands, selling out local communities and trying to abolish the boards of management of the schools that are doing such a great job both in this school and in schools nationwide.

**Senator Ray Butler:** It is great to see everybody doing “Operation Transformation” after Christmas. I want to talk about diabetes and getting regular check-ups. More than 200,000 people in Ireland have been diagnosed with type 2 diabetes and I would safely suggest that another 200,000 to 300,000 people do not know they have diabetes. As the World Health Organization last year stated that by 2030, more than 40 million people will have died worldwide from diabetes-related problems, it is going to be huge as we move forward. A survey undertaken in the midlands over a five-year period found one striking piece of information, namely, 61% of those who are diagnosed with either type 1 or type 2 diabetes will make life-changing decisions to put their life back on track as best they can, which is huge.

The Minister said last year he was thinking of funding free blood check-ups for diabetes and putting in place some type of system. I have seen Diabetes Ireland carry out mobile check-ups such as those which took place in Navan last year outside Lidl. The event was sponsored by Lidl and was attended by many people. I ask the Minister to give Diabetes Ireland the money to put more of these mobile units on the road countrywide.

**Senator David Norris:** Hear, hear.

**Senator Ray Butler:** I thank Senator Norris. It is a simple check-up involving a prick to the finger to check the blood. It only takes two or three minutes but can save many lives, as well as saving a lot of money for the health service. I ask the Minister to come to the House to let us know what he intends to do with regard to funding blood checks to diagnose people who technically are diabetes sufferers.

**Senator Robbie Gallagher:** People were horrified and saddened by events last week in Aughnacloy, County Tyrone, which is on the Monaghan border, when an 83-year old woman, Pat Davidson, was found with serious injuries after a burglary in her home. This lady suffered a fractured spine, a fractured pelvis and a fractured skull and she was put into an induced coma. I am sure Members will join me in wishing her a full and speedy recovery. As we can imagine, this incident has caused great concern and fear in the community, not only in County Tyrone but throughout the country. What makes it more sickening is the fact that the suspect, who is believed to be from Dublin, has many previous convictions. Whether the individual is the culprit or not is neither here nor there, but it raises concerns about the ongoing issue of criminals, many of them dangerous, who are continuously being released on bail.

One measure that could reassure the public is electronic tagging, and the role this could play in assisting gardaí in trying to monitor the movements of these criminals. Recent statistics

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show almost 80% of burglaries are committed by 5% of criminals. The programme for Government, as the Leader is aware, has a commitment to fast-track a new Bill to provide for electronic tagging of people on bail. Surely we should be embracing advances in technology to assist gardaí in the prevention of crime and the promotion of justice. Interestingly, recent statistics show that electronic tagging would cost €6 per day compared to the cost of €163 per day to keep someone in prison. Will the Leader bring the Minister to the House to update Members on the situation of the Bail (Amendment) Bill? Will this legislation be fast-tracked? Surely we need to do everything possible to protect the elderly in our community. I hope this latest sickening episode will be the last.

**Senator Maura Hopkins:** Ballinasloe in County Galway is a town that has made real progress in the Tidy Towns competition in recent years and I strongly commend the local community, committee and council in this regard. However, as a community the people of Ballinasloe continue to be plagued by the issue of waste. In 1999 community representatives took the urban district council to the High Court in their efforts to block the development of a landfill in the town. As a result of that High Court order, on 31 December 2005 that landfill ceased activity. Ever since, the quality of life of people in the town has improved greatly. However, events took a turn in recent weeks when it emerged a private operator proposes to develop on the outskirts of the town a waste transfer facility to serve the midlands. I have many concerns, and I attended a public meeting recently which reflected serious concerns on behalf the public about the environmental impact of the development along with infrastructure issues.

Today I want to focus on the issue of environmental impact assessments for such projects. I have been informed that, at present, waste facilities, such as the one proposed for Ballinasloe, do not have to provide an environmental impact assessment in their planning or waste permit applications if they propose to handle less than 25,000 tonnes of waste per year. I am also aware this system is easily worked around, as operators simply submit applications marginally below that limit. For example, an operator can make a submission for 24,500 tonnes and not be subject to an environmental impact assessment.

I call on the Minister for Housing, Planning and Local Government, Deputy Eoghan Murphy, and the Minister for Communications, Climate Action and Environment, Deputy Denis Naughten, to amend this 25,000 tonne threshold in planning and waste licensing applications, respectively, to ensure all projects, whatever the tonnage, be subject to environmental impact assessments. It seems wrong that a project of this scale would not be subjected to the full rigours of an environmental impact assessment to ensure all factors, including the impact on the health of the community and the suitability of local infrastructure to cope with such a development, are considered. I ask the Leader to have a debate in the Seanad on these matters.

**Senator Máire Devine:** I thank the Vótáil 100 committee. Today, it launched the centenary of women getting the vote in 1918. That led to Countess Markievicz being successful in her election on a Sinn Féin platform. I thank it also for the badges it has given out and I look forward to engaging with its programme of events.

I want make Members aware again of the Pearl of Wisdom campaign. I ask that they wear their badges between 28 January and 3 February to support and encourage women to avail of cervical cancer screening. Over 300 women in Ireland are diagnosed with cervical cancer every year and there are 90 fatalities. Along with the human papillomavirus vaccine, HPV, regular screening is an effective way to prevent cervical cancer. I want this House to promote that message.

In breaking news, the Irish Medical Organisation, IMO, has come out with figures showing that Ireland's hospitals are in the middle of a humanitarian crisis. Today, the number of patients on trolleys in emergency departments or on wards swelled to 644. Yesterday, the figure was lower but it has increased by 100 in less than 24 hours. I welcome the statements but I do not know how much good they will do. Hopefully, we can confirm that the Minister, Deputy Harris, will be coming in for statements on emergency waiting times in our hospitals, as well as to talk about the capacity issues and implementation and action required following the Sláintecare report.

**Senator David Norris:** I had an agreement with Senator Humphreys to raise an issue but, unfortunately, he does not appear to be here. He suggested that we raise a situation with which the Cathaoirleach is familiar, namely, a visit from RTÉ. One morning last week, I got a message suggesting a meeting during the day. I met Ms Deirdre McCarthy, the managing director of radio, and Mr. Richard Dowling, who is the political assignments editor. Basically, they were talking about moving the entirety of political commentary online. This would be an absolute disaster. I told them I would oppose it strongly. They said there is a small audience. I said that is entirely their fault. If they do a rotten programme rather than a good one and do not attract listeners, then that is their problem. They should set about doing something about it and making it more interesting. Irish people are politically literate, interested in politics and there is no reason they should not take an interest in the broadcast of these important matters affecting every member of society.

The broadcast time is shifted all over the place. Sometimes it could be 11 p.m. and the next day it could be 2 a.m. How on Earth can an audience be held if the time keeps shifting? Ms McCarthy and Mr. Dowling said they want to migrate online. I said why migrate? Why not expand? Of course they should go after the new market online. I do not use it. However, many young people do. Many middle-aged and even older people do as well. We should incorporate that and not cancel out political commentary. I gather the idea is to get rid of "Oireachtas Report", the "Late Debate" and so on. This would be absolutely disastrous. I also pointed out there was great negligence in the coverage of Seanad Éireann. I gave the example of when Senator Alice-Mary Higgins put down a motion on the comprehensive economic and trade agreement, CETA, between Canada and the EU. We had a good discussion. I spoke with Fianna Fáil, it abstained and we defeated the Government. We defeated the Government on an important policy issue.

There was no mention whatever that night of Seanad Éireann and nothing on the Canadian trade agreement. However, a couple of days later some female Member of the Dáil mentioned it, in passing, on the Order of Business and she was interviewed. It was quite extraordinary. I serve notice to colleagues that this is what RTÉ intends doing.

**Senator Máire Devine:** Senator Norris should host "Oireachtas Report."

**Senator David Norris:** I thank the Senator. That is a rather frivolous suggestion.

**An Cathaoirleach:** The Senator is running over time.

**Senator David Norris:** I want to serve notice to colleagues that this is what RTÉ intends to do.

*4 o'clock*

30 January 2018

We should oppose it-----

**Senator Máire Devine:** A disgrace.

**Senator David Norris:** -----as we opposed when RTÉ tried to close the long-wave transmission, which was so valued by elderly Irish people living in Britain. We stopped RTÉ from doing so. Therefore, I think we can, once again, with the best will in the world towards RTÉ, intervene to stop it closing the terrestrial broadcast of political issues.

**Senator Aodhán Ó Ríordáin:** Agreed.

**Senator David Norris:** It is very important for the Irish people to be kept informed about what is going on.

**An Cathaoirleach:** The Senator has run out of coverage.

*(Interruptions).*

**Senator Paul Coughlan:** I welcome the wonderful cooperation between the trustees of Muckross House and the National Parks and Wildlife Service on many matters.

**Senator David Norris:** Where is Muckross House?

**Senator Paul Coughlan:** I thought the Senator understood where it is.

**Senator David Norris:** Do tell us?

**Senator Paul Coughlan:** It is in Killarney.

**Senator Aodhán Ó Ríordáin:** It is outside the M50.

**Senator Máire Devine:** It is in Killarney.

**Senator Paul Coughlan:** Muckross House is located by the side of the lake.

**An Cathaoirleach:** Please do not tease the Senator for representing the Kingdom.

*(Interruptions).*

**Senator Paul Coughlan:** The house is beside Middle Lake or Muckross Lake.

**Senator Maura Hopkins:** It is outside the main house.

**Senator Paul Coughlan:** Senator Norris, I will gladly take him there again.

**Senator David Norris:** I have been.

**Senator Paul Coughlan:** I know he has.

**Senator David Norris:** I was not.

*(Interruptions).*

**Senator Paul Coghlan:** I simply want to mark the occasion whereby the two entities co-operated to allow a famous Jack B. Yeats painting of the then lady of the house to be purchased at Sotheby's of London some time back. Neither party could have purchased it on their own but together they managed to do so. The painting is very interesting because it was Jack B. Yeats-----

**An Cathaoirleach:** I am surprised that the Senator did not purchase it himself.

**Senator Paul Coghlan:** No.

**Senator David Norris:** Was the painting by Jack B. or John B.?

**Senator Paul Coghlan:** It was Jack B. It was his first big commission in 1872.

**Senator David Norris:** That was John B.

**Senator Paul Coghlan:** Sorry, John B.

**Senator David Norris:** It must be John B. who was the father of Jack B.

**Senator Paul Coghlan:** I stand corrected.

**Senator David Norris:** I thought so as Jack B. did not do portraiture.

**An Cathaoirleach:** The correction is noted, Senator Norris.

**Senator Paul Coghlan:** The painting was completed in 1873 because the work was postponed due to the death of his son Robert "Bobbie" Butler Yeats. The painting depicts the lady of the house sitting in the gunroom of Muckcross House with her Maltese terrier. The chair on which she sat and the wallpaper depicted in the painting are still in the house. Apparently, when the painting was finished the woman's husband and lord of the manor refused to take the painting because she had absconded with one of the staff.

**Senator Máire Devine:** Scoundrel.

*(Interruptions).*

**Senator Paul Coghlan:** It was alleged to have been the footman and she never returned.

**Senator Máire Devine:** Yahoo.

**Senator Maura Hopkins:** Good for her.

**Senator David Norris:** Very democratic of her.

**Senator Aodhán Ó Riordáin:** RTÉ had better record this.

**Senator Grace O'Sullivan:** Good girl.

**Senator Paul Coghlan:** The portrait survived because it ended up with a friend of the painter, Mr. Edward Dowden at Trinity College. Following Mr. Dowden's death the painting

was returned to the Yeats family.

**Senator Aodhán Ó Ríordáin:** Headline news.

**Senator Paul Coghlan:** The painting was auctioned and was successfully bought. Now it will hang where originally intended.

**Senator David Norris:** Splendid.

**Senator Paul Coghlan:** I look forward to the first official visit to Killarney by the newly-appointed Minister for Culture, Heritage and the Gaeltacht, Deputy Josepha Madigan, when the painting will be officially hung. Please God, her visit will take place soon.

**Senator Colm Burke:** I want to raise an issue that has come into the public domain in the past few days. I refer to the Health Information and Quality Authority, HIQA, being invited to carry out an investigation into an incident that took place in one of the maternity hospitals, which has now ended up in the courts. I want to raise concerns about the way we have dealt with some of the issues that relate to medical care.

Over the past three to four weeks I have met members of the medical profession ranging from GPs to junior doctors to medical consultants. The one worrying aspect to emerge was that medicine in this country now operates in a defensive mode. In the past 12 months we have paid out €80 million for medical negligence claims in maternity care. That shows we have a huge challenge.

In 2003, a report set out that by 2012 we should have 180 medical consultants working in obstetrics-gynaecology. Instead, we currently have 130 whole-time equivalents. Now because of the level of litigation and complaints, more and more people who are very good medical practitioners are drifting away from working in the area. Such a situation has caused a major problem. It means that even if a vacant consultant position does arise the post will not be filled. We need to face up to this challenge now. We have 130 consultants when we should have 180. Even if we try to replace consultants by bringing in ten new consultants per annum, the measure will not replace the number of consultants who retire. We must tackle the demands being placed on hospital services as regards making sure that we give adequate support to the people who work on the front line. Previously, I raised the fact that the HSE had no problem employing an extra 2,000 administration and management staff. However, it appears to have a difficulty giving the necessary support to people who are working on the front line. We face a very big challenge and, unless we confront it in the next three to four years, we will not have people to fill the roles of medical doctors or even nurses. One hospital has lost 250 maternity nurses in the past four to five years because they have left the hospital system. This is a major challenge. We should debate it and deal with it.

**Senator Jerry Buttimer:** I thank the 11 Senators who raised myriad items on the Order of Business. Senator Ardagh referred to the primary care centre on Curlew Road. I am not familiar with the specific case but I liaised with the Minister's office after she raised the matter on the Order of Business last week. It is important to reassert the Government's commitment to primary care. It is the most important issue in the health sector and we are prioritising it under the Sláintecare report. It is about ensuring people can access primary care in their communities. I am of the view that more primary care units are needed. This Government - like that which preceded it - has been committed to building and opening new primary care units. However, I am not familiar with the issue at Curlew Road to which the Senator refers.



Regarding housing, we should all welcome the Government's initiative last week and recognise the significance of what the Government announced. I am reluctant to create a political row this afternoon but when I listen to some Members speak about housing, I wish they would cast their minds back to the lost decade of which they and their party - particularly its leader, who was at the Cabinet table - were the architects. In addressing the issue of social housing and homelessness this Government, through Rebuilding Ireland, is committed to investing in housing.

**Senator Catherine Ardagh:** It has not built any new homes. When it was awash with money, it did not build any.

**An Cathaoirleach:** I understand there are statements on housing tomorrow.

**Senator Jerry Buttimer:** Some 25,892 individuals had their housing needs met last year under Rebuilding Ireland. The Government exceeded its overall target for new social housing supports in 2017 by 23%.

**Senator Catherine Ardagh:** That includes allocations from the rent allowance to the housing assistance payment, HAP. It is not new building.

**Senator Jerry Buttimer:** That is more than 4,800 additional tenancies. The 2017 level of support was an increase of 36% over 2016 or 6,847 more households. Will I continue? I know the facts. I realise the Senator does not wish to hear good news on housing-----

**Senator Diarmuid Wilson:** It is good when the bar is low enough.

**Senator Jerry Buttimer:** -----but I will be happy to debate it with her tomorrow as well. I agree with the Senator that there is a generation of young people who wish to be able to buy houses and live in their own homes. They do not wish to be renting or to be on city or county council housing waiting lists. I accept that fully, but please do not mislead the House by saying that nothing is happening and no social housing is being built. I can bring the Senator to my city, Cork-----

**Senator Catherine Ardagh:** I can bring the Leader to Dublin South-Central and show him that nothing has been done since Fine Gael got into power.

**Senator Jerry Buttimer:** -----and introduce her to people who have received keys to their homes under Rebuilding Ireland. They have their homes and are living as a family. I will bring the Senator to the houses.

**Senator Catherine Ardagh:** I can bring the Leader to-----

**Senator Jerry Buttimer:** She can look at them and marvel at the wonder of people being housed under Rebuilding Ireland. Then I will bring her across to Dean Rock estate where houses are being constructed as we speak. She can see them and acknowledge that we are building houses. She cannot ignore the fact that, on her party's watch, the construction sector was decimated, the banking system was on its knees and the troika was here. Does she remember the troika?

**Senator Robbie Gallagher:** Try to stay in the present day.

**Senator Jerry Buttimer:** The problem is that Senator Gallagher does not wish to remem-

ber that. We have to tell him, to remind him that his party can never be trusted again to be in government by itself. That is why we have a confidence and supply arrangement, whereby we can work together to ensure we never return to what was done in the boom-and-bust era of Bertie Ahern and Charlie McCreevy, when the Senator's party leader was at the Cabinet table and was happy to acquiesce.

**Senator Robbie Gallagher:** I think the people are more interested to learn what the Government is going to do about housing rather than in a history lesson, with respect.

**Senator Jerry Buttimer:** Senator Gallagher is the education spokesperson and knows the importance of history.

**An Cathaoirleach:** That can be raised tomorrow during the debate on housing.

**Senator Jerry Buttimer:** One can learn from history. That is why Rebuilding Ireland is the cornerstone. Yes, we have a road to travel and I accept we have a great deal of work to do. It is unacceptable that people are waiting. That is why the Government made an announcement on the affordable scheme last week. It is important that we build more houses and we create the environment in which to do that. Members will find that there is no reluctance on my part as Leader or from Members on this side of the House to do that. It is about ensuring that we house people of all ages and in all communities. It is critically important that we give people hope and confidence. That is what Rebuilding Ireland is about.

Senator Boyhan raised the issue of the *Irish Farmers' Journal* suckler herd campaign. Senator Boyhan is correct, as we all know €1 invested in our beef sector underpins €4 in the economy. It is a very important element of our economy. As the Taoiseach said at the AGM of the IFA the farming sector is a very important part of our country. The Minister for Agriculture, Food and the Marine, Deputy Creed, has announced six public meetings under the 2020 consultation on the Common Agricultural Policy, which will be reviewed in June of this year by the EU Commission. It is important that we hear all the different voices. That is the reason that the Minister, Deputy Creed, is investing in the beef data genomics programme, BDGP, scheme in terms of the herd. It is an important part of the agricultural sector. I would be happy were the Minister to come to the House in that regard.

Senator Conway-Walsh raised the issue of flood relief. It is important to understand that the issues she raised are critically important to the people in the communities she has named. I think it is a bit unfair to say the Office of Public Works is not engaging because from my experience in the city of Cork, and I know from Senator McFadden who has raised the matter in this House, the OPW engaged with communities in different part of Ireland around flood defence needs. I am not familiar with the area that Senator Conway-Walsh raised. I know the Senator raised it last week as well and stated there is a need to up the level of engagement. I would be happy to have the Minister of State at the Department of Public Expenditure and Reform, Deputy Kevin Boxer Moran, come to the House. The then Taoiseach, Deputy Enda Kenny, added special responsibility for flood relief to the role of the Minister of State with special responsibility for the Office of Public Works. It is important to give Deputy Moran, who replaced Deputy Canney, the opportunity to come into the House to have that debate. I would be happy to facilitate it.

Senator Conway-Walsh addressed the issue of chronic pain. As a former Chairman of the Oireachtas Joint Committee on Health, I invited Chronic Pain Ireland to come before the com-

mittee. Dealing with chronic pain is an extraordinary situation in our health system as there is no one condition in some cases, people fall between the cracks. We need to have this issue addressed and I would be happy for the Minister for Health to come to this House. It is critically important that people who are in chronic pain but whose condition remains uncategorised receive a fair hearing.

Senator Ó Ríordáin raised section 39 organisations. I thought he was in government in the past five years with another party as well. I am sure he has forgotten that.

**Senator Aodhán Ó Ríordáin:** One can see the difference now.

**Senator Jerry Buttimer:** The country is flying now. Senator Ó Ríordáin is correct.

**Senator Aodhán Ó Ríordáin:** In the wrong way for workers. They want their money back.

**Senator Jerry Buttimer:** We need to address the issue with section 39 organisations and I would be very happy to have that debate in the House. As Senator Ó Ríordáin knows quite well, those organisation were not directly funded by the HSE. He has raised the differences in their pay and conditions. Anyone who works in the health system is entitled to and deserves to have equal and fair pay. Those of us who have been advocates of that for a long time will continue to work for that.

**Senator Aodhán Ó Ríordáin:** They were not going on strike when we were in government.

**Senator Jerry Buttimer:** The whole country did not go on strike when the Senator and his party were in government.

**Senator Aodhán Ó Ríordáin:** I know and it was great.

**Senator Jerry Buttimer:** It is amazing how Members forget things when they leave government.

**Senator Aodhán Ó Ríordáin:** No, it is amazing why people want to go on strike now - SNAs, teachers, lecturers-----

**An Cathaoirleach:** Please, allow the Leader to continue.

**Senator Jerry Buttimer:** I will have the Senator remember that teachers went on strike when we were in government together.

**Senator Aodhán Ó Ríordáin:** One day.

**Senator Jerry Buttimer:** The SNAs threatened to go on strike as well. There were also issues of potential strikes with ambulance service staff. We can have an argument if the Senator so wishes.

**Senator Aodhán Ó Ríordáin:** The troika was running the country then.

**Senator Jerry Buttimer:** I think we were of a similar mind.

**Senator Aodhán Ó Ríordáin:** The Senator will have a tougher job with me than with the Fianna Fáil Party.

30 January 2018

**Senator Jerry Buttimer:** No, it is quite easy to deal with the Senator.

**Senator Aodhán Ó Ríordáin:** Not really.

**Senator Jerry Buttimer:** Quite easy.

**Senator Gabrielle McFadden:** Senator Ó Ríordáin should not be sensitive.

**Senator Robbie Gallagher:** The Leader should not be antagonising other Senators.

**Senator Aodhán Ó Ríordáin:** He should move on to Clonkeen Community College.

**An Cathaoirleach:** Leader, we are-----

**Senator Jerry Buttimer:** I know Senator Ó Ríordáin has a very strong social media campaign with regard to the issue at St. Anne's Park.

**Senator Aodhán Ó Ríordáin:** It is more than just social media. There were 3,000 people there at the weekend.

**Senator Jerry Buttimer:** I ask the Senator to reflect on the possibility that in this case-----

**Senator Aodhán Ó Ríordáin:** I am reflecting.

**Senator Jerry Buttimer:** -----it is a matter for local authority zoning. The Senator might do well to liaise with some of his councillors on the ground with regard to aspects of planning like the local area plan and the city plan. I am not familiar with the designated sites that have been raised by the Senator because it is not my area.

**Senator Aodhán Ó Ríordáin:** Clearly.

**Senator Jerry Buttimer:** I ask the Senator to let me finish. He might do well to listen sometimes rather than objecting the whole time.

**Senator Aodhán Ó Ríordáin:** Ceart go leor, a mhúinteoir.

**Senator Jerry Buttimer:** I am not necessarily against what the Senator is trying to achieve here. I ask him to give me an opportunity. Perhaps it might be more advantageous to raise this issue as a Commencement matter with the Minister. To be fair to the Minister, he is not hiding behind his desk.

My information on this issue is based on my time on the city council. As a former local authority member and a former Minister of State, Senator Ó Ríordáin will be aware that there may be a planning issue with local area plans here. I agree with him that there is an issue. If moneys are allocated or there is redress to be made, the organisation or institution should deal with local authorities and with the Government. I am not familiar with the cases mentioned by the Senator, which involve Vincentian lands at St. Anne's Park and Clonkeen. I have given my answer. It is important for us to look at the possibility of having a Commencement debate on the matter. I will get the Minister to come to the House in the next couple of weeks, if I can.

**Senator Aodhán Ó Ríordáin:** Okay.

**Senator Jerry Buttimer:** It is important to have this matter addressed. I do not disagree with the Senator.

**Senator Aodhán Ó Ríordáin:** I appreciate that.

**Senator Jerry Buttimer:** Senator Butler spoke about diabetes, which is a source of concern. The prevalence of type 2 diabetes has increased beyond acceptance. In fact, it doubled between 1998 and 2015. It is thought that one in 15 people suffers from type 2 diabetes. I know that Diabetes Ireland had a national screening day in November. I would be happy to invite the Minister to come to the House to discuss the matter.

Senator Gallagher referred to the unfortunate incident in Aughnacloy involving Ms Pat Davidson. I agree with him that every effort should be made and every avenue should be utilised to combat crime and bring those who are guilty - the perpetrators - to justice. I would be happy to have the Bill relating to electronic tagging, CCTV and people on bail brought to the House as soon as possible. The Senator is right when he says we need to use every opportunity we can to protect people and to bring those who commit crimes to justice. In the past week, a gang of thugs - not people - travelled on the motorway from Dublin to my own area of Cork and rural parts of Cork.

**Senator Diarmuid Wilson:** Thugs from Dublin.

**Senator Máire Devine:** Dublin.

**Senator Jerry Buttimer:** It is a very serious matter.

**Senator Máire Devine:** I know that.

**Senator Jerry Buttimer:** People are travelling on the motorway to rob and harass old people, in particular. They came from Dublin in this case.

**Senator Diarmuid Wilson:** In most cases.

**Senator Jerry Buttimer:** I am not making a slight on Dublin. To be fair, the gang in question was apprehended by gardaí. One of the reasons gardaí were successful in this case was that they were able to use CCTV to get a visual of the particular van. I fully support any efforts we can make to bring these gangs to justice and to bring an end to this type of crime in our country.

Senator Hopkins complimented those involved with Ballinasloe Tidy Towns. I would be happy to have the Minister come to the House for a debate on the waste mentioned by the Senator. We need to highlight and keep on top of this important issue.

I join Senator Devine in congratulating all Members of the House who were involved in today's launch of Vótáil 100. I thank the Cathaoirleach for participating in that event. I compliment Senators Devine and McFadden along with Senator Bacik, who is the chair of Vótáil 100. It is an important year of celebration. Equally, it is critical that we support the Pearl of Wisdom cervical cancer campaign, which enables women to be screened and highlights and promulgates the importance of screening. Those who make comments otherwise about vaccinations and screening should reflect on the prevalence of cancer in our society. I think the Pearl of Wisdom campaign is worthy and deserving of our support. I am not sure what the rules of the House are regarding the wearing of emblems, but I certainly join Senator Devine in supporting this campaign.

Senator Norris raised the issue of his meeting with RTÉ. As I said in reply to a question on the Order of Business last Thursday, I met with the RTÉ representatives and they were due

to meet the Cathaoirleach today, if I remember correctly, or perhaps later this week. Senator Norris has raised the issue of the “Oireachtas Report” programme being reduced or eliminated. There are three parts to the discussion we should have on the coverage of the Houses of the Oireachtas. I agree with Senator Norris that the type of programme in question is critically important. In its current format, “Oireachtas Report” is not an appetising programme for many, not least because of the change in its scheduling. The second issue is the format and the third is that some believe such coverage is irrelevant to their lives. I understand that RTÉ is moving to an online model, which is where many people now access news and political coverage, often through using an iPhone, iPad or another device. The matter is probably beyond my remit and it is up to the Houses of the Oireachtas Commission or the Ceann Comhairle and Cathaoirleach and others to ensure there is fair, balanced and reasonable coverage of Oireachtas proceedings. That matter can be taken up with RTÉ. We, as Senators, cannot put our heads in the sand and say that everything we do is perfect because it is not but there is a duty on RTÉ as a public service broadcaster to cover proceedings in the Oireachtas. There is a movement away from the traditional forms of communication and coverage of news of which we, as politicians, possibly should be more aware.

**Senator David Norris:** RTÉ does not have to abandon terrestrial broadcasting.

**Senator Jerry Buttimer:** I accept that. I do not believe it is moving away from programmes such as “The Late Debate” because a new series of presenters for that programme has been announced and it is broadcast on Tuesday to Thursday, inclusive.

**Senator Aodhán Ó Ríordáin:** The new presenters are all women.

**Senator Jerry Buttimer:** The new presenting line-up is all female, which is good, and I welcome-----

**Senator David Norris:** Why is that good?

**Senator Aodhán Ó Ríordáin:** In the interests of gender equality-----

**Senator Jerry Buttimer:** It is all about different voices and it is-----

**Senator David Norris:** It should be about whether the new presenters are any good, not their sexuality or what they have between their legs.

**Senator Aodhán Ó Ríordáin:** On a day when Vótáil 100 is being marked-----

**Senator Jerry Buttimer:** It is important that we continue to engage with RTÉ on its coverage of the Houses of the Oireachtas and the committees. Senator Norris has made an important point.

I join Senator Coghlan in congratulating Muckross House and the National Parks and Wildlife Service on their co-operation in respect of the John B. Yeats painting that Senator Coghlan very graphically described. I hope the wallpaper is holding up and that there will be no further adultery in the grounds of Muckross House.

**Senator David Norris:** Spoilsport.

**Senator Paul Coghlan:** I am not accountable for what happens there but all are welcome.

*(Interruptions).*

**Senator Jerry Buttimer:** I am sure Senator Coghlan will not be roping in anybody soon.

**Senator Aodhán Ó Ríordáin:** Can the Leader expand on that?

**Senator Jerry Buttimer:** I agree with Senator Colm Burke on the need for a debate on the issue of litigation in our health service and, in particular, in regard to medical indemnity insurance and the cost of that, as well as the need to protect the men and women who work in the health service. Senator Burke is a very strong champion of our health service and has repeatedly raised the issue of the increased recruitment of administrative staff ahead of staff for other parts of the service. I will not make reference to the issue of HIQA undertaking an investigation at the National Maternity Hospital because that is still before the courts but it is important that the matters raised by Senator Burke are debated in the House.

Order of Business agreed to.

*Sitting suspended at 4.25 p.m. and resumed at 4.49 p.m.*

### **Control of Economic Activity (Occupied Territories) Bill 2018: Second Stage**

**Senator Frances Black:** I move: “That the Bill be now read a Second Time.”

I am delighted to table the Control of Economic Activity (Occupied Territories) Bill 2018. I welcome the Tánaiste to the Chamber to discuss the Bill and thank him for his sincere engagement and input on the legislation to date. I also warmly welcome the Palestinian ambassador, H.E. Ahmed Abdelrazek, and Dr. Mustafa Barghouthi, who are watching from the Public Gallery. I acknowledge the fantastic work of Trócaire, Christian Aid, the Irish Congress of Trade Unions and Sadaka in helping to prepare this Bill and for their years of research and advocacy on the issue. In particular, I wish to thank Michael Lynn, SC, and James Crawford, professor of international law at Cambridge, for their written legal input to ensure the legislation is robust in its compliance with EU and WTO trade rules.

At its core, this Bill is about respect for international law and standing up for the rights of vulnerable people. It is a chance for Ireland to state strongly that it does not support the illegal confiscation of land and the human suffering which inevitably results. As the issue can be complex, I will outline briefly what the Bill seeks to do and why. In practical terms, we are dealing here with a breach of international humanitarian law where one state has occupied another. It is about the construction of illegal settlements beyond internationally recognised borders as a means slowly to confiscate land and natural resources. International law is clear on this. Such settlements violate the prohibition of the fourth Geneva Convention on the transfer of civilian populations into occupied territories and constitute a war crime. Importantly, they also break domestic Irish law. Despite this, Ireland continues to provide economic support through trade in settlement goods.

The most high profile and clearly documented modern example of this issue is the Israeli settlement of the Palestinian West Bank which has been condemned repeatedly by the EU, UN and Irish Government. Ireland and its EU partners have a clear position on the Israeli settle-

ments. They state that the West Bank, including east Jerusalem, Gaza and the Golan Heights, are territories which have been occupied by Israel since 1967. They have also stated that the Israeli settlements are illegal under international law, constitute an obstacle to peace and threaten to make a two-state solution to the conflict impossible.

That peaceful solution is what we should all be seeking but trade in settlement goods is fundamentally undermining it. In the occupied Palestinian territories, people are forcibly kicked out of their homes, fertile farming land is seized and the fruit and vegetables produced are then exported to pay for it all. We strongly condemn the settlements but support them economically. As international law is clear that the settlements are illegal, the goods they produce are, in effect, the proceeds of crime. We must face up to this and cannot keep supporting breaches of international humanitarian law and violations of human rights. That is what the Bill seeks to do. It can end our complicity by prohibiting the import and sale of goods from illegal settlements and prevent Irish involvement in the provision of settlement services and the extraction of natural resources.

Section 3 outlines the scope of the legislation, which is important given the variety of military occupations around the world. If enacted, the Bill will apply by default to territories in respect of which there is clear international consensus on the status of an occupation as outlined in the judgments of international courts, including the ICJ and ICC. This includes the occupied Palestinian territories. The Bill provides for the option to go beyond this but only where there is agreement between the Minister and both Houses of the Oireachtas. This is an objective standard which works on the basis of consensus. We begin from the most limited position, relying on legal certainty, and move beyond it only if the Houses agree. The principle remains the same, however, and the application of the Bill could be extended to similar cases where a case on occupation can be made.

It is important to be clear that this is not a boycott of Israel or a ban on Israeli products. We must be accurate on this. We are making the same distinction the EU makes between goods from Israel and goods from illegal settlements beyond its borders. In 2012, the then-Tánaiste, Eamon Gilmore, outlined this important distinction. He said:

I have previously stated that Ireland would support a ban on settlement products. We do not support bans or boycotts on Israel, and this is not in question, but the products of illegal settlements constitute a separate and specific matter.

I urge colleagues to keep this vital distinction in mind.

To me, this issue matters because of the devastating impact it has on human lives on the ground. I am concerned with the little girl whose horizons are bounded by soldiers and a steel fence, whose family suffers from deprivation because they can no longer farm their land. It is the child who goes without eating because what was once food on the table is now harvested and sold around the world to pay for occupation.

I stand today in opposition to this war crime, not because of the abstract legal principles, but because of the real human suffering caused on the ground. This is the daily reality in the occupied West Bank. The construction of illegal settlements has seen extreme water shortages, lack of electricity, restrictions on movement, house demolitions and land confiscation. Over 500,000 settlers have been transferred into the area, supported with financial incentives and highly subsidised housing. As land is gradually confiscated, it becomes increasingly difficult to



provide basic services and the viability of a functioning Palestinian state is undermined.

A 2013 World Bank study found that this has cost the Palestinian economy \$3.4 billion. Meanwhile, agricultural produce and other goods in the settlement have appeared on Irish shop shelves, sustaining this injustice. A farmer from the West Bank told Trócaire's partner NGO:

My family was forcibly displaced in 1967 when our land was annexed. The village's structures were demolished and levelled out to establish an agricultural settlement. Every day I watch settlers expand their land and cultivate it with grapes and almonds while we are not allowed. I work in the settlements because I am forced in order to provide for my family. I feel overwhelmed and bad every time I work as a paid labourer, watching settlers grow on the land I inherited from my parents. I always imagine how my life would have turned out if I had control over my land, as well as how my children's lives would turn out. It is a horrible feeling to see my land a couple of metres away, but not to be able to access it due to the annexation fence, part of the annexation wall.

Today we can take a stand against this kind of injustice. A ban on settlement goods is not a radical ask. It is a disassociation from clear breaches of international humanitarian law and human rights abuses. It is a modest and tangible step we can take. It has long been called for in the Oireachtas. In 2012, the Oireachtas Joint Committee on Foreign Affairs and Trade, with members from across all political parties, called for such a move on the basis that it could have a strong and effective impact on suffering in the region. Six years ago, the Irish Government criticised the relentless progress of Israeli settlements and said it could seek an EU ban if matters continued to worsen.

In the years since then, it has only gone one way with settlements expanding, more homes being demolished and more land confiscated. Last year, the Israeli Government approved the construction of the first new settlement in 20 years. This month alone, it sanctioned the construction of over 1,000 new settlement homes. It is clear that mere condemnation simply has not worked. As long as we support the settlement economically and they remain profitable, they will continue to grow.

Concerns have been raised over our capacity to do this as a member of the European Union. On this point, I refer to the former legal opinions provided by Michael Lynn and Professor James Crawford. They accept that while the EU's governing treaties outline common trade rules, Article 36 provides for exceptions where it can be justified on the basis of public policy or the protection of the health and life of humans. Member states are perfectly entitled to seek derogations when it serves a fundamental interest of that state, such as ensuring respect for international humanitarian law or domestic laws. This is made absolutely clear in the legal opinions, which I am happy to share with my colleagues.

What is at issue here, however, is not legal capacity but political will. I fully agree a coordinated EU action would be fantastic. However, the Tánaiste and Minister for Foreign Affairs and Trade told the Dáil last week that there is no prospect of that happening. At EU level, we are at a point of paralysis as we have been for decades. In this context, Ireland has a responsibility to show some leadership. We have done so before. In 1980, we were the first European state to recognise the Palestine Liberation Organisation, PLO, and our neighbours soon followed. When the EU decided in 2015 to issue labelling guidelines for settlement goods, it did so as a result of member states taking the lead. The UK moved first in 2009, followed by Denmark in 2013, Belgium in 2014 and the EU as a whole one year later.

*5 o'clock*

This is collective action spurred by individual action.

The economic impact here would be low. Based on EU and Irish estimates, the value of settlement imports is approximately €1 million per year. Given the small figures involved, this will not cost Irish jobs. In reality, it would mean showing that certain products are produced in the settlements and asking a supermarket not to stock them. The financial impact is small, but the political and symbolic importance is significant. I recall the brave Dunnes Stores workers who stood against apartheid in 1984. It was not about the money but the principle. They refused to be complicit and so should we. However, this is not simply about taking a stand, but offering a real and practical step that other states can follow. Certainly, there will be questions about how well exporters are obeying the EU's labelling guidelines but these are the issues that deserve to be examined in detail on Committee Stage if we agree to this proposal in principle. There is a wealth of information available, for example, linking specific products to specific settlements, most recently from a coalition of 22 human rights organisations working in the region.

It is clear that a peaceful, two-state solution has never been under greater pressure. I have spoken to the Tánaiste and Minister for Foreign Affairs and Trade and I acknowledge and respect his genuine determination to work on this issue. However, I believe that Ireland must be firm in stating that its foreign policy will always respect international humanitarian law and human rights, and that illegal settlement expansion is not acceptable. We have a duty to stand up to injustice, and we owe it to those living at the sharp end of occupation. I ask my colleagues to take that stand today.

**Senator David Norris:** I thank Senator Black. She has made a thorough study of this matter and I salute her and her group for pursuing it. It is an issue on which I have been engaged for many years. In fact, in 2012 I raised it at the foreign affairs committee and we had a willing participant in the then Tánaiste and Minister for Foreign Affairs and Trade, former Deputy Eamon Gilmore. He committed himself to this type of position.

It is important to emphasise that this concerns only goods originating from the settlements. It is not a boycott of Israel or Israeli produced goods and it is not a boycott of academic institutions. I have been a lifelong supporter of the Ireland Palestine Solidarity Campaign but I have broken its picket on meetings where academics, writers and artists from Israel were addressing the Irish public. It is very important to keep open the channels for information and exchange of ideas. In fact, although I am a strong supporter of Palestinian human rights, I was also instrumental in getting the Israeli Embassy established here.

One matter that disappoints me is the position people take and the pretence they make. For example, there is an agreement in place known as the Euromed agreement, the Euro-Mediterranean Partnership. Human rights protocols are attached to that agreement but they have never been assessed. I have asked repeatedly, year after year, for the Euromed agreement to be examined in light of the human rights protocols and the extraordinary and extreme violations of human rights undertaken by the Israeli Government. Nothing has happened. What is the point of having human rights protocols if they are just left to one side and completely ignored? That is worse than not having human rights protocols attached because it is a defiance and denial of human rights.

I refer to a letter in *The Irish Times* this morning, which was circulated to many of our col-

leagues in the Seanad. It is extremely important. Israel always says it is the only democracy in the Middle East and I have received wearying correspondence from people urging me to look at the way the Arab states treat gay people. I am aware of that. It is awful and very regrettable. I campaign against it and I have spoken out against it very strongly. However, that does not mean we deny human rights. Human rights exist not just for the people with whom we agree but, most importantly, for the people with whom we do not agree. The position of the Arab states on homosexuality is a complete irrelevance when dealing with the question of human rights for the Palestinian people.

I believe it is arguable whether Israel is a democracy. It has certain features of democracy but the Palestinian people do not think they live under a democracy. It is extremely important to recognise the courage of the people who sent the letter to *The Irish Times*. I will quote some of it. It is from a group that includes ambassadors for the State of Israel, half a dozen or more winners of the Israel Prize, professors, artists, members of the Knesset and the former attorney general of Israel. They have all signed this wonderful letter as Israeli citizens. They say:

We are convinced that Israel's ongoing occupation of the Palestinian land in the West Bank and East Jerusalem is morally and strategically unsustainable, is detrimental to peace and poses a threat to the security of Israel itself. [That is pretty strong stuff.] [...] While Ireland, along with the rest of the EU, considers the occupation illegal, it continues to economically sustain it by trading with illegal Israeli settlements established in clear and direct violation of international law.

I listened to the briefing this morning with great interest. Dr. Barghouti, who is in the Distinguished Visitors Gallery, and two other people spoke. They pointed out that the Ahava Dead Sea Laboratories beauty products, such as bath salts and so forth, and which are available in this country, come from settlements, although that is not labelled. I must acknowledge that I have used the bath salts, not the beauty products, in ignorance of that fact.

The letter continues:

The occupation has been correctly identified by successive Irish governments as a major obstacle to peace. [...] As people who care deeply for Israel's future and long for our country to live in peace with its neighbours, we urge you to support the aforementioned Bill.

That is the real voice of Israel. That is the Israel I knew more than 40 years ago when it was a left leaning, socially conscious, politically active and decent country, before the inrush of 1 million Soviet citizens who had been scalded by communism and had become extremely right wing. They fractured the political system.

With regard to the occupation, I have witnessed the demolition of houses. Last year, I was in the Jordan Valley and saw the demolition of a pathetic house. It was actually just a tent as the original house of the people, who had been living there for generations, was bulldozed to make way for settlements. The people put up a pathetic tent so the bulldozers were brought back and demolished the tent. It is rarely acknowledged but there is a type of secret war taking place in the Jordan Valley all the time. There are 600,000 Israeli settlers in occupied Palestine. If one looks at a map of Palestine with the settlements marked in red spots, it looks as if it has measles. They are everywhere. There is no such place as Palestine. The Israelis have made sure of that.

I read an interesting book some time ago by two Jewish Israeli writers. They outlined the history of the establishment of the State of Israel and, to my surprise and consternation, they

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showed that even the earliest leaders such as David Ben Gurion envisaged driving the Palestinians out of their land. That is at the heart of Zionism. One need not be anti-Semitic to be anti-Zionist. It is a tragic irony that we in Europe resolved our consciences after the Holocaust by inflicting what the Palestinian people call the *Nakba*, the catastrophe or disaster, on third parties, the Palestinians, who were not involved in that situation.

Two thousand applications for building permits have been made by the Palestinians in the past few years but only 30 have been granted. Is that not astonishing? The Israelis use bureaucracy to destroy the ethos of the Palestinians. I have been there and I have seen the separate roads. What is that but apartheid, when the Palestinians cannot drive or walk on the roads in their own country? The water is diverted from Palestinian land into the settlements. People have been living there for generations but, under this system, they do not have title papers to their lands. The Israelis use that argument. They ask the people where are their title deeds. They then demolish their properties in order to give the land to the Israelis.

It is a dreadful situation. It is one where Europe has shown a complete lack of courage. The Minister should not wait for a unified European situation. He will never ever get it. The Germans and the Dutch are against it. Of course the Germans are against it; they have a bad conscience because of the Holocaust. It is dreadful that the Israeli Government should use the Holocaust as a political weapon. I was at the Holocaust Memorial Day ceremony on Sunday and it was extraordinarily moving. There was a photograph of children waiting in a forest in 1944 - one radiantly beautiful little girl was looking straight into the camera and there was also a terribly attractive young boy aged about five or six. How could anybody gas those children? That is a universal crime and it should not be used politically in the 21st century.

**Senator Joe O'Reilly:** I welcome the Tánaiste, Deputy Coveney, to the House and thank him for the very effective work that he has been doing in the Department of Foreign Affairs and Trade, notably on Brexit and in Northern Ireland and, hopefully, that will fructify shortly across a range of activities. We appreciate that important work for Ireland and for the values we hold internationally.

I congratulate my colleague, Senator Black, on bringing forward this Private Members' Bill. She is a thoughtful and active Member of the Seanad who is passionate about issues. She made a very sincere, well researched and excellent presentation. She deserves all our credit in bringing about this important debate and putting this matter squarely on our agenda.

I want to make clear that the Government and virtually every Member of this House are opposed to the construction of settlements. They are also strongly opposed to the relentless expansion of those settlements. We abhor the restriction to the freedom of movement of the Palestinian people this involves. We abhor the reduction in income and the effect that has had on the livelihoods of the Palestinian people. We also abhor the restricted access to electricity, water and to power. We abhor the confiscation of Palestinian lands. All that is wrong and morally indefensible. It must stop and it has to be reversed. That is the position of the Irish Government and people. Let there be no ambiguity about that before I progress to discuss the legislation.

The Government has constantly conveyed that concern. There has been no shirking that. It is great the Tánaiste took this issue sufficiently seriously to come to the House to deal with this Bill. On visits to Palestine and Israel in July 2017 and January 2018, the Tánaiste openly and clearly condemned the settlements. On 12 January he condemned the Israeli plans for further settlements in the West Bank. I join in that condemnation, as do colleagues. As a Government

and as Irish people, we strongly support a two-state solution to the Palestinian-Israeli question. We support a shared capital in Jerusalem. We support the self-determination of the Palestinian and Israeli people in those situations. We want to use our moral authority, as an independent neutral State with great traditions and with great international traction, within the EU, the Council of Europe where I had the privilege of leading the Irish delegation, and the UN, to continue dealing with this issue.

Despite the worthy intention underpinning Senator Black's Bill and the great research that went into it, I am concerned that, in practice, it may not work out the way she would envisage it. International trade is a EU competence and it cannot be reasonably breached. I understand Senator Black made the point that it can be breached on grounds of public policy but there is a question mark over that and some of the best legal advice to the Government is that this may be a difficult case in a European court situation. There are domestic constitutional issues with the Bill. One would not need to be a very subtle constitutional expert to see how they might arise. It is also valid to say that despite the good intention underpinning the Bill, this unilateral action by Ireland would have little impact on the settlements. They are essentially dormitory settlements from which people commute. While we say they are wrong the economic impact of Irish sanctions would not be enormous.

It is difficult to implement the nuts and bolts of this legislation because many goods from the settlements come into Ireland from other EU countries. They make their way from the settlements, in so far as there is a volume of goods, into other EU countries and come into Ireland that way. They are multinational sourced goods and there is not a concept of the different policies of individual countries and how to administer that. Therefore, that would be an implementation difficulty.

Many people believe this proposal would compromise and negatively impact the moral independent authority of the Tánaiste and Government in dealing with the Palestinian-Israeli issue. Were we to go down this road, however understandable in the context of the wrongness of the settlements and all that goes with them and I did not mention the harassment of people in a security sense, it would put us clearly into one camp and remove our objectivity and in a sense our capacity to be a force for peace and for a settlement. That is an important point.

We are competently addressing this question in the context of the Council of Europe and only last week, one of our delegation, Deputy Crowe, made an excellent contribution to the plenary assembly of the Council of Europe stating the Irish view that there should be a two-state solution. Moreover, on behalf of the delegation, he actively questioned and spoke about the wrongness of the settlements.

In essence, we are opposed to the settlements and support a two-state solution. I understand the sentiments behind the Bill and share the concerns but am not confident that the Bill can be implemented in practice. I honestly believe it may be the strategically wrong thing to do in terms of ultimately getting a solution to this awful problem.

**Acting Chairman (Senator John O'Mahony):** The Tánaiste has indicated he wants to speak.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I hope the House will agree that by my speaking early, it will give Members an opportunity to respond to what I have to say. I also wish to indicate that I will be obliged to leave at 6.15 p.m., when I

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will be replaced by the Minister of State, Deputy Cannon. I need to fly to London this evening.

I am very pleased to have the opportunity to address this House on this important issue. At the outset, I express my appreciation to Senators for the re-scheduling of this debate which allowed me to be present today. Senator Frances Black and her colleagues have put some very important issues on the agenda, and I really wanted to be here to speak to them. I also want to recognise and welcome the presence of the Palestinian ambassador and Dr. Barghouthi, who I have had the opportunity to meet and talk to on a number of occasions. I would also like to pay tribute to the considerable work, and the sincere commitment, which has gone into developing this Bill from a number of different sources. From my discussions with Senator Black, I know that it has been put forward in a spirit of wishing to contribute to the well-being of the Palestinian people, and from a desire to bring an end to the construction of settlements on land in the occupied Palestinian territory beyond Israel's internationally recognised borders. These are objectives which I, and the Government, fully share. I know they are also shared by Fianna Fáil, and I have discussed this Bill in depth with that party's spokesperson for foreign affairs and trade, Deputy Darragh O'Brien, on more than one occasion, and indeed the Leader in the Seanad.

The relentless expansion of Israeli settlements on Palestinian territory is unjust, provocative, and undermines the credibility of Israel's commitment to a peaceful solution to a conflict to which we all want an end. The introduction and settlement of communities from an occupying power to alter the demography of the area is unambiguously illegal under international law. The process of establishing settlements also inevitably involves violations of the rights of the occupied population through seizure of their land, demolitions, discriminatory treatment, including unequal implementation of planning laws, and other restrictions, including on movement. The Government has consistently and repeatedly condemned the construction and expansion of settlements. We have conveyed these concerns to the Israeli authorities at the highest level, and highlighted them in our interventions at EU, UN and in other international fora. We have also stated clearly to Israel that we believe that settlements are unjust and do untold damage. I raised Ireland's concerns about settlements directly with the Israeli authorities during my visits to Israel and Palestine in July of last year and also a few weeks ago.

It is not a coincidence that in the first six months of being Minister for Foreign Affairs and Trade I have chosen to go to Israel and Palestine twice. I have met the Israeli Prime Minister three times. I have had the pleasure of meeting the Palestinian President twice, and indeed his Foreign Minister, Minister Maliki, on multiple occasions. I am interested in this issue, and I want Ireland to play a constructive role in helping to find political solutions.

I also condemned Israel's recent announcement of plans for further settlement units in the West Bank in a statement on 12 January. I know that our concerns on these issues are shared by many Israelis. Senator Norris reminded us of that today in the letter he quoted from. Settlements are deeply damaging to the prospects of a peace agreement and are undermining the very basis of a two state solution, which of course is the only solution Ireland supports, and indeed is supported by the EU as a collective. I have been very clear to Israeli and US interlocutors, as well as within the EU, that settlement construction is an obstacle to the successful peace process that both have stated they want to see. It is extremely difficult for both sides to engage in good faith negotiations if, as they are talking, one side is quite literally pouring concrete on the space for negotiation. That is the impact of settlements. While people dream about a future for themselves in an independent state for Palestine, they are physically seeing their future neighbour pouring concrete on land they see as their own. That is why it has such a corrosive impact on

the relationship between both communities and why it creates such political tension. We have repeatedly made this an issue, whether in the UN in New York last September, or in conversations we have had in Ramallah or Jerusalem.

Prime Minister Netanyahu has told me that he is committed to negotiations. I believe him, although I suspect there are some in this House who do not. I know how committed President Abbas is to the path of peace, and to securing a positive outcome for his people through peaceful negotiations. He would not continue to pursue that objective, given the history he has, and the fact that he has to manage in the context of occupation, if he was not committed to negotiations. I also know that, more than 20 years after the Oslo accords, he is finding it hard to persuade his people to continue to hope, and to continue to trust, that the establishment of the long-sought Palestinian State is near. Settlement construction is consistently undercutting Palestinians' hope for the future and has an undermining impact on the belief that political negotiation can deliver for the hopes of Palestinian people.

Before I say a word about what this Bill is, I would like to say a few words about what it is not. This Bill does not propose a boycott of Israel. Successive governments have opposed boycotts of Israel, and I strongly disagree with those activists advocating a policy of boycott, divestment and sanctions, BDS. I firmly believe that such an approach is counterproductive, and that it would not help to increase understanding in Israel of why the international community has such a concern about occupation. There are very many countries around the world about which we have serious human rights concerns. We do not seek to prevent trade with those countries, except in very rare circumstances in accordance with decisions at EU or UN level. It is important to put on the record, as I have done before, that I believe that activists are entitled to advocate for any non-violent political viewpoint as a matter of freedom of speech, in the context of the work that many NGOs do.

This Bill does not propose measures against Israel. A lot of careful work has been done to craft a Bill which relates to occupied territories only, and which does not aim to impact on Israel itself within its internationally recognised borders. This is a really important point for me, but despite that the Government is going to oppose this Bill, and I want to outline the reasons it will do so. Ireland has supported, and will continue to support, action at EU level which differentiates between settlements and Israel. I believe that Ireland and the EU should have good relations with Israel, a country with which we have much in common, but also a country with which we have disagreements. We have an extraordinary shared history - a very tragic one - that should remind us of the need to work together.

Before I move on to the political issues raised by this Bill, I want to refer to legal aspects, because that has been mentioned. Issues of international trade fall under the common commercial policy of the EU. Under Article 3 of the Treaty on the Functioning of the European Union, TFEU, the common commercial policy is an exclusive competence of the Union. I have heard the argument that a public policy exception could apply to this Bill. However, I am advised that this argument is not well founded, and that the Court of Justice of the European Union interprets such unilateral restrictions on trade imposed by member states very narrowly. While all EU member states oppose settlements, and many feel as strongly as Ireland, the legal position is such that no member state has yet taken the step of taking action on a national basis on this issue. This Bill is proposing that Ireland be the first country to do so.

A number of other legal concerns have been flagged to me in this Bill. However, rather than going into these in depth, I would like to focus this evening on the political question of how

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Ireland can best use its influence on the Middle East peace process, for the good of Palestinians and Israelis. If a way around the legal and practical challenges were found, and the Bill were adopted, the impact on settlements would be minimal. However, the cost to Ireland's ability to influence the Middle East peace process in a positive way could be significant, particularly at this time, given the amount of time and effort that we have put into building relationships over the past six months.

The Middle East peace process has been a priority for me since I took up the role of Minister for Foreign Affairs and Trade. I know those proposing the Bill share my view that Ireland can play a positive role in the Middle East peace process. I want to set out how I think we can do that. Ireland can be a positive influence on the Middle East peace process by engaging directly with the parties. That means engaging with both parties, Israelis and Palestinians, in a constructive, direct and open way. In addition to the very good relations that Irish people have with the Palestinians, it is important that Ireland also has a good relationship with Israel. Ireland and Israel share a lot of history. The sixth President of Israel, Chaim Herzog, was born on the island of Ireland a hundred years ago this year. I am regularly asked in the Dáil whether I have raised issues of concern with the Israeli Government. Often, I am able to answer that question by saying "Yes, I have". I have had frank and open conversations with the Government and Prime Minister of Israel on issues of common interest and in respect of matters of concern. I have also listened and heard Israeli concerns about fears for the safety of their families and the security of their state in the future. This dialogue, although imperfect, currently provides valuable opportunities to raise difficult issues and to press for action towards peace, which is ultimately what we want - a negotiated peace solution with both parties at the table feeling they are being heard in terms of legitimate and fair aspirations. If adopted, the Bill would, rightly or wrongly, be seen very negatively in Israel. At this critical moment in the Middle East peace process, it would undermine the impact the Government may have in its direct interaction with the Israeli Government.

This is a critical moment for the peace process. I have been very clear about my disappointment at and disagreement with the US announcement on Jerusalem last month. Ireland joined 127 other member states at the UN to restate our long-held position on Jerusalem. It is important to say to the House that in advance of that decision, when we understood it was coming, I contacted the US embassy in Dublin directly to outline our opposition to that approach because we knew it would cause significant political division and polarisation which is exactly what has happened since. The US Administration has big ambitions in the Middle East. Many have given up on this conflict but this Administration has not and that has the potential to be a positive thing. It is important for Ireland to engage with the US team that is preparing the Middle East peace initiative. I have done that on multiple occasions, meeting the key figures involved. Ireland has a perspective to bring, in advocating for a balanced and fair approach and in drawing on some of the lessons of our own peace process. The perspective among Palestinians towards the US has changed in the past couple of months because of the Jerusalem issue. It is all the more important now that Ireland and other countries can play a role in reassuring Palestinians that a peace process is possible involving the United States and also other countries as well.

I am a committed multilateralist and a committed European. Ireland has its greatest impact of all on foreign policy when it acts in concert with others. Working with our EU partners allows us to magnify our influence. Over a period of many years, Ireland has been an important and effective voice in the EU on the Middle East peace process. Ireland's influence has been important in ensuring that the EU adheres to long-established positions, including on the two-



state solution, on the acceptable parameters of that solution and in highlighting the impact of the occupation on Palestinians. We have that influence because we are clear and consistent but also because we work with others. We are not isolated. Ours is not a principled voice in the wilderness, rather we work with other countries whenever we can find common ground. We work to bring the whole EU debate forward, which is what we are trying to do now. A number of debates that have happened at the Foreign Affairs Council would not have happened if Ireland had not insisted on ensuring that the Middle East peace process was on the agenda. For example, Ireland supported action at EU level on labelling settlement goods, which was mentioned earlier, and that was subsequently implemented. Acting with our EU partners, we have ensured that goods from settlements, when imported into the EU, are excluded from the low tariff rates applied to Israeli goods. I would be open to consideration of whether the EU's approach on settlement products could be tightened up further, when the political climate in the EU allows for that. Reaching consensus at EU level is hard. It requires work and a lot of patience but it is worth doing because Ireland is at its most effective when we work within the EU to amplify the impact of our convictions. It can mean policy does not always move fast and perhaps we do not get the headlines we would like to get. Sometimes the results of our efforts are not apparent to all but I know how much Irish diplomatic energy has gone into achieving better, fairer, more consistent EU positions on the Middle East and on a full range of global issues because I have been working with our team on that.

Many believe that by adopting this Bill, Ireland would send an important signal to the Palestinian people, and that is true. I understand that such a signal would be well-received by many but the day after, the lives of Palestinians would probably remain the same. The memory of the signal may fade over time and Ireland's reputation would be of a country willing to go it alone rather than a country determined to influence, persuade and bring others with us. I strongly believe that Ireland can best support the Palestinian and Israeli peoples by remaining a strong and engaged partner in respect of the Middle East, by continuing to exert a positive influence in the EU, and by continuing to advocate with the US Administration, which I will continue to do when I go to the US in three weeks' time. It is for this reason that I have recommended that the Government oppose the Bill. Our approach on the Middle East needs to constantly be reassessed. I hope my speech is clear on this: our approach in our efforts to try to achieve a negotiated two-state solution that is fair to both sides should be focused on intensive diplomacy on straight, blunt discussion in our efforts to try to persuade and also in our efforts to try to get a stronger more unified position within the European Union, which is the way the European Union can really be persuasive with an Israeli Government.

In the meantime, we will continue to support the Palestinian Authority and Palestinians generally. We spend approximately €12 million a year on humanitarian assistance and supports mainly through education. We will probably double that figure this year in some of the new projects we have agreed to work on. We are committed. We have 85% of our peacekeepers in this region - in the Golan Heights and southern Lebanon. Let us be clear, we are a small country that is and wants to be engaged in this issue, with an objective to try to get a result. A result means a negotiated peaceful solution, not simply Ireland making a statement. While statements are important, they do not necessarily deliver outcomes that we need. There was a lot of optimism last September and October about a new US initiative and, speaking to very senior Palestinian politicians, there was real hope that a new US initiative would move the process forward in a major way. The Jerusalem statement has been a huge setback and all of us who are interested in trying to find a solution here, need to find a way to create a new political engagement that can allow us to get back to where we were in September and October expecting an initiative

from a US team. The structure needs to be different now; it needs to involve other countries. My focus is on trying to get that structure back rather than adding to the polarisation on either side of the Atlantic on this issue. The perception is that the EU is supporting Palestinians and the US is supporting Israelis. We need to close that gap, not widen it. That is why I believe that at this time, this Bill will have a polarising effect rather than one of encouraging political solutions. I am open to persuasion in future if we get nowhere on political engagement. I strongly believe that we need to maintain a relationship with both sides, in a respectful manner, listening as well as talking. If we do that, Ireland will remain politically relevant in helping progress a new initiative that ultimately can deliver a workable two-state solution for Palestinians and Israelis. Until that happens, we will always be in a position of managing conflict in a way that is totally unsatisfactory and in a way that is causing so much misery, particularly for Palestinians in the West Bank and especially for those in Gaza.

I hope that gives a sense of where the Government is coming from in this regard. I look forward to hearing more contributions.

**An Cathaoirleach:** The next three speakers are Senators Mark Daly, Boyhan and Gavan.

**Senator Mark Daly:** I thank the Minister for being here today and accommodating this Bill. I have visited the occupied territories. I have been to UN schools as part of a delegation of the foreign affairs committee. President Higgins, who was then a member of the committee, was there too. We met a class of 12 year-old girls in a UN school in Bethlehem and discussed the issues regarding Ireland and our search for peace and the parallels with Israel and Palestine. While they are not exactly the same, the search for peace is the same in both cases. The girls spoke of their daily experience, which sounded somewhat similar to the experience of people who lived in Belfast during the Troubles. As they came to school in the morning, they were stopped by Israeli soldiers, their bags were searched, their books were thrown on the ground, they might be told to stand somewhere and they could be there for an hour or two. They ended up being late for school and when they returned home in the evening, the exact same thing happened. We put it to them that they have two solutions, that is, to either beat their enemy or to negotiate with their enemy. The question was posed as to who wanted to negotiate peace and no one put their hand up. When asked whether they wanted to kill all the Israelis, all 52 of the 12 year-old girls put up their hands. That is because of the treatment they receive daily at the hands of the Israeli Defence Forces.

Recently, we had a delegation from Israel which spoke about further and more engagement with the Irish tourism board and how we could have mutually beneficial relations. They asked why we do not understand them better and why we seem to take the side of the Palestinians. I replied that there is only one army in the world which has continually put Irish troops in danger and in fear of being killed and that is the Israeli Defence Forces, as well as the South Lebanese Army, which it backed. When, over the past 40 years, with rare gaps, we have seen news reports of Irish troops being put in harm's way by the Israeli Defence Forces, it is little wonder that we are concerned about Israel and its activities.

Fianna Fáil has long been engaged in the issues of the Middle East and the search for a solution. We were the first party, and Ireland was the first country, to put forward the idea of a two-state solution with a sovereign Palestinian state and an Israeli state that could live in peace and harmony with its neighbours. It must, however, wish to do that and in order to do that, a state must be a good neighbour. Being a good neighbour does not include stopping 12 year-old girls going to and from school and punishing them for the very fact of their religion and nationality.

We condemn illegal settlements, as has the Minister. What they do in Israel and the occupied territories is a breach of international law. Israeli politicians tell us that despite all the EU or UN resolutions, it is creating the facts on the ground and what that means is that Israel is taking over the land. As the Minister observed, it is putting concrete on the negotiation process. That does not make a solution easier to achieve. It makes it far more difficult.

We are sympathetic to the idea of this legislation but what all of us are determined to do is to get formal results. The Minister has outlined a possibility and has committed to Fianna Fáil in respect of putting down questions at the next meeting of the EU Foreign Affairs Council. We want a long-term solution. The long-term solution is hampered daily, as the Minister will have seen when he visited Jerusalem. East Jerusalem is being bought up house by house and street by street in a systematic way by elements within Zionism. Those Palestinian people are being offered a new life away from the Middle East, their houses are being bought for enormous sums and new Israeli families are being put into that location. That means that when, if ever, there are negotiations in the future, and people examine where Palestinians are living in Jerusalem, they will find that there are very few left because they have been bought out or forced out and encouraged to leave by every way possible. Each time a new building is erected or there is another development which encircles Jerusalem, it makes the solution to the conflict more difficult.

I have said this to visiting Israeli delegations and when visiting there. We have a long and tragic history of settlements that still have consequences 800 years later. It has a detrimental effect. While the EU has a role to play, I do not believe it is being sufficiently robust. As the Minister has pointed out, it is the United States which is the ultimate player in this game. If the United States does not wish to make the Israeli Government stop the settlements and come to a negotiated solution, it will never happen. Even the American General Petraeus has said that the US policy in the Middle East, particularly in Israel, is costing the lives of American soldiers in that area and is doing untold damage to US interests globally. Notwithstanding that, the Arab world has a part to play in this. The recent announcement that the US is going to withdraw funding for Palestinian support is an opportunity for the Arab world to step up and replace that funding and to commit publicly to doing so. One cannot condemn the US for withdrawing funding and for supporting Israel when the Arab world is not playing its full role in supporting Palestinian refugees in their own countries, as well as Palestinians in the West Bank and Gaza.

We support the broad thrust of the Bill. We want to see a solution for the Palestinian people in the long run in order that those girls who attend the UN school in Bethlehem can go there unimpeded and unimpinged and to reach their full potential, which is currently not the case. So long as the current policy of Israel continues, it is unlikely to happen and we will see the situation deteriorate because of the expansion of illegal settlements, rather than checked, as should be the case.

Debate adjourned.

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**Senator Jerry Buttimer:** I propose an amendment to the Order of Business, that, notwithstanding anything in the order of the House today, the debate on No. 1 be adjourned at 6.35 p.m.

**Senator David Norris:** Is there a reason?

**Senator Jerry Buttimer:** It is as per the request of Senator Black.

**Senator David Norris:** I see.

**Senator Victor Boyhan:** On that point, I understood the Minister had somebody else coming in. I want to clarify that.

**An Cathaoirleach:** It is a matter for the Minister when he comes and goes.

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Simon Coveney):** I need to leave at 6.15 p.m. The Minister of State, Deputy Cannon, will come in to sum up.

**An Cathaoirleach:** Is that agreed? Agreed.

### **Control of Economic Activity (Occupied Territories) Bill 2018: Second Stage (Resumed)**

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

**Senator Victor Boyhan:** I thank the Minister and warmly welcome him to the House. I also thank the distinguished guests in the Visitors Gallery and the many friends and colleagues on all sides of this debate who have come here today.

It is important that we set out the context. This is the Control of Economic Activity (Occupied Territories) Bill 2018, which is a Private Members’ Bill. Somehow, with all the emails, all the telephone calls and all the lobbying for and against, there is a lot of confusion and a lot of information out there which, in a way, does not help. I want to thank the Minister for his absolute clarity in terms of where the Government is coming from. I thank him for coming in early, for setting the scene and for expressing in a very genuine way his concerns about how Ireland and the Government want to interplay with this, but also for the pragmatic way in which he has set out his case, which I acknowledge.

I want to make a number of points. First, I acknowledge there has been a huge number of emails, a huge amount of correspondence and a huge amount of confusion about this story. What we really need to know is what are the “occupied territories”. They are defined as those territories that have been conformed as such by the International Court of Justice, the International Criminal Court or an international tribunal. We need to set the record straight in this regard. Ireland and its EU partners have a clear position on Israeli settlements. I take on board what the Minister said about a wider dimension - a European dimension - in terms of assisting and supporting a long-term sustainable peace process for this region. The West Bank, including East Jerusalem, Gaza and the Golan Heights are territories which have been indisputably occupied by the Israelis since 1967. Israeli settlements, which are clearly illegal under international law, constitute obstacles to peace and threaten to make a two-state solution of the Israeli and Palestinian conflict impossible. That is the reality.

In 2012 the Oireachtas Joint Committee on Foreign Affairs and Trade called for a ban on imports from illegal settlements in the occupied Palestinian territories. This ban is supported by Trócaire, Christian Aid and representatives of the Irish Congress of Trade Unions, all of which are represented here today. I thank them for their work and preparation in regard to this legislation which they have fed in to all of us, across the political spectrum, in Leinster House. This is not and cannot be about a boycott of Israeli goods and Israeli trade. Simply put, boycotts do not work. They do bring focus and attention but, in the long run, they do not bring ultimate solutions. We have learned this from previous boycotts on other international stages. I would strongly oppose any attempt to boycott Israeli trade or Israeli goods in the wider region.

As I have said, there is an important need for an EU dimension. While the EU condemns the illegality of settlements, it continues to support economic trade for those settlements and continues to trade with them. That presents a difficulty in that it does support some of the activities going on there. It is important to note that although the Bill covers other areas, we need not only focus on the Israeli and Palestinian territories. That has been the main focus today, however, so I will follow up on some of the issues to which the Minister referred.

It is my understanding that the Bill, if enacted, would make it a criminal act in Irish law for Irish persons or companies to sell to, import goods from or provide services to Israeli settlements. It would punish violators with up to five years in prison. There are potential economic impacts and we have to be pragmatic and realistic in terms of addressing these. These measures could be difficult to enforce since imports from Israel and the occupied Palestinian territories do not arrive in Ireland directly in many cases, but generally via other EU member states. Goods arriving in Ireland, therefore, would not always be subject to the usual standard checks.

The Bill has drawn international attention, which is not a bad thing. If nothing else happens today, we are discussing this in our Parliament and it is drawing international attention. I took the time to look at international media coverage today and it is mentioned right across Europe and across the United States. There is talk about this House meeting today to discuss this important topic. That, in itself, is a good day's work.

**Senator David Norris:** Will it be covered by RTÉ?

**Senator Victor Boyhan:** On the argument that the Bill, if enacted, would gravely undermine Ireland's economic links to the United States, that is an argument some have made and we have to take it on board. We have to respect that people come from different perspectives and points of view, and they have made that point. It is very important that we emphasise those points.

Turning to the Palestinian-Israeli crisis, I believe we would all condemn any breaches of human rights, any situation that hurls people out of their homes or any situation that seeks to cut off essential water supplies and food, and denies people dignity. That is unacceptable, wherever one lives, wants to live or chooses to live to bring up a family. There is a history and while today is not the day for history lessons, I think we need to be careful in this regard. We all recognise that lands have been confiscated, there has been violence, homes have been demolished and there have been violations of people's human rights. We are right to be advocates in that regard. We would not be where we are in politics if we did not seek to be advocates and seek to have these issues addressed.

In conclusion, it is important that, as Members of the Oireachtas, we rightly focus on hu-

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man rights defenders, support social activists and support people who support sustainable communities and sustainable workers. It is important that we stand in solidarity with the world in promoting justice and a durable peace for the Palestinian people and Israeli people, which is critical. I want to thank the proposers of this Bill for allowing this debate to happen. At least it gives a focus, although there is a lot more work to be done. We are members of the EU and we must work with the EU to have a response so that, somewhere along the line, we will have an everlasting peace and a recognition that people's rights cannot be violated and they must be allowed the right to self-determination and to live in peace with their neighbours.

**Senator Niall Ó Donnghaile:** A Chathaoirlich, cuirim fáilte roimh an Aire go dtí an díospóireacht thábhachtach seo. I welcome the Minister and extend a particular welcome to the Palestinian ambassador, H.E. Ahmad Abdelrazek, and to Dr. Barghouti, who are with us in the Visitors Gallery.

I want to commend the Senators who have brought forward this extremely important legislation in their Private Members' slot. Like Senator Boyhan, I also want to thank all the Irish NGOs and organisations that have worked hard in helping to support this Bill.

I want to reference a vote in the Danish Parliament just last week in regard to a very similar Bill where all of the parties in the Danish Parliament, bar a far-right party, voted to boycott products from illegal Israeli settlements. Given the only party to vote against that Bill was a far-right party, Senator Mark Daly might want to reflect on that.

This Bill has a noble and just aim. It seeks to prohibit the import and sale of goods, services and natural resources originating in illegal settlements in occupied territories. It is not extreme. It only seeks to establish a legal framework to ban these imports from settlements which are already illegal under international humanitarian law and, most importantly, domestic Irish law.

*6 o'clock*

Goods and services that are only available because of gross human rights abuses and violations of international law should not be available in Ireland. Allowing such goods and services to be freely available in this State both turns a blind eye to deep human suffering and supports such illegal settlements economically. The Bill carefully recognises that the issue of whether territory is illegally occupied is a complex and contentious one. Section 3 of the Bill is drafted specifically to take this into account. Therefore, this Bill only applies to territories where there is clear international legal consensus on the status of the occupation. It also provides the option to add extra territories beyond this, provided there is agreement between the Minister for Foreign Affairs and Trade and both Houses of the Oireachtas.

A clear example of how this Bill would work is by stopping goods and services from illegal Israeli colonial settlements from entering Ireland. Israel's occupation of Palestine since 1967 has created a litany of human rights abuses and war crimes. Not only has Israel used its military to enforce its brutal occupation, it has facilitated the illegal transfer of 600,000 colonial settlers to occupy Palestine. This is a major - many would contest it is the major - road block to reaching a peaceful two-state solution, as the Minister outlined. Israel is also imposing an apartheid regime in occupied Palestine. The Minister rightly said that he and the Irish Government aspire to a "two-state solution that is fair to both sides". There is nothing fair about what is currently happening to the Palestinian people.

The unjust and apartheid regime that Israel implements in Palestine has once again been

brought into the international spotlight because of the arrest of Ms Ahed Tamimi. Ahed is a child. She is just 16 years old. She will turn 17 tomorrow and although I do not know whether I can wish her the happiest of birthdays tomorrow, given her current circumstances, I certainly send my and my party's solidarity to Ahed and her family, and to all those children currently under arrest in Israeli prisons. I hope that will be conveyed by our friends who are here in the Gallery today. As I said, Ahed has been in an Israeli military prison since 19 December. She will remain imprisoned for the length of her trial. What horrendous and grievous crime did this child commit? She simply slapped the face of an Israeli soldier outside her family home in the West Bank village of Nabi Salih, which Israeli illegally occupies.

As I put these words together I reflected on my own memories of being a child with an occupying military on the streets and how it felt when they took one off a school bus, when they emptied one's schoolbag, when they stopped one visiting family on the way to one's grandparents' homes. It is little wonder, and entirely understandable, that Ahed would take the kind of action she did, given-----

**Senator David Norris:** You lot might have been carrying a bomb.

**An Cathaoirleach:** I call on Senator Norris not to interrupt.

**Senator Niall Ó Donnghaile:** Senator Norris made a really worthwhile and valuable contribution and then he says nonsense like that. Ahed's arrest and trial in a military court shows that two separate legal systems exist, depending on whether one is a Palestinian or an Israeli settler, and this goes to the heart of Israel's enforced apartheid regime.

Ahed is one of at least 1,400 Palestinian children who have been prosecuted in special Israeli military courts over the past three years. However, illegal Israeli colonial settlers are tried in civil courts. It is time for the Irish Government to move past rhetoric and statements on Israel's occupation of Palestine. The Irish Government has rightly stated that these colonial settlements are illegal under international law. This is not stopping their expansion. Every year they continue to grow. Meanwhile, fruit and other goods originating in the illegal settlements have appeared for sale on Irish shelves. It is time for us to stop sustaining the injustice of these colonial settlements. It is time for us to once and for all create a legal framework to ban from our State goods created on the back of human rights abuses and crippling injustice.

The people of Ireland know only too well the horrendous reality of colonisation and illegal plantations. Irish people know the brutal reality of military occupation. We must stand, shoulder to shoulder, with our brothers and sisters in Palestine facing this injustice today, and today's Bill provides us with the perfect opportunity to do so. We have a duty to not only condemn Israel's illegal occupation and aggression against Palestine but also to challenge it and to support the people of Palestine. We cannot on the one hand condemn illegal colonial settlements and on the other hand freely trade with them. Our words ring hollow otherwise.

It is very disappointing that Fianna Fail and Fine Gael Seanadóirí are tonight sitting on their hands where supporting this Bill is concerned. That is not good enough for the oppressed people of Palestine, nor indeed for the people who vote for both parties and would support this modest proposal. Where would the people of South Africa be today if workers like those in Dunnes Stores here in Dublin, and similar stores around the world, had not organised and boycotted South African goods?

**Senator David Norris:** Hear, hear.

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**Senator Pádraig Mac Lochlainn:** Well said.

**Senator Niall Ó Donnghaile:** Nelson Mandela, who is not here any more, rightly praised Dunnes workers for their solidarity and action, and their boycott. That goes to show that practical political solidarity and tangible action such as boycotts can have an effect against unjust apartheid, and in this case illegal occupation of Palestinian land.

Now is the time for action, and I will conclude on this final point. It is time for us to end this State's unjust trade with illegal colonial settlements. One of the previous speakers, Senator O'Reilly, for whom I have nothing but the utmost respect and regard, expressed what I am sure was a legitimate concern to the effect that support for this Bill would put us in a particular camp. If it puts us in the camp of the right and the just and in the camp opposing apartheid, that is the camp in which we need to find ourselves. I ask Members to reflect on the big, bold initiatives. Look at some of the initiatives that were taken in our own peace process. President Bill Clinton and others were advised not to grant Deputy Gerry Adams a visa, saying that the President would be seen to be partisan, or to be in a particular camp. That is the kind of initiative that transformed and enabled our peace process. That is the kind of initiative, the kind of big, bold incentive that sometimes must be pursued. We have an opportunity to do that tonight, and I encourage all Seanadóirí to support this Bill.

**An Cathaoirleach:** At this juncture, I wish to acknowledge the presence of two politicians in our Gallery, Michelle Gildernew, MP, and Catherine Kelly, MLA, from Sinn Féin. They are very welcome.

Our next slot is allocated to the Technical Group. I understand that Senator Bacik wishes to share time.

**Senator Ivana Bacik:** I wish to share time with Senator Ó Clochartaigh.

**An Cathaoirleach:** Is that agreed? Agreed.

**Senator Ivana Bacik:** Go raibh maith agat.

**An Cathaoirleach:** I remind Members there are more speakers left than there is time allocated, so some people will need to share time or they will lose their slot.

**Senator Ivana Bacik:** That is why we are sharing time.

**An Cathaoirleach:** Four and four.

**Senator Ivana Bacik:** That is why we are sharing time.

**An Cathaoirleach:** The next speaker after that is Senator Colm Burke of Fine Gael.

**Senator Ivana Bacik:** I welcome the Tánaiste to the House, and I welcome our visitors in the gallery. They are very welcome here for tonight's important debate. I commend Senator Black and her colleagues in the Civil Engagement group, as well as Senator Norris, on putting forward this important Bill. I had the pleasure of attending a Sadaka conference on Palestine some months ago, at which Senator Black's Bill was announced, and at which a number of us had the opportunity to discuss it at length. On behalf of the Labour Party Members of the Seanad, I am happy to support the Bill. It is in keeping with the long track record of the Labour Party on Palestinian rights. Senator Norris spoke earlier about the role of former Deputy



Eamon Gilmore as Tánaiste and Minister for Foreign Affairs and Trade. The former Deputy put forward very strongly the-----

**Senator David Norris:** He was splendid.

**Senator Ivana Bacik:** I thank Senator Norris. I will pass that compliment on to him. He very strongly advocated the rights of the Palestinian people, and indeed in addressing the United Nations General Assembly in New York in September 2011, in speech that was groundbreaking at that time, he stated that Ireland would support the Palestinian bid to become a full member of the UN. He repeated this position on numerous occasions as Minister for Foreign Affairs and Trade.

Like Senator Norris, I have been a long-time supporter of the Ireland Palestine Solidarity Campaign, and of the rights of the Palestinian people. I too found the letter from Israeli citizens to the Irish Times extremely powerful, particularly where they said that the occupation of the West Bank and east Jerusalem is morally and strategically unsustainable. They were very powerful and important words, saying that it is detrimental to peace and poses a threat to the security of Israel itself.

I wish to commend Senator Black's approach in this Bill in distinguishing between Israel and the occupied territories. That makes the Bill all the more compelling. The Bill seeks to ensure that Ireland upholds its humanitarian obligations by restricting economic activity with settlements which are deemed illegal at international law. There is an impressive coalition of support signed up for the Bill, as others have pointed out. It has been supported by the Irish Congress of Trade Unions, Trócaire, Christian Aid and by Sadaka and others.

I listened very carefully to what the Minister said and I acknowledge and recognise the immense efforts he has made in trying to further the peace process in the Middle East. As a member of the Joint Committee on Foreign Affairs and Trade, and Defence, I have raised this with him and with the Department on a number of occasions, and I know how actively engaged he is on that. I think we all recognise that the Tánaiste and the State are committed to a resolution of the crisis in the Middle East and to ensuring that there will be a two-state solution. We recognise the Tánaiste's commitment to multilateral action through the EU. I remind him that other EU member states, including Sweden, have recognised the state of Palestine as a unilateral step in support of the Palestinian people. I think we could do that here, for example, by bringing forward a Bill such as this and supporting it at Government level, without undermining the multilateral attempts that are being made through the EU to bring about a lasting peace settlement in the Middle East. If we were to do something like that, it would be more than a symbolic act in support of the Palestinian people.

Senator Black has agreed to the adjournment of the debate on the Bill. I hope the latter will give us all time to work together to help to achieve a negotiated settlement that will be better for the Palestinian people and will see the rights of the Palestinian people who are so oppressed, particularly in the occupied territories, respected at last.

**Senator Trevor Ó Clochartaigh:** Ba mhaith liom buíochas a ghlacadh leis an Seanadóir Bacik as a cuid ama a roinnt liom. Tréaslaím leis an Seanadóir Black faoin Bhille an-tábhachtach seo a thabhairt chun cinn. I welcome the ambassador and Dr. Barghouti, and the teams that are working very closely with them. I also welcome the representatives of Sadaka, Trócaire, Christian Aid, Congress and other organisations. It strikes me that a great deal of dip-

lomatic ballet dancing is taking place. There is a significant lack of urgency on this issue. I am afraid that all of this will be kicked to touch in the diplomatic rhetoric that is happening. The NGOs and the Palestinian people have conveyed to us their concern that if it takes another six months for any kind of diplomatic movement, more settlements will be put in place and, as we have heard, more concrete will be put on the peace process. Quite simply, that would be totally and utterly unacceptable.

Anybody who is observing this whole process from any kind of neutral standpoint will see that the two-state solution is being rendered absolutely impossible by the building of these settlements. The diplomatic effort in which we are engaging is fake in a lot of senses. I refer, for example, to what the decision of the US Administration in respect of Jerusalem and to the lack of any movement whatsoever from an EU perspective. It is simply not good enough for the EU to hide behind multilateralism because it means that rather than standing up and showing leadership, we are seen to be complicit in the Israeli stance of putting more settlements in place, cutting off the water and imposing an apartheid system that does not allow people to travel on roads in their own country.

I concur with an Seanadóir Ó Donnghaile's stance on the boycott. I totally disagree with Senator Boyhan. I think a boycott is a hugely symbolic act. It would put a really positive message out there. It would send hope to the people of Palestine that somebody out there is listening. If, God forbid, a Government in this country did something similar in an apartheid manner on this island, I hope an international government would boycott this country on the basis that what was happening was completely and utterly wrong.

**Senator David Norris:** Hear, hear.

**Senator Trevor Ó Clochartaigh:** The NGOs have made some very compelling legal arguments to us. This is an illegal occupation. These goods are produced illegally on lands that are not held legally in a manner that is contrary to the Geneva Convention, which has been transposed into Irish law. Therefore, it can be argued that Irish law is being contravened by people who buy beauty products and other products that are produced on these occupied lands. I think we need to take a much stronger position on this. It is a great commendation of the Danish authorities that they have come out in support of a similar action. Even though Denmark is a small country, it has been able to stand up. I agree with the Tánaiste that we have a great reputation from a neutral perspective, but it is only when we stand up and show leadership that this is really welcomed. That he has been in Palestine and Israel on two occasions since his appointment as Minister for Foreign Affairs and Trade shows the strength of his personal commitment and indicates that he would like to do this.

I am really disappointed with Fianna Fáil's wishy-washy stance on this issue. It is time for Fianna Fáil to stand up and be counted. I have heard many speeches from its representatives over the years expressing their concern about this issue, but they need to stand up and be counted when we vote on it in Parliament, which is where it counts. I wish they would get off the fence on this issue and stand up for the people of Palestine. They must believe that the incursion is illegal or that it is not illegal. I think we are all saying here that it is illegal. It is about time we stood up to be counted. If this Parliament were to vote in favour of this Bill, it would send out a statement that would resonate across the world.

**Senator David Norris:** Absolutely.

**Senator Trevor Ó Clochartaigh:** I do not think anybody would hold it against us. I think a lot of people would say “Fair play to them”. I would hope that many Governments would follow. Tá sé tábhachtach go ndéanfaimid beart de réir briathar. We are hearing a lot of talk, but the words that are being spoken are being totally contradicted by the actions that are being taken, such as the construction of more settlements in these areas. We have to take a stand. Gabhaim comhghairdeas arís leis an Seanadóir Black. Beidh mé ag tacú leis an mBille.

**Senator David Norris:** Hear, hear.

**Senator Colm Burke:** I welcome the Tánaiste and I thank him for his contribution. I thank Senator Black for bringing forward this Bill. I agree with my colleague, Senator Boyhan, about the importance of engaging in debate. The introduction of this legislation has led to discussion on this issue in Ireland and throughout the international community.

My Sinn Féin colleague mentioned the boycott of South African goods. It is important to mention that no legislation was passed to organise that boycott.

**Senator David Norris:** No. It was organised by the workers.

**Senator Colm Burke:** Yes. That is right.

**Senator Máire Devine:** The people spoke.

**Senator Colm Burke:** That is the point I am making. No legislation was put in place to organise that boycott. We can organise a boycott in this country without legislation. While I welcome the Bill, I have concerns about it. I suppose I am looking at it purely from a legal point of view. In particular, I note that section 4 of the Bill, which relates to regulation, provides that “the Minister may make regulations for the purposes of enabling any provision of this Act to have full effect”. The problem with the making of such regulations is that it may be in breach of EU regulations. That is one of the issues I have with this legislation. The second issue I have relates to section 7 of the Bill.

**Senator David Norris:** Not according to the professor of international law at the University of Cambridge.

**Senator Colm Burke:** I accept the point the Senator is making, but I am talking about this aspect of the matter from an EU point of view.

**Senator David Norris:** So is he.

**Senator Colm Burke:** Section 7, which relates to the sale of settlement goods, provides that it “shall be an offence for a person to sell or attempt to sell settlement goods”. The burden of proof will be on the State. It will be difficult for the State to prove that the goods were produced in a location where settlement had occurred. That will be one of the problems with this legislation.

I agree with the point that was made about the whole Palestinian issue. When I was a Member of the European Parliament, I was a member of the foreign affairs committee and the human rights subcommittee. I visited Palestine in 2009 after very severe bombing of Gaza by the Israelis. I saw the damage that was done to many people. This is about settlements. People move into Palestinian areas with mobile homes and then complain that they do not have adequate protection. Israeli troops are then deployed to give protection to those mobile homes. When

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the troops are in place and are providing protection, the construction of new houses and new business premises begins. The Israeli Government, which stands idly by while this goes on, authorises the presence of troops in these areas. This movement into Palestinian areas is totally illegal, but has been allowed to continue not for a number of years but for decades at this stage. As part of this entire process, boundaries are put in place around areas in which Palestinians live. I have seen live electric wire being used on fencing. I am not talking about the electric fences we use in Ireland to control animals on farms. I am talking about real live electricity being used on fences to control where Palestinians can go. To me, it is appalling that this exists in part of the area we are discussing.

We have a part to play. Ireland has a population of between 4.5 million and 5 million and is part of a community of 500 million. I think the biggest mistake that Europe has made in the past ten years is in not appointing a high powered person to deal with foreign affairs. There is a significant vacuum in world politics as a result of the way America has developed in the past number of years. Europe can play a major part, but it needs a person of ability to deal with this issue in light of foreign affairs. That is what is lacking in the European Commission.

Ireland, a country with a population of 5 million, can exert significant influence by using the European mechanism to bring about peace and a new system between Israel and the two-state solution. If access to a market of 500 million is restricted, it has a far more powerful effect than limiting the access to a population of 5 million. The Tánaiste is correct about using his influence at European level to get the EU involved in trying to bring about a solution. It is extremely important that the Taoiseach, the Tánaiste and Ministers use every opportunity at European Union level. We must use our influence to bring about the changes required in the European Parliament. I am not convinced that under the current US Administration we will see the change we need to bring about a peaceful solution.

In Israel there has been a tragic loss of life. In the four weeks prior to my visit to Israel in 2009 a total of 1,200 people of which more than 300 were children lost their lives in a conflict that has been ongoing for four decades without a real international effort to bring about an everlasting solution.

It is time the European Union stepped into the breach. Ireland can play its part, but while it is important to debate this Bill, and we may need to come back to it in the not too distant future, at present we should use our influence at European level to bring about the change that is required.

**Senator Máire Devine:** Senator Burke is sitting on his hands.

**Senator Alice-Mary Higgins:** The Minister for Foreign Affairs and Trade has asked for time, having told us he is committed. I believe, as many believe, that he is committed to moving forward on this issue. That time is not indefinite. I understand the Minister has spoken to my colleague, Senator Black, who is leading on the Bill and has stressed that he needs some more time to pursue his diplomatic approach and to examine these issues more closely. He has given a commitment in writing that if the debate is adjourned today, the Government will facilitate the resumption of the debate before the summer recess in July.

Let me be clear, this debate will resume and there will be an opportunity to vote-----

**Senator Niall Ó Donnghaile:** Hear, hear.

**Senator Alice-Mary Higgins:** -----for concrete and reasonable proposals.

I will now discuss the reasons this is a good Bill. We are giving Members the space to examine the reasonable proposals but I believe that on examination they will see their concerns do not stand up. Let us also be clear that in acceding to the request for time and space, it is not a neutral or in-between position to be where we are now. As was made clear in the letter in the newspaper from many Israeli citizens, we are effectively enabling and economically sustaining settlements while we continue to trade with them. That is not a neutral position, but a position of support for things that we should not be supporting.

It is not just the Palestinians who are losing ground. The international community is losing ground. We are losing ground in East Jerusalem. In this very month, January 2018, an order was made for 1,000 new settlement homes. We are losing ground in terms of diplomatic credibility and the space for dealing with the issue seriously as we should through international law. It will not be a matter of relationship building and chatting to people in the room. To be brave diplomatically means one must show that one deals seriously with the issue. If the Minister wishes to make progress, it will not come by waiting for a magical consensus to arise. It will only come through leadership. Ireland has given service to its European colleagues by showing leadership on the recognition of the PLO. In fairness to the Tánaiste, he was one of the first who came out in condemning the proposal to locate the embassy in East Jerusalem. In the programme for Government, there is a commitment to the recognition of the state of Palestine. That is also overdue.

We cannot wait for consensus or joining in. If the Tánaiste wants to be in a different position when he returns to the Seanad for a vote on this Bill in July, it will take leadership and not simply conversation.

I hope the Bill will be passed in July. It is not a boycott Bill, nonetheless, the boycott, which we invented, is an effective and legitimate form of individual and collective protest in unjust situations. This Bill relates only to those goods produced on land which is illegally occupied, which is not Israeli land.

I wish to address trade, an area which is of great interest to me. This Bill does not impact on or in any way breach international trade law. In terms of the World Trade Organisation, we have opinions from Michael Lynn, SC, and Professor James Crawford, senior counsel in the UK and other senior counsel which state that GATT articles which address the exclusion of goods from particular areas are explicitly clear that the provisions which they have given which have been incorporated into WTO rules only apply to recognised territory. A state taking action in occupied territory that is not internationally recognised is not subject to those protections. Moreover the EU free trade agreement explicitly excludes goods from settlements. It is very clear the EU has stated that it has not a free trade agreement which encompasses goods from occupied territories. They are excluded from trade deals. There are precedents in other free trade agreements which have excluded other occupied territories from the provision of the free trade agreement.

Article 36 of the Treaty on the Functioning of the European Union is very clear on the exceptions to the collective rules of trade, where they can be justified on grounds of public morality, public policy and public security and the protection of health and life of humans. With great respect to my colleague, Senator O'Reilly, this is not a breach, it is a very clear exception. There is a procedure for activating this exception. For example, they have used this exception in the past in Germany. It has been used by many other countries. It is a standard practice. I

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do not believe there is anybody in the House who would not say that the actions taking place in occupied territories do not breach public morality, public policy or the protection of health and life of humans. I would be extremely confident that we do not have any concern in terms of international trade law, European trade law and WTO rules.

This Bill does not simply relate to Israel and the occupied Palestinian territories. It relates to occupied territories. I realise that can be a wide definition. The question is where do we draw the line on what are occupied territories. We have taken the most conservative, clearest and strongest line in terms of where we do it. The International Court of Justice has a mandate from countries around the world to rule on international disputes and, ultimately, to define international law and we have set that as the bar. This affects the occupied territories in terms of Israel but it is also worth noting, however, that there are other areas such as Western Papua which has been under the control of Indonesia for many years. We know that many of the Pacific Islands states have been discussing taking cases through the International Court of Justice procedures to ensure that Western Papua would also be recognised as an occupied state, under which rules it would, again, fall within the bounds of our Bill. There are many other areas of occupation and control that can be discussed.

I would like to indicate that when the Bill goes to Committee Stage, which I hope will happen, we are willing to work with the Government and all parties to ensure that we have the best possible and clearest definition of occupied territory. Therefore, I look forward to the debate resuming and hope that we are looking at a landscape that is very different to today's because right now we are losing ground.

**An Cathaoirleach:** There are about four minutes remaining but Senator McDowell will be in possession and can resume his contribution on the next occasion.

**Senator Michael McDowell:** I move that this House supports Senator Black's Bill and express my support for it. Although I have listened carefully to the Tánaiste, I believe that there is a way of finding a middle ground between the flexibility he seeks on one hand and the principled, correct view expressed in the Bill at its heart. All of us know that it is for the Executive to conduct Irish foreign policy and that it cannot be that law dictates Irish foreign policy. Under the Constitution that is part of the Executive power of the State. On the other hand, it cannot be that the Houses of the Oireachtas cannot make it unlawful to import certain goods into Ireland if that is permissible under European law. I believe it is permissible under European law for the reasons that have been mentioned and I do not believe that there is a constitutional or European law obstacle to this legislation.

I do not see the Bill as anti-Israeli or anti-Semitic. Nor do I see it as anti-Zionist. I believe the Bill is proportionate and reasonable in its aim. There may be a solution, however, that appeals to everyone in the House. It would be easy to insert into the Bill a provision, as is frequently the case in the United States of America, that the Bill's effect should be delayed if the Minister certifies that sufficient progress is being made in redressing the problems of the Palestinian people. One could have a provision that the Minister would have to continue to certify continual progress towards the delivery of justice for the Palestinian people as a ground on which the Minister can suspend the coming into effect of the legislation. Therefore, I strongly suggest that the Bill should pass Second Stage when that issue is to be decided.

Like many other Members of the House, I have a close interest in Middle Eastern affairs. I have been to Israel twice, to Jordan, to Syria before the revolution started there and to Egypt on

a number of occasions. I strongly believe that the people of the occupied territories are entitled to some degree of solidarity internationally-----

**Senator Trevor Ó Clochartaigh:** Hear, hear.

**Senator David Norris:** Hear, hear.

**Senator Michael McDowell:** -----and this is what the Bill is all about.

In view of the fact that the Tánaiste has indicated in writing to Senator Higgins, Senator Black and others that the Government will come back to this before the summer and in Government time, and the clear opportunity for us to amend the Bill to say that it is to be the law in Ireland but that its operation may be suspended as long as the Government of Ireland continues to certify six monthly that progress is being made on behalf of the Palestinian people and the two-state solution, the Bill will have achieved something if that is done. The eyes of the world are on us and how we deal with the Bill. We will have made our point. That we would be the first to do it is no reason not to do it.

I will make one last point that may amuse the House. On one occasion when I was Attorney General, I was having problems with Iveagh House. I will not go into the detail because confidentiality prevents me from doing so. I met a former civil servant who told me I was looking a bit down and I explained my problem. He said, “On sensitive European matters, there are always three stages in Iveagh House: the time when it would be premature to do something, the time when it is too sensitive to do something, and the time when it is too late to do something.” I strongly believe that we in this House have to act now. It is not premature, it is not too sensitive and it will not be too late.

**An Cathaoirleach:** As it is now 6.35 p.m., debate on this item must now be adjourned in accordance with the order of the House.

Debate adjourned.

*Sitting suspended at 6.35 p.m. and resumed at 6.48 p.m.*

### **Business of Seanad**

**Acting Chairman (Senator Catherine Noone):** There is a vote in the Dáil so I ask the Acting Leader to propose the suspension of the House until after the Dáil vote.

**Senator Maria Byrne:** I so propose.

**Acting Chairman (Senator Catherine Noone):** Is that agreed? Agreed.

*Sitting suspended at 6.50 p.m. and resumed at 7.05 p.m.*

*7 o'clock*

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

**Minister of State at the Department of Education and Skills (Deputy Mary Mitchell O’Connor):** I am honoured to be in this House to introduce the Technological Universities Bill 2015. I am very pleased to be able to introduce a much strengthened Bill to the House on foot of a comprehensive consultation process with key stakeholders and a very co-operative and informed debate in the Dáil. I hope all Senators will agree that this is a very important Bill for the future of higher education in Ireland. It represents a sea change in the higher education landscape.

The main purpose of the Bill is to give effect to a key element of the national strategy for higher education to 2030 in consolidating the institute of technology sector and establishing technological universities of increased scale and capacity. This bold move will enhance even further the performance of a sector that has always striven to deliver a first class service to students, enterprise and a range of local and regional stakeholders. Moreover, the establishment of institutions of increased scale and capacity will enable them to compete more successfully regionally and nationally. It will also allow them to progress an internationalisation agenda more competitively, bringing significant unique branding and marketing opportunities. In these contexts, the cachet of having “technological university” status cannot be overstated.

The mission and remit of these new institutions will be multi-focused. They will have a major role to play in regional development, engaging with local enterprises, especially SMEs. They will support innovation and research, nurture new business ideas and work closely with business and enterprise stakeholders to drive forward the skills agenda regionally and nationally, and productively utilise our precious human capital resource.

The Government’s objective is to deliver a modern, highly-flexible and responsive technological university model that seamlessly provides for traditional transitions and pathways from formal education but also caters for persons who return to education or seek to upskill through a more circuitous route. In this context, technological universities must balance their regional development responsibility with the provision of a wide range of disciplines and continue to develop their vital role in the facilitation of lifelong learning, upskilling and reskilling in support of the individual learner. In this regard, they must also continue to forge and strengthen their links to the community, local interests and the widest possible range of stakeholders in the region in which their multi-campus will operate. This aspect was the focus of much debate in the Dáil and I accepted some very helpful amendments in this context from my colleagues across the Chamber.

In terms of achieving the necessary capacity and scale for a technological university, the Bill provides for two or more institutes of technology jointly making an application for technological university designation. However, I should highlight that the technological university approach is based on mutual consent and shared ambition and is not being enforced in an arbitrary or mandatory fashion on institutes of technology. Some institutes, for reasons of their own, will not seek technological university status. The Bill also provides for a single institute of technology to be subsequently incorporated into a technological university.

In conjunction with the potential merging, upon establishment, of two or more institutes of technology, the Bill seeks to streamline the governing body structure of a technological university in order to make it more flexible and responsive and to predicate membership on an agreed competency basis relevant to the university’s functions. The membership of the govern-



ing body should be equipped with the skill set necessary to guide the technological university to fulfil its maximum potential through the achievement of a broad range of functions and by addressing the needs of a wide range of stakeholders. The increasingly strategic approach required of an institution of much increased capacity and scale in this context is in line with international best practice as recommended by both the OECD and the national strategy for higher education to 2030.

In addition to the process for the establishment of technological universities and their functions and governance, the Bill also provides for several important reforms to streamline the governance and operation of existing institutes of technology. These institutes remain a crucial and valued part of the higher education infrastructure and allow for a range of delivery options in the provision of a high-class student experience, teaching excellence and research progression. The Bill marks a new departure in the development of the institute of technology sector which I am confident will bring major benefits to students, staff, individuals and local communities in the regions and to Irish society.

In terms of the Bill's progression through the Dáil, I wish to acknowledge a very constructive discussion on Committee Stage last November. Several amendments that strengthened certain provisions relating to meeting the needs of the community, local interests and stakeholders within the technological university process were agreed at that point. In response to stakeholder concerns that under the previous approach in the Bill institutes of technology could have merged but subsequently failed to gain technological university status, it has been amended to provide for the merging of two or more applicant institutes only upon their establishment as a technological university. This fundamental change significantly streamlines the application process. There will now be a single assessment by an expert advisory panel which will make a recommendation on an application to the Higher Education Authority, HEA, based on key eligibility criteria. The HEA will report to the Minister, who will make the final decision. In so doing, the Minister will take into consideration the needs of students, business enterprise, the professions and a range of community and related stakeholders. He or she will have regard to projected regional demand for higher education based on demographic trends, the sufficiency of the financial resources and financial viability of the applicant institutes and to compliance with Government policies on higher education. To ensure the most rigorous examination of applications, I accepted Opposition amendments on Committee Stage in the Dáil to the effect that the advisory panel should contain not one but two persons with international-level expertise in standards and practice in higher education. This rightly strengthens this key aspect of the Bill.

In line with the principles of gender equality, I also accepted an amendment which ensures that in making regulations relating to the membership of the academic council of a technological university, a governing body shall have regard to the objective that at least 40% of the members shall be women and 40% shall be men. This objective also applies to the composition of the governing body itself. In the broader context, technological universities must also prepare an equality statement and implement the policies set out therein.

Arising from the informed debate on Committee Stage in the Dáil, I brought forward a number of amendments to further strengthen certain references to the regional mission of the technological university in regard to the functions of the technological university, its strategic development plan and in terms of the eligibility criteria to be met upon applying for technological university designation. In this context, I sought to ensure that the most inclusive wording is provided in regard to meeting the needs of, and forging strong social, creative and cultural links with, the community, local interests and other stakeholders regionally.

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I wish to also highlight key amendments agreed on Report Stage that provide the Minister for Education and Skills with the power to appoint an investigator to report on any matter regarding the performance of its functions by a technological university. This power is also being provided in relation to institutes of technology, the Dublin Institute for Advanced Studies and its constituent schools and the National College of Art and Design. For consistency across the higher education sector, it is also intended to extend this power in respect of universities. However, a number of important technical issues must be considered in respect of university governance, autonomy and control and their impact on the classification of universities in terms of wider national fiscal policy. These technical issues are being considered by the Department of Education and Skills in conjunction with the Departments of Finance and Public Expenditure and Reform. The enactment of the Technological Universities Bill is a priority for the development of the higher education sector and I do not want to unnecessarily delay its passage. I am, therefore, proceeding with this new power in respect of technological universities, institutes of technology and the other publicly funded higher education institutions I have cited.

On Report Stage in the Dáil, in addition to the strengthening of provisions relating to the regional mission of a technological university, its interactions with local and community stakeholders and the support therefrom, following agreement with several Opposition Deputies, I also accepted a small number of technical amendments tabled by the Green Party. Following the debates in the Dáil and its passing of the Bill, I am confident that we now have a more nuanced and robust wording in several key sections that will further strengthen, in particular, the regional-mission and gender-equality requirements and the governance of technological universities.

Having detailed the passage of the Bill thus far, I now turn to its contents. It comprises 101 sections divided into seven parts, which are followed by two Schedules. Part 1 provides for standard provisions relating to the Short Title, interpretation, orders, expenses, offences and consequential amendments. Chapters 2 to 7 of Part 2 provide for the functions, governance, staffing, academic council, statements and finances of technological universities. In particular, section 9 sets out the general functions of a technological university, including providing programmes of education and training, engaging in research, collaborating with other higher education institutions inside and outside the State and with regional stakeholders and serving the community and public interest. Sections 11 and 12 provide for the membership, terms of office, method of appointment and gender balance of the governing body of a technological university. Section 12 details the revised composition of the governing body depending on whether it comprises either two or three institutes of technology or four or more institutes of technology. In the former case, a governing body shall have between 14 and 22 members, including the president of the technological university, a chairperson, staff and student representatives and nominees of the Minister for Education and Skills and of the relevant education and training boards, as well as between three and eight other external members. In the case of a technological university comprising not fewer than four institutes of technology, the governing body membership shall increase to between 15 and 26 members with up to nine other external members. These external members will be appointed in accordance with a competency framework agreed with the Higher Education Authority.

Sections 13 and 14 provide for the appointment of the president and other staff of a technological university. Section 15 relates to the superannuation provisions for newly-appointed staff.

Sections 16 and 17 provide that each technological university shall have an academic coun-

cil and details its functions. The functions and membership of the academic council reflect the enterprise and research focus of technological universities. This includes the involvement of business, enterprise and the professions but also the involvement of wider community and local interests and other stakeholders in the design and development of programmes of education and training. Importantly, the academic council will also include student representatives.

Sections 18 to 25 relate to a range of governance issues, including the preparation of a strategic development plan, equality statements, budgets, accounts and annual reports as well as matters relating to borrowing, the setting of fees and the establishment of companies. It should be noted that section 18 sets out the requirements of the strategic development plan of a technological university, including plans to provide adequate programmes of education and training for a wide variety of stakeholders and the development and promotion of strong social and cultural links, including links supporting creativity with the community.

Chapters 8 and 9 of Part 2 provide a mechanism as to how applicant institutes can apply for and, where successful, be established as a technological university. Section 26 provides a new power to the Minister for Education and Skills to appoint an investigator to carry out an investigation into any matter concerning the performance by a technological university of its functions. Section 27 provides that the Minister may request information from a governing body but may not do so during the period of an investigation under section 26.

Section 28 sets out the specific eligibility criteria with which applicant institutes must jointly comply before they can become a technological university by order of the Minister under section 36. These criteria set out a robust performance threshold for institutions wishing to become technological universities and include criteria relating to the composition of the student body, the composition of the academic staff, the doctoral level education and research activities and the ability to perform the functions of a technological university, with particular reference to its governance structures, links to regional stakeholders, quality assurance and enhancement, mobility of staff and students, and collaboration with other higher education institutions.

Section 30 sets out the information to be included in an application and section 31 provides for the appointment process for an independent, expert advisory panel to examine the application. Sections 32 to 35, inclusive, detail the interlocking process of assessment and decision making whereby the advisory panel furnishes a report to the Higher Education Authority which in turn furnishes the report, its views on it and any other relevant information to the Minister on the application. Section 34 provides for the making of a proposed decision by the Minister while section 35 provides that the Minister may impose conditions on applicant institutes where they do not jointly comply with all of the criteria set out in section 25.

Chapter 10 of Part 2 provides a broadly similar though streamlined mechanism for the subsequent application by and, where successful, incorporation of an institute of technology into an existing technological university.

Part 3 provides for appeals against certain decisions of the Minister by an independent appeals board.

Part 4 sets out a range of transitional provisions consequent upon the making of orders under Part 2 which will ensure that functions, assets, liabilities, staff, etc., of dissolved bodies are appropriately transferred. Of particular note is section 53 which provides for the transfer of staff to the technological university. This section preserves the terms and conditions of trans-

ferring staff, including those relating to remuneration, while section 54 provides that such staff remain members of their relevant superannuation schemes.

Chapter 3 sets out arrangements consequent upon an order under Part 2. Section 55 provides for the appointment by the Minister of the first governing body of a technological university. The Minister will appoint a chairperson, two external members nominated by the Minister and a nominee of the relevant education and training boards as members of the first governing body of the institutes concerned. The president of the technological university shall also be a member. Within six months, the first governing body is required to agree a competency framework with the Higher Education Authority for the appointment of external members, to establish procedures for the election of staff representatives and the appointment of external members and to conduct elections and make appointments to the governing body.

Section 56 provides for the appointment of the first president of a technological university. This person may be designated by the Minister together with his or her term of office which shall not exceed a period of ten years. Section 57 provides for the arrangements for existing directors or presidents of a dissolved body who shall become fixed-term employees of the technological university for the duration of their contracts. Section 58 provides for the compliance of a governing body of a technological university that has increased in size from three institutes of technology to four institutes of technology with the requirements for such enlarged governing bodies under section 12. Sections 59 to 64 provide for the continuation of arrangements relating to awarding, the international education mark, quality assurance and enhancement and access, transfer and progression following an order under Part 2.

Part 5 provides for a number of amendments to the governance arrangements of Dublin Institute of Technology and the institutes of technology under the Dublin Institute of Technology Act 1992 and the Regional Technical Colleges Act 1992, respectively. Of particular note are sections 68 and 82 which replace section 6 of each of those Acts with new sections that set out revised arrangements for the membership, terms of office, method of appointment and gender balance of the governing bodies of Dublin Institute of Technology and of an institute of technology along the same lines as the arrangements which will apply to technological universities under section 12. Section 83 sets out procedures for the appointment of the first new governing body under the revised arrangements.

Sections 75 and 90 provide for new investigator and information powers of the Minister for Education and Skills relating to Dublin Institute of Technology and an institute of technology, respectively. In addition, Part 5 amends those Acts to revise the arrangements relating to the appointment and membership of the academic councils of those Institutions, to revise and clarify the procedures for the recruitment and selection of staff, to repeal provisions which provide that certain members of staff may not be removed from office without the consent of the Minister, to revise and clarify arrangements relating to the determination of budgets and the borrowing of money, and to insert revised Second Schedules relating to the operation of the governing bodies of the relevant institutions into each Act.

Part 6 provides for the consequential amendment of a number of Acts to take account of the establishment of technological universities.

Part 7 provides for the amendment of the Acts of 1940 and 1971 to insert new investigator and information powers of the Minister for Education and Skills relating to, respectively, the Institute for Advanced Studies and its constituent schools and the National College of Art and

Design.

Schedules 1 and 2 provide for matters relating to the governing bodies and presidents of technological universities, respectively.

The Technological Universities Bill is critical legislation for the higher education sector and another important step in the advancement of the national strategy for higher education. The establishment of multi-campus technological universities will bring significant additional benefits to the regions in which the campuses are located and will drive the regional development, research, innovation and skills agendas. Technological universities will also deliver a wide range of disciplines and enhanced learning experiences to students and provide enhanced opportunities for staff.

These institutions will be embedded in their local and regional communities and will forge even stronger links within those communities. This is important and long-awaited legislation. There are currently two consortia of institutes of technology in Dublin and Munster, respectively, which are waiting on the Bill's enactment to make applications for technological university status in 2018. It is crucial that we carefully consider and discuss the Bill but it is equally important that we do not unduly delay it given its long gestation.

I thank Senators for their invitation to the House and their kind attention. I commend the Bill to the House.

**Senator David Norris:** On a point of order, given that the Minister of State, due to no fault on her part, was absent for a period of 15 minutes to vote and there is very little time left, might I suggest that, with the Minister's agreement, that we extend the time available by approximately 15 minutes?

**Acting Chairman (Senator Catherine Noone):** Is that agreed? Agreed. I still will not get everyone in within the time available but I will do my best. If everyone says what they have to say without going on too long, there is a chance I will get in those present. Senators know the position I am in and we all like to talk. I call Senator Murnane O'Connor.

**Senator Jennifer Murnane O'Connor:** I will share my time and keep it brief.

**Acting Chairman (Senator Catherine Noone):** Is it agreed that Senator Gallagher and-----

**Senator Robbie Gallagher:** We are doing this to facilitate the Chair's request so that we can try to get through everyone.

**Acting Chairman (Senator Catherine Noone):** There is no need to get through everyone today because we are dealing with this tomorrow at 5 p.m. also.

**Senator Jennifer Murnane O'Connor:** I welcome the Minister of State to the House. I am delighted to welcome the Technological Universities Bill. It is a wonderful time in education with the potential of a technological university for the south east, called TUSE, consisting of Waterford Institute of Technology and the Institute of Technology, Carlow. I welcome the Bill as it will allow the process to progress. Carlow needs this to set out our stall for attracting foreign investment, foreign students, local investment and local students. I often speak about Carlow being left behind for funding. This Bill and what technological university status will bring to Carlow will be the key to previously unavailable funding that it is hoped will be released.

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No existing institutes of technology will have to merge as a precondition of seeking technological university status, which might not have been granted. This was a key precondition of Fianna Fáil's to support the Bill. It is important that this was included because we did not want anyone left behind. That is crucial in the Bill and, as the Minister of State is aware, Fianna Fáil fought hard for it.

The Bill is important for my locality and its students. It will ensure the provision of science, gender equality and multidisciplinary students across all regions that technological universities will serve. It is important for Carlow to be able to ensure that the current level of course provision is protected. The Bill provides for this. It will allow the Institute of Technology, Carlow and others like it to preserve what is already great about it and to grow in order to cater for future student populations, attract wider community investment and improve towns and villages in the vicinity.

In its ethos, the Institute of Technology, Carlow has a strong sense of community and excellence in higher education and research. The institute of technology in Carlow was founded in 1970 and since then has been and is a significant local employer. It is a vital part of many Carlow families.

**Senator David Norris:** It is a terrific institution

**Senator Jennifer Murnane O'Connor:** Absolutely. We are very proud of it. There is so much employment there and so many students have done very well out of it. More than 100 master's, honours and ordinary degrees and higher certificate courses are available at the Institute of Technology, Carlow. As well as traditional degree courses, it also offers niche courses. Many of them are the first of their kind in Ireland. For example, its Centre for Aerospace Engineering has an avionics workshop and a fleet of aircraft inside its own hangar. I am sure the Minister of State is aware of it. The Bachelor of Engineering in aircraft systems is the only one of its kind in Ireland and we are so proud of it. The Institute of Technology, Carlow was also the first third level institute in Ireland to offer a Bachelor of Science degree in computer games development. This course was developed with the assistance and endorsement of Microsoft. Education gives students great opportunity. The institute's degree programme in brewing and distilling development, which is associated with Walsh Whiskey Distillery, is the only honours degree of its kind in Ireland. It is one of only four degrees globally that are recognised by the Institute of Brewing and Distilling.

IT Carlow is already leading the way and with the Bill it will be allowed to stretch further. We need to look to the future. It also brings Ireland forward in allowing a wide range of third level options for students.

**Acting Chairman (Senator Catherine Noone):** I have to ask the Senator to conclude. I know she does not have enough time.

**Senator Jennifer Murnane O'Connor:** I was trying to keep it short. I really welcome this legislation. It is so important. I think this is one of the best Bills that will ever pass through the House. I am absolutely delighted with this Bill, and all I can ask the Minister of State is for this to go through as quickly as possible, because it is crucial.

**Senator Robbie Gallagher:** I welcome the Minister of State to the Chamber and thank her for her very comprehensive overview of the contents of the Bill. As my colleague has said, we in Fianna Fáil are very happy to support this Bill. We are happy with the part that we played in

ensuring that amendments that we insisted were heard were taken on board, and I compliment the Government on listening to us.

The Minister of State has outlined the benefits of this Bill in great detail. One thing that stood out for me in her report concerned the need for these technical universities to reach out to the communities and regions in which they find themselves. That is of key importance. I welcome the fact that apprenticeships are going to form a strong part of that. It is vital that apprenticeships are looked at in more detail, and that we change our attitude and our views on them. It is also vitally important, as the Minister of State mentioned, that they reach out to small and medium enterprises, SMEs, in the regions. The technological universities are there not only to serve the business community, but also the people. There must also be a focus on lifelong learning, something of which we are all very much in favour.

For counties like Cavan and Monaghan, which unfortunately do not have institutes of technology and will not have technological universities, it is important that the role of the further education institutes such as the Monaghan Institute and the Cavan Institute is not forgotten. They have a key role to play in their respective communities. That is something on which I ask the Minister to focus. I call on her to keep them in mind and to consider how their roles can be increased and enhanced to better serve the communities and the regions in which they find themselves. The Monaghan Institute has led the way in that it has reached out to two global world leaders; Combilift, which is based in Monaghan, and Monaghan Mushrooms, another world-renowned company. The Monaghan Institute has reached out to those firms to see what skills they need in order to keep their businesses moving forward. As a result of that collaboration between all concerned, the Monaghan Institute teaches courses with those two companies specifically in mind.

That is the message that must be sent. We need to reach out to such companies and consider ways in which institutes like those in Cavan and Monaghan can be better expanded for the betterment of the community. Perhaps the Minister of State can comment on this.

**Acting Chairman (Senator Catherine Noone):** I thank the Senator. His brevity is appreciated. I now go to Senator Mullen, who with the agreement of the House is sharing time with Senator Boyhan and Senator Norris. Is that agreed?

**Senator Rónán Mullen:** It is agreed.

**Acting Chairman (Senator Catherine Noone):** Senator Mullen has four minutes.

**Senator Rónán Mullen:** Cuirim fáilte roimh an Aire Stáit agus cuirim fáilte roimh an mBille seo. Táimid ag fanacht leis le tamall fada. I welcome the Minister of State. I too very much welcome this Bill. It has been a long time in the making. I would like to take this opportunity to welcome some of the key stakeholders who are listening to this debate in the Visitors Gallery: Dr. Mary Meaney, the project leader and members of the Technological University for Dublin Alliance, TU4Dublin; and Dr. Joe Ryan, the CEO of the Technological Higher Education Association.

This is like Brexit in reverse. Along with others in TU4Dublin, there have been people working behind the scenes, making sure there is free movement of goods, services and persons and avoiding hard borders in the future. They and the students and staff they serve have been waiting a long time for the resolution of problems and knotty issues that had to be sorted out. It is time to move on, and it is a pity that there has been a delay, as I will say in a moment.

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I note everything that the Minister of State has said about the importance of this Bill. It is about consolidation. It is about increasing the scale and capacity of our institutes of technology by allowing them to merge and to enjoy university status, with all of the attendant opportunities in regard to research, attracting staff and the prestige of the qualification that they offer their graduates. Speaking as someone from rural Ireland, I note the even greater importance of the regionalisation of the university product. I should declare an agenda in that I am on career break from what will be the technological university for Dublin, so if the electors of the National University of Ireland prove ungrateful, I could be back enjoying the new status sooner than I had planned.

This is overdue good news. I want to acknowledge the changes and adjustments that have been made. The Green Party's recommendations and proposals for amendments have been properly acknowledged. In particular, I acknowledge the ironing out of concerns that institutes could merge and subsequently fail to gain technological university status. There was a fear of being left at the church, so to speak, waiting not for the other party but for the minister. That is one of many issues that needed to be sorted out, and I am very glad that they have been.

This Bill is an unambiguous opportunity to improve the potential of Irish citizens to enjoy an ever-more prestigious qualification. It has been a long time in the works, as I have said. It needs to become law as quickly as possible. There has been a lot of hard work behind the scenes.

Regarding the delay, I am concerned that there are already students who have not had the opportunity to have their qualification designated as a university qualification. I acknowledge that there are concerns about people who are not affected by technological university status. I refer to students of other institutes that do not merge and go for technological university status, for example, or indeed people who go for other perfectly valid post-leaving certificate options. It is important to send out the signal that there are different paths to success, and they do not all involve a university degree. Perhaps the Minister of State could address the question of ways in which, in pursuing the important goal of allowing graduates university status, we can also ensure that the reputations of other equally valid options, either post-leaving certificate or for people moving on and upskilling, do not suffer as a result of this very positive change.

**Acting Chairman (Senator Catherine Noone):** Senator Boyhan has two minutes. I know that is short.

**Senator Victor Boyhan:** I welcome the Minister of State and acknowledge the enormous work she has done in fast-tracking this legislation and pushing it along. It is clear from what she has told us this evening that she has accommodated concerns. She outlined in some detail the three key issues in discussions that took place. I wish to acknowledge that from my understanding, as part of these preconditions and the consultation process leading up to this legislation, we are safeguarding the terms and conditions of service of staff members in what are currently institutes of technology. We have strengthened the regional missions of technological universities. We have streamlined the application process, with the mergers and designations happening at the final stage to address concerns raised by both staff and management that some consortium might get stuck in the process, merging but subsequently failing to gain technological university status.

The final issue to which I wish to turn is the composition of the governing bodies. As someone who works very closely with the sitting local government bodies across the country,



particularly with the city and county councils, I have received representations concerning the way they would be represented. I have a schedule, and I am somewhat surprised to see that more than 175 city and county councillors have made a representation to Educational and Training Boards Ireland, ETBI, and various nomination processes. ETBI suggests that the proposed legislation should be amended, or certainly re-examined, with a view to including at least six representatives of local education and training boards on the governing bodies of the technological universities, with the proviso that there would be a representative mix of local authority members from all relevant counties.

I think that is a very fair and reasonable request. At some level, be it on the actual governing body or on a consultative body at another layer, there is a role for city and county councillors, and I ask the Minister of State to take that on board.

**Senator David Norris:** I agree completely with Senator Boyhan about the ETBs. We face a critical situation here. Between 2008 and 2015, funding was cut by a massive 35%, lecturer numbers fell by 9.5% while student numbers rose by a staggering 32%. That is a matter of concern. I am also concerned about the downgrading of respect for the Irish language and ask that it be looked at.

However, great improvements have been made to the Bill during its progress through the Houses. There is protection for terms and conditions, enhanced representation of academic staff on technological university governing bodies and provision for nationally agreed collective agreements. The amendment of the merger process from a two-step to one-step process means avoiding the potential scenario where a merged entity did not receive technological university status. However, the merger of geographically distinct institutions seems extraordinary. While there is a geographical imperative around a technological university for Dublin and that is perfectly reasonable, a Munster technological university involving Cork Institute of Technology and Institute of Technology, Tralee, would mean merging two considerably separated institutions. The same is true in the south east and with the Connacht-Ulster alliance. A Munster technological university is likely to have its headquarters in Tralee despite the fact that there are only 4,000 students there as compared to 14,000 in Cork. Tralee has been running a deficit of over €1 million for years. There is a possibility it could be used to shed that.

The EUROSTAT review of the status of traditional universities means it is highly unlikely that technological universities will be able to borrow directly from the European Investment Bank without the debt appearing on Government borrowings. This is a plank the Government set out when it introduced and first promoted the Bill. There is then the question of the distinctive ethos of the institutes of technology. They have a distinct role and ethos and concentrate on students. There is greater contact with weaker students, there are more lectures and there is a greater focus on practicals and laboratory work. There are so many different things which are characteristic of technological universities.

There is then the question of the appointment of presidents. This should be by way of open competition from the very start. The first presidential appointment should be done by way of an open method and not just by way of internal competition. I note that no staff or students will be represented for the first six months. I do not see why this should have to happen. Why not appoint existing staff and students for this period? I am very grateful to have been allowed in as I have to go to a funeral in Cork tomorrow and would otherwise not be able to take part.

**Acting Chairman (Senator Catherine Noone):** Senator Mullen obliged.

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**Senator David Norris:** I appreciate his generosity.

**Senator Maria Byrne:** I welcome the Minister of State to the House and welcome the Bill before us. It has been progressing since 2014 and there has certainly been a great deal of work and consultation put into it. The national strategy for higher education 2030 is seeking significant reform to position the sector to meet national strategic objectives. It is important that governance reform is very much part of the Bill. There is a regional mission to support development and innovation to compete nationally and internationally.

I sat on the governing body of Limerick Institute of Technology which is not referred to in the Bill and which is in a slightly different situation as it amalgamated with Tipperary Institute in the past. There are three institutions of higher education in Limerick and the Minister has visited all of them, namely, Mary Immaculate College, the University of Limerick and Limerick Institute of Technology, LIT. These institutions formed the Shannon consortium in 2010 when I was Mayor of Limerick. It was a very welcome initiative in which Tralee IT was also involved. There has been a great deal of collaboration among these institutions to educate people and to run complementary courses.

Reading the Bill and looking at the different sectors, something similar is envisaged in terms of creating courses which complement each other. Some people might complete a certificate or diploma at one location and go on to do a degree in another part. It will be very positive for the region involved. We have certainly found in Limerick that what we have been doing has been very positive for the region. Collaboration with SMEs is mentioned in the Bill, which is most important, in particular regarding apprenticeships on which the Department is placing a great deal of emphasis currently. I note in that regard that Troy film studio has now located in Limerick and that LIT is running an apprenticeship programme to train people for employment in set design, hair and make up and so on. As such, it is important to look at the needs of the region.

The position of president has been mentioned. While I welcome the fact that the person will be appointed for no longer than ten years in total, there is no mention of whether a reappointment must come to the governing body after interview and so on. Will that provide scope for the governing body to have a say as to whether the person will be reappointed exist? Technological universities will deliver a range of disciplines, which is welcome. It relates to my point about collaboration with industry in the local region. Areas are like clusters. We were talking about the national planning framework in the House last week and the need to create a counterbalance to the east coast in the west. It is important in that context that these education clusters complement each other. I am sure there will be a great deal of collaboration between the technological university groups which will learn from their own experience.

I am glad to see the Bill address issues which arose during the consultation process. These included the safeguarding of the terms and conditions of staff. This is most important. There is a great deal of emphasis on that in the Bill. The regional mission of the technological universities has been strengthened and the application process and the composition of the governing bodies have been addressed. I am delighted to compliment the Government for taking on board issues that were raised. It is very important to ensure the door is kept open for other areas. I also compliment the Government for providing for gender balance in the 40-40 provision with balance of representation being allowed to go either way. It is very important. We used to have quite a mix in the gender balance at LIT, but some other governing bodies were not balanced. I say "Well done" and look forward to hearing from other Members.

**Acting Chairman (Senator Catherine Noone):** Senator Gavan has agreed to let Senator Ruane speak next as she cannot be here tomorrow. Senator Ruane has a very short amount of time. It is two minutes.

**Senator Lynn Ruane:** I should not require the whole amount of time. If I skip half the niceties and it is acceptable, perhaps Senator Ó Ríordáin can take some of the time.

**Acting Chairman (Senator Catherine Noone):** It is one slot anyway.

**Senator Lynn Ruane:** I welcome the Bill and agree with all of the positives everyone set out. I will skip on to the importance of the student voice within the technological universities. Through my experience sitting on the board of governance and the finance board of Trinity College Dublin, and through our student representatives on the academic council, I know how important that representative role is, as does the Minister of State. We must ensure that the experience in the new universities is the same as it is in the existing ones. We need a strong statutory footing for student representation, especially because in the flux of setting up these new institutions, the boards will need a constant and insistent student voice in all decision-making. After all, the students are the main stakeholders in this merger. I am not confident that the Bill, as drafted, allows for this. While the issue was discussed in detail in the Dáil, I am disappointed the Government was not able to accept any of the amendments proposed by Deputies Martin and Funchion. I am pleased to note that we have met recently and can move forward to discuss those amendments in the Seanad.

*8 o'clock*

We will see where it takes us then. There are three parts of the Bill where this is of particular concern. In section 2, the definition of students' union is of concern. The definition seems to allow for a technological university to recognise another student representative body apart from the designated students' union as a college's students' union. It is not hard to imagine that in a worst case scenario, during a disagreement between the university and its students' union over a particular issue, the university could simply decide to recognise another representative body as the recognised students' union in order to circumvent the disagreement and in the process cut the democratic and accountable voice of enrolled students out of the decision-making completely. I am not saying it will happen only that it is feasible that it could. It needs to be considered as we approach Committee Stage.

**Acting Chairman (Senator Catherine Noone):** I will have to ask the Senator to conclude.

**Senator Lynn Ruane:** Really?

**Acting Chairman (Senator Catherine Noone):** My hands are completely tied. If I want to let a Senator in-----

**Senator Lynn Ruane:** That is no problem. My colleagues will pick up on it tomorrow. I thank the Minister of State for her work and her engagement so far with us on this issue.

**Acting Chairman (Senator Catherine Noone):** Senator Ó Ríordáin has a minute. I am doing what I should not do.

**Senator Aodhán Ó Ríordáin:** I appreciate it and I appreciate Senator Ruane sharing her time. There are two issues on which we will be tabling amendments. One is ICTU's request to be represented on the governing authority to counterbalance the influence of industry. That is

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a reasonable request. The second is the issue Senator Ruane has already raised about student union representation, not just student representation, but student union representation. It is extremely important to us. We will be tabling amendments on those two issues and hopefully the Minister of State will be in a position to accept them.

**Acting Chairman (Senator Catherine Noone):** The next speaker will be Senator Gavan. I ask the Acting Leader to move the adjournment of the debate until 5 p.m. tomorrow.

Debate adjourned.

**Acting Chairman (Senator Catherine Noone):** When is it proposed to sit again?

**Senator Maria Byrne:** Tomorrow at 10.30 a.m.

The Seanad adjourned at 8.02 p.m. until 10.30 a.m. on Wednesday, 31 January 2018.