



**BRITISH-IRISH INTER-
PARLIAMENTARY BODY**

**COMHLACHT IDIR-
PHARLAIMINTEACH NA BREATAINE
AGUS NA hÉIREANN**

TWENTY-SEVENTH PLENARY CONFERENCE

20 and 21 OCTOBER 2003

Hanbury Manor Hotel & Country Club, Ware, Hertfordshire

OFFICIAL REPORT

(Final Revised Edition)

(Produced by the British-Irish Parliamentary Reporting Association)

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IN ATTENDANCE

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Mr David Winnick MP

Members and Associate Members

Mr Harry Barnes MP

Senator Paul Bradford

Mr Johnny Brady TD

Rt Hon the Lord Brooke
of Sutton Mandeville CH

Mr Alistair Carmichael MP

Senator Paul Coughlan

Dr Jerry Cowley TD

Mr Seymour Crawford TD

Dr Jimmy Devins TD

The Lord Dubs

Ms Helen Eadie MSP

Mr John Ellis TD

Mr Jeff Ennis MP

Ms Margaret Ewing MSP

Mr Paul Flynn MP

Mr Donald J Gelling CBE MLC

Mr Mike German AM

Mr Jim Glennon TD

The Lord Glentoran CBE DL

Mr Dominic Grieve MP

Mr John Griffiths AM

Baroness Harris of Richmond

Senator Brian Hayes

Ms Helen Jackson MP

Ms Cecilia Keaveney TD

Mr Tony Killeen TD

Mr Séamus Kirk TD

Senator Terry Le Sueur

Dr Dai Lloyd AM

Rt Hon Andrew Mackay MP

Mr Andrew Mackinlay MP

Dr John Marek AM

Mr Michael Mates MP

Rt Hon Sir Brian Mawhinney MP

Mr Kevin McNamara MP

Mr David Melding AM

Senator Paschal Mooney

Mr Arthur Morgan TD

Mr Alasdair Morrison MSP

Senator Francie O'Brien

Mr William O'Brien MP

Ms Liz O'Donnell TD

Mr Ned O'Keeffe TD

Mr Jim O'Keeffe TD

Senator Ann Ormonde

Mr Séamus Pattison TD

Senator Brendan Ryan

Mr Joe Sherlock TD

Mr Iain Smith MSP

The Lord Temple-Morris

Deputy Michael Torode

Mr Murray Tosh MSP

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Mr Brendan Smith TD

Members

Mr Kevin McNamara MP
Mr Séamus Kirk TD
Mr Michael Mates MP
Mr Jim O’Keeffe TD

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**TWENTY-SEVENTH PLENARY
CONFERENCE**

Monday 20 October 2003

The Body met at 9.35 am.

PLENARY BUSINESS

The Co-Chairman (Mr David Winnick MP): Welcome to the twenty-seventh plenary session of the Body. We are in public session, and I wish to make one or two preliminary statements. I ask all those present please to ensure that pagers, beepers, mobile phones and other such technology are turned off, and I ask Members not to read newspapers because that would not be acceptable in Parliament, the Dáil or the Senate. I remind Members that the proceedings of the Body do not attract parliamentary privilege.

Since the last plenary meeting of the Body, new Members have been nominated by their respective institutions. From the United Kingdom, Baroness Harris of Richmond has been nominated as an Associate Member. The Scottish Parliament has nominated Murray Tosh MSP, Margaret Ewing MSP, David McLetchie MSP, Alasdair Morrison MSP and Iain Smith MSP. The Scottish alternate Members are Bruce Crawford MSP, Helen Eadie MSP, Robin Harper MSP and Michael McMahon MSP. The National Assembly for Wales has nominated Michael German AM, John Griffiths AM, Dai Lloyd AM, John Marek AM and David Melding AM. The alternate Welsh Members are Glyn Davies AM, Eleanor Burnham AM and Brian Gibbons AM.

In accordance with rule 2(a), the following Associate Members have accepted the invitation of the Steering Committee to assume the powers and responsibilities of Members for the session: Paul Flynn MP, Dominic Grieve MP, Baroness Harris of Richmond, Senator Paul Coghlan, Senator Anne Ormonde and Mr Ned O’Keeffe TD. I also inform Members that at the conclusion of item 3 — the proposed constitution for Europe — a group photograph will be taken at 3.30 pm. I am sure that no one would wish to be left out of the group photograph.

**ADOPTION OF PROPOSED
PROGRAMME OF BUSINESS**

The Co-Chairman (Mr David Winnick MP): Members will have received a copy of the provisional Programme of Business. Members will also have heard last night’s news about the UK Prime Minister and have read about it in today’s newspapers. I wish to give notice of a motion that Members of the Steering Committee have agreed should be moved before the proposed first item of business. The wording of the proposed motion is as follows: “That this Body is very sorry to hear of Tony Blair’s ill health; recognises the immense contribution which the Prime Minister of the UK has made to try to bring about a lasting peaceful solution in Northern Ireland as well as establishing a close working relationship between our two countries; and wishes him a full recovery.”

Does the Body agree that the motion be included in the Programme of Business?

Members indicated assent.

The Co-Chairman (Mr David Winnick MP): I call on Kevin McNamara MP formally to move the Programme of Business as amended.

Mr Kevin McNamara MP: I so move.

Programme of Business, as amended, agreed.

**RECENT ILL HEALTH OF THE
UNITED KINGDOM PRIME MINISTER**

Mr Michael Mates MP: I beg to move

That this Body is very sorry to hear of Tony Blair’s ill health; recognises the immense contribution which the Prime Minister of the UK has made to try to bring about a lasting peaceful solution in Northern Ireland as well as establishing a close working relationship between our two countries and wishes him a full recovery.

I am sure that the motion will have unanimous approval.

The Co-Chairman (Mr David Winnick MP): I am sorry to interrupt. I should have said that in order to speak, one should press the green button, and a red light will go on. After speaking, press the green button again, and the red light will go off. I hope that that is understood. It is rather important.

Mr Michael Mates MP: That is exactly what I did, and the red light is on. I am sure that everyone will agree to the motion and wish our Prime Minister well. He has put his imprimatur on all progress that has been made, as did his predecessor, John Major, which Tony Blair acknowledges. The push to answer this vexing question has come from the top in both Governments, and that is why the process has got as far as it has and will succeed. I hope — and I am sure that everyone will agree — that

the Prime Minister will recover quickly and be able to carry on doing his work.

The Co-Chairman (Mr Brendan Smith TD): Co-Chairman and Colleagues, on behalf of the Irish Members, I extend our very best wishes to Prime Minister Blair for a quick return to the fullest health. We appreciate, and are conscious of, his commitment, dedication and ongoing efforts in the advancement of the peace process in Northern Ireland. He has always shown that commitment, regardless of the many other pressures on him as Prime Minister.

Mr Donald J Gelling MLC: As someone who is situated in the middle of the Irish Sea and who sits on the Steering Committee, I wish to comment on the work that the Prime Minister has done and, I am sure, will do in the future. This morning's television coverage gave us a little relief in that we saw that the situation is not as serious as perhaps we thought last night. I too wish to send the Prime Minister our best wishes for an early recovery, so that he can get back to doing the job that he does so well.

The Co-Chairman (Mr David Winnick MP): There is consensus, so I do not want to prolong the debate.

The Lord Brooke: I endorse everything that has been said. However, can the manuscript be amended so that "minister" is spelt with a capital "M"?

9.45 am

The Co-Chairman (Mr David Winnick MP): Thank you.

Question put and agreed to.

Resolved:

That this Body is very sorry to hear of Tony Blair's ill health; recognises the immense contribution which the Prime Minister of the UK has made to try to bring about a lasting peaceful solution in Northern Ireland as well as establishing a close working relationship between our two countries; and wishes him a full recovery.

The Co-Chairman (Mr David Winnick MP): My notes advise that I should write to the Prime Minister accordingly. Actually, it would not do any harm to fax the resolution, at the appropriate time, to 10 Downing Street.

POLITICAL DEVELOPMENTS

The Co-Chairman (Mr David Winnick MP): Shortly we will debate the main political motion, but it would be helpful if those who wish to speak would let the Table know as quickly as possible. Normally, there is an initial reluctance to speak and then, in the last 45 minutes, virtually everyone who has not spoken puts his hand up, and time rationing of four minutes has to be introduced. If it is necessary, I, with my Co-Chairman, will impose a time limit, but we shall wait and see. I have received notice of an amendment, in Lord Glentoran's name, to the main motion, which I shall call after the main motion has been moved.

Mr Michael Mates MP: I beg to move

That the Body remains fully supportive of the Good Friday Agreement as the only way forward for the people of Northern Ireland; recognises the political progress brought about by the peace process and the Good Friday Agreement, benefiting all the people of these islands; acknowledges the collective responsibility of all concerned, including the two Governments and the pro-agreement parties, to make the agreement work; calls upon all parties involved to redouble their efforts to achieve the restoration of the devolved institutions; trusts that the elections to the Assembly, postponed from May 2003, will be held before the end of this year; and looks forward to welcoming a full delegation of Assembly Members to its spring plenary in 2004.

I am sure that most elements of the motion have the full approval of everyone here. There will be some different points of view, perhaps about the prospect of elections. In opening this debate, I should like to offer my own thoughts.

One school of thought says that the election should never have been postponed; however, I do not subscribe to that at all. Without the Executive and any prospect of reassembling the devolved institutions, an election would have meant something quite different and would not have been about what elections are supposed to be about.

Turning to a bit of history, in February 1974 — for those of us who can remember — some months after the Sunningdale Agreement was signed, the new Northern Ireland devolved Parliament and the Executive were up and working. Then, all of a sudden, the miners' strike caused an election. That election took place in Northern Ireland but had nothing to do with what was happening there. All it did was get the extremists out on both sides. The result of that election caused the Ulster workers' strike, which was responsible for the downfall of the Sunningdale Agreement. I venture to suggest that there is no one in this room who does not wish that that agreement had survived, because 30 years later we are trying to achieve more or less the same thing.

Therefore one must look at what caused the breakdown last May, at what caused the postponement and at what needs to be put right. In short, Sinn Féin/IRA must deliver what it undertook to deliver: it must put arms permanently beyond use and announce a permanent end to all forms of violence for political ends. If that is being

negotiated now, I am perfectly happy. If we are to have an unequivocal statement and a verifiable major event instead of just a token putting aside of arms, the elections can be what elections should be about — whom people want to represent them in a devolved Northern Ireland Assembly that has an Executive as set out in the Good Friday Agreement. If, however, the matter gets fudged and there are promises of delivery later, the extremists will hold court should there be an election. That cannot be good either for democracy or for the moderate parties that have struggled so hard over many years in Northern Ireland to make the system work.

I have no idea what is happening in the negotiations; I am told that they are at a delicate stage. It is unfortunate that we should be meeting at this particular moment since whoever will address us this afternoon cannot tell us anything because, clearly, the negotiations are not complete. It would be wrong for anybody to speculate about the outcome of those negotiations. However, it is important that members of this Body send out the message that we do not want another fudge: we want a firm declaration that violence is at an end so that we can then get on with an election about the measures that are needed to get the devolved Assembly and the Executive up and running.

I am unsure whether the great and the good in the British and Irish Governments will be able to reach such a solution. If they cannot, we will have to postpone elections until such time as we can make progress. I have no doubt that others will say that we should have elections come what may, but I do not believe that that would be right for the reasons I have stated. Therefore I hope very much that the Body can send out the message that it wants IRA/Sinn Féin to deliver that which it has undertaken to deliver over all these years and which, so far alas, it has failed to deliver.

The Co-Chairman (Mr David Winnick MP): An amendment has been circulated in the name of Lord Glentoran, and in accordance with parliamentary procedure, I now ask him to move it.

The Lord Glentoran: I beg to move

That in line 6, leave out from “institutions” to end, and insert “and calls on Sinn Féin/IRA to deliver that which Prime Minister Blair stated was necessary before a new Executive could be formed.”

When I read the motion and spoke to Michael Mates last night, I was concerned, as I usually am at the beginning of these meetings, that once again we had a motion that was so bland that it almost ignored reality. I felt strongly the need to amend it.

Having said that, I agree that there is a need for an election as soon as possible. As Michael Mates pointed out when he moved the motion, all sorts of difficulties, complications and balancing acts will take place. I know that the people of Northern Ireland want to vote again; they want an election. However, it is necessary, if there

is an election, that the Secretary of State is able to form an Executive, and that the Assembly at Stormont is able to get to work quickly and get on with what it has to do.

I am a bit cautious, because, as Michael Mates has said, we know that negotiations are probably going on even now. So far Sinn Féin/IRA has not yet delivered that which both Prime Ministers have asked it to before an Executive can be formed.

From reading my newspaper today, and from discussions that I have had with members of the Ulster Unionist Party, I understand that David Trimble once again is leading his party as far as he can down a road to facilitate Sinn Féin/IRA. However, if he is to survive, and if we are to get a proper Executive, Sinn Féin/IRA must deliver. It must satisfy the newly-set up Independent Monitoring Commission that the war is over; that it is decommissioning; and, most importantly, that it is prepared to be involved in the policing of the Province. If it is going to take part in an Executive, it must be part of enforcing law and of regularising the streets.

We must see an end to all paramilitarism — to all beatings, shootings, expulsions and intimidation. That has to end, and we, and the Unionist population in particular, have to be absolutely confident that that will happen before an Executive is set up. The two Prime Ministers have made that absolutely clear on several occasions recently, and we should not avoid the issue today.

The Co-Chairman (Mr David Winnick MP): We will have a wide-ranging debate on the motion and the amendment. The following Members have indicated to the Table that they wish to speak in the debate: Paschal Mooney, Peter Temple-Morris, Brian Hayes, Helen Jackson, Alastair Carmichael, Tony Killeen and Kevin McNamara. If anyone else wishes to speak, and presumably, quite a few people do, it would be useful if he informed the Table as quickly as possible.

Senator Paschal Mooney: Once again, we are debating continuing developments in Northern Ireland, seemingly without any resolution of an intractable problem. Obviously, as the motion points out —

The Co-Chairman (Mr David Winnick MP): I am sorry to interrupt, Senator Mooney, but could you please speak a little louder?

Senator Paschal Mooney: I am trying hard, like my colleague Michael Mates, to stick my snout into the microphone so that you can hear me. The secret is that you must be right up close to it, like this. Now you all know.

The Co-Chairman (Mr David Winnick MP): That is much better.

Mr Kevin McNamara MP: Now we can hear you.

Senator Paschal Mooney: Thank you, Kevin, for that vote of confidence. I will not open with the cliché that I will be brief.

The motion acknowledges the reality of the situation on the ground. Few of us would object to its wording.

10.00 am

I welcome a statement that was made in the last two weeks in response to a question from Nigel Dodds MP of the DUP. The DUP would like to set aside the agreement for some sort of political utopia, but it has not spelled out precisely what the alternative would be. The robust response of Prime Minister Blair, who said that the agreement is the only game in town, was reassuring because it confirmed that the British and Irish Governments are on track in defending the Good Friday Agreement against that sort of attack.

I acknowledge the focus of the two Prime Ministers. From the Irish perspective, and I am sure that British colleagues would testify to the same, the amount of time that Taoiseach Ahern and his Ministers have devoted to this issue far exceeds what was given before. Tony Blair and his Ministers are doing the same, and it is an extraordinary tribute to both men that they continue to be focused on this. That should be acknowledged.

I do not agree with Michael Mates that elections should not be held. Nature abhors a vacuum; equally, politics abhors a vacuum. Are we to suggest that the decision of the electorate is to be somehow anticipated by behind-the-scenes discussions with two political parties? That is the main thrust of what I want to say here. Are we to suggest that the people are to be corralled into deciding who their elected representatives should be? Of course I accept that it could be difficult to form an Executive in the aftermath of an election. However, it is a rather strange democracy in which you do not hold an election because you are not sure what the result will be, but you think that you probably will not like that result.

My next point has already been raised publicly by the SDLP. Why is the SDLP not involved in the Downing Street discussions on the Good Friday Agreement? Why are there bilateral meetings between Sinn Féin, which represents a percentage of the Nationalist population in Northern Ireland, and the Ulster Unionist Party, which represents a percentage of the Unionist electorate? Taking up Michael Mates's point, I am particularly concerned that without the involvement of the other two main parties — and I include the DUP — extremists may win the day. How better to ensure that those on the extreme of political discourse win the day than to exclude a mainstream, middle-of-the-road, moderate Nationalist party from discussions?

All of us, as politicians, know that perception and optics are as much part and parcel of political action as policy. What is the perception? The subliminal message going to the people of Northern Ireland is that on the Nationalist side there is only one party, namely Sinn Féin, and on the Unionist side there is only one party, the Ulster Unionist Party. I am saying this particularly because of the shifting

sands in the Nationalist population regarding the importance that both the SDLP and Sinn Féin attach to gaining as many votes as possible from their own side.

I sympathise with what Robin Glentoran said. I have sympathy with the view that decommissioning has been an albatross around the neck of these proceedings and these negotiations for far too long.

I remind the assembly that, as recently as last May or June during negotiations on that issue, Taoiseach Ahern was publicly quoted as saying that “we came within a whisker” of settling this — that was the exact term that he used. Settlement is so close that we can reach out and grab it. In that context, we should encourage both sides to move towards removing that whisker, which would mean that the war is over and decommissioning out of the way.

I must say, however, that I do not hear Unionist politicians, and particularly David Trimble, publicly defending the Good Friday Agreement. All I hear are criticisms of it. Unionist politicians do not get up on public platforms or issue public statements to say that the agreement is good for the people of Northern Ireland or specifically for their people.

We all subscribe to the view that all paramilitary violence should end. There is as we speak, and there has been for some considerable time, continuing and regular intimidation of Nationalist families in Northern Ireland. There has been a catalogue of pipe bomb attacks, which are designed to drive out Nationalists from mixed areas in Northern Ireland. Other than using the old clichés about all violence being wrong, I do not hear any Unionists condemning people in their area of influence in the way that they expect Nationalist politicians to do.

Whatever criticisms we may have about what is going on in Northern Ireland, the IRA is on ceasefire and, with the exception of Canary Wharf, I have not heard of the IRA's having been involved in any acts of violence since that ceasefire was introduced.

The Lord Temple-Morris: My major point concerning the momentum that we all agree is necessary to this process is that it is significant that the situation, in all its practical and visible aspects, is exactly the same as when we discussed these matters last March. For how long can we mark time? If we mark time for too long, eventually the extremes of the argument on each side will begin to prevail. That is the central point, and therefore progress is absolutely essential.

The continuance of the existing leadership on both sides is essential. David Trimble is holding on. The delights of Saturday mornings at the Ramada Hotel as he again prevails by some mystical and marginal majority over the extremists in his party, in spite of resignations from the whip and so on, are becoming a saga that cannot go on for ever. Without momentum it could fail, and if David Trimble goes, I firmly believe that, for the moment anyway, the game is over.

On the other side of the picture is a remarkably similar situation with Adams and McGuinness. Unless they, and those who support them, can bring the IRA to a decision on disarmament, there is a danger that those two will fall off their perch. If they do, again, for the moment, the game is over. I accept, as others here accept, the sincerity and commitment of the leadership on both sides.

Some Colleagues may have heard the good and striking interview that David Trimble gave to the 'Today' programme last Saturday morning, when he was asked — what I thought was a sneaky little question — whether it was true that he had shaken hands with Adams for the first time. He immediately and readily acknowledged that he had shaken hands with Adams at the end of the summer, the reason being their mutual work to limit violence over the summer in Belfast. That strikingly illustrates how both sides are constructively working together.

From a purely personal viewpoint, I have no doubt about the commitment of Adams and McGuinness. It was not the first time that I had met them, but I met the two of them together alone for the first time in a room in Dublin Castle during a meeting of the Forum for Peace and Reconciliation in 1995, and I was struck with the situation. They had no motive and nobody else there to lay it on. They were determined to continue, at the risk of violence to themselves. At that time we were leading up to the Canary Wharf blast of February 1996.

The Ulster Unionist Party is a constitutional party that has accepted, in principle, government with Sinn Féin. That is striking. As a result, the party is bitterly divided and cannot go further — and here I agree with what Michael Mates said — without a better indication that Sinn Féin/IRA accepts the constitutional situation and that the war is over. Unless that happens, the danger is that the UUP will go backwards and the extremes, which are already challenging severely, could improve their situation and take over, and the process would be wrecked.

Sinn Féin/IRA cannot have it both ways. It cannot say "Yes, we will participate and help to govern Northern Ireland, but we refuse to disarm, and we retain the capacity to go to war." It is not good enough to say that weapons will not be used, so we should just ignore them. That is not good enough, bearing in mind the Ulster Unionists' situation. Sinn Féin/IRA must see that things are coming quietly its way and that the two parts of Ireland are naturally edging closer together. That is creating the nervousness on the Unionist side. Sinn Féin/IRA must recognise and act to quell that nervousness.

What do we do now? I reiterate the point that I always make: it is absolutely essential that the Governments remain close. That is an absolutely cardinal point, and it is so refreshing that they have such a good relationship. That has not always been the case, as Colleagues know, but a good relationship now exists between the Governments in general and the Prime Ministers in particular. I welcome the commitment that both of them have put in.

Close intelligence and general co-operation must remain, continue and even increase.

We must continue to press the parties to do a deal. I use the metaphor of a finishing straight again, because I feel that we are getting very close now. That has been mentioned with regard to Prime Minister Ahern's remark. A vital gesture is necessary: that is a real and major gesture of disarmament by the IRA, so that pressure can then be applied to the other side and peace can be delivered. During this vital final stage of the process, and perhaps even after we have some sort of a deal, the Body can contribute by meeting in Northern Ireland. It is high time that that was considered. It may have been already agreed. We can do that to illustrate the fact that we are all talking together.

The Co-Chairman (Mr David Winnick MP): Thank you. That last point is not lost on the Steering Committee. We discussed it in broad terms last night.

Senator Brian Hayes: I shall be very brief; I just have two points to make. Our primary job as a group of parliamentarians on both sides of the Irish Sea is to speak to our Governments. In the past, and particularly in the past six years, both Governments have done everything in their power to make the process work. They have shown an extraordinary commitment to the process, for which I commend them.

Last week, however, I was seething with anger about the treatment that both our Governments meted out to the SDLP. The responsibility that the SDLP has brought to this process down the years, and for over 35 years, needs to be recognised. The SDLP is the most constitutional party in Northern Ireland. It has done everything in its power to work through a middle way and has shown great restraint in time of provocation. Last week, both Governments sidelined the SDLP at a key time in the negotiation process.

That was utterly wrong, and we as parliamentarians should state that unequivocally. The party that has done most to bring about peace and reconciliation on the island of Ireland was cast adrift. I hope that the Governments have learnt their lesson, because significant groups and individuals in the SDLP had their noses put firmly out of joint as a result of the summit between Mr Trimble and Mr Adams to which they were not invited. That was wrong, and we should say so. I hope that it does not happen again.

Paschal Mooney asked the important question about the subliminal message that is sent out to the people of Northern Ireland when parties such as the SDLP are sidelined. The message is that parties that have a private army and which do not show full commitment to the process, which some parties have failed to show, will be given political focus. That is wrong. We have a responsibility to all the parties — all the parties — that are committed to the Good Friday Agreement and to the working of the Good Friday Agreement. They should be centre stage.

10.15 am

We all know of the optimism in 1998 when the Good Friday Agreement won such a resounding victory on both sides of the border; it had the full support of our people, North and South. We have seen significant Unionist support for the agreement crumble over the past six years. That is primarily because both Governments have allowed the only political party that has a private army — namely Sinn Féin — to continue to have a rather dubious responsibility to democracy since 1998. We all entered a political twilight zone in order to bring Sinn Féin in from the cold and to ensure that it was part and parcel of our democratic institutions. However, Republicans and the Loyalist parties, although they are much smaller, now have a responsibility to bring to an end forever the paramilitary connection that continues to exist between Sinn Féin and the IRA. We want an end to that political twilight zone. We all knew what we had to do in the early years to make it work. Now is the time not only for the army to be stood down but for all acts of paramilitarism, intimidation and illegal persuasion among communities to end forever, and we must state that clearly.

Lord Glentoran asked about the Prime Minister's demand that Sinn Féin and the IRA deliver. It is not the Prime Minister who makes such a demand: that demand is in the Good Friday Agreement, and it comes from the vast majority of Irish people who support the Good Friday Agreement. We have a responsibility to ensure that all aspects of the agreement, including the decommissioning that we were promised within two years of the Good Friday Agreement in 1998, are now in place. Every day that paramilitary political parties continue to have their private armies is a day when the Irish people's noses are being rubbed in it.

Ms Helen Jackson MP: The final sentence of the motion says:

“looks forward to welcoming a full delegation of Assembly Members to its spring plenary in 2004”.

We shall know that the Good Friday Agreement has been fully implemented when this Body has a full delegation from Northern Ireland, as it now has from the other devolved areas in the United Kingdom — and I welcome that. This illogicality always occurs at these meetings when our main topic of conversation is the politics of the one area from which we do not have a full delegation with whom to enter into discussion.

We must agree wholeheartedly with the motion and work as hard as we can to ensure that a full delegation of Assembly Members will be here in the spring. At present there is optimism. It is right that some of the main players should be trying to finalise agreement to get an election in the next few months rather than being here. As such, I am happy that they are not here.

Devolution is moving on apace. Next year, there will be an election about devolving powers to Yorkshire and

Humberside. That is the direction in which we are moving. Devolution to a Northern Ireland Assembly will be a risky business. There is no reason why a Northern Ireland Assembly should agree with everything that the Westminster Government do, and that is as it should be.

There are two areas where the logical outcome has to be focused, highlighted and worked on politically. The first area concerns the Unionist parties. The DUP is urgently calling for an election, but it is not prepared to go along with the outcome in that it does not want to share power in a devolved Administration. That illogicality must be worked on. We often talk about the parties that support the Good Friday Agreement and exclude those Unionist elements that do not. However, we cannot exclude those sections of the Northern Ireland population who support those parties. Those sections have to come on board and recognise that democracy means working with all elected parties, as happens effectively in many towns and cities in Northern Ireland.

Senator Brian Hayes referred to the second illogicality that must be addressed, which is represented by Sinn Féin. Sinn Féin states that it wants elections, that it wants to be part of a democratic institution in Northern Ireland, but that it does not want to be part of the policing or law and order aspects of democracy. That will not do. People cannot claim to be members of a democratic party and wish to be part of a devolved Administration without being part of the police service. That is illogical, and that is the crux.

I can see an end to these nonsensical elements in the Northern Ireland political process. The Body has a duty to play its part and will celebrate if there is a full delegation of Assembly Members at our spring plenary meeting in 2004.

Mr Alistair Carmichael MP: Robin Glentoran chides us for a certain blandness in the motion. He may well be right; it is perhaps necessary given the nature of the proceedings. I see the effect of many years of passion in Northern Ireland politics, so perhaps there is a lot to be said for a little blandness and tedium sometimes.

It is regrettable that Lord Glentoran's amendment removes the one issue of political importance — the real and pressing need to hold elections to the legislative Assembly in Northern Ireland. My Liberal Democrat Colleagues and I are, and have always been, supportive — if not uncritical — of the Good Friday Agreement. However, we cannot ignore the fact that the process is now drifting into crisis because the single most important institution, the democratically elected Assembly, has been removed from the equation.

I was one of those who felt that the May elections should not have been postponed. By postponing them, those of us who believe in democratic politics let the paramilitaries off the hook. Paschal Mooney is right: elections cannot be cancelled simply because one anticipates that one will not like the outcome. As I

watched the machinations in the Ulster Unionist Party over the summer, I often felt that, if the decision to postpone the elections was made to help or save that party, those responsible must rue the day they made it. If elections are not held before the end of this year or, at the very latest, the spring of next year, they will be regarded not as postponed, but cancelled. I fear that we will never then see elections to the legislative Assembly in Northern Ireland.

I associate myself with remarks made by several Members about the involvement in the current talks of parties other than the Ulster Unionist Party and Sinn Féin. The points about the SDLP and, in particular, the DUP, were well made. I know that my Colleagues in the Alliance Party in Northern Ireland are continually frustrated that their compliance and agreement is more or less taken for granted by Downing Street and that their involvement often seems to amount only to being called in and told what others have agreed. That approach does not lead to sustainable progress, particularly with regard to the DUP. We cannot ignore the fact that that party represents a significant proportion of the Unionist community in Northern Ireland. To exclude the party from the ongoing discussions surely serves only to fuel the paranoia of its members and those who elect them that a process is underway of which they are not a part.

It has been said that decommissioning of arms is central. I have never understood that obsession. If paramilitaries get rid of old arms, they can simply get the money to buy new ones, if that is what they want to do.

It is essential that a declaration be made that the armed struggle is over, that those who have been exiled from their homes can return without fear of reprisal and that there will be an end to all paramilitary beatings. Michael Mates used a telling expression when he referred to:

“the great and the good in the British and Irish Governments”.

That expression illustrates the fact that the process is becoming one that is being dominated by the political elite to the exclusion of the people, and that is why we could be heading for a crisis unless elections proceed. I spend a fair amount of time in Northern Ireland, where I see many people doing good in the community. I never cease to be amazed, and occasionally inspired, by the ideas that emerge within that community. However, inasmuch as I am amazed and inspired by the people, I am constantly frustrated by the apparent inability of Northern Ireland politicians to reflect that in the way that they do business in Northern Ireland and at Westminster. That is why I state that for normal politics to emerge in Northern Ireland, there must be elections.

The Co-Chairman (Mr David Winnick MP): I wish to inform Members about those who wish to speak. Tony Killeen TD will be next, followed by Kevin McNamara MP, Seamus Kirk TD, Lord Dubs, John Ellis TD, Seymour Crawford TD and Harry Barnes MP. In

keeping with my trade union background, I am inclined to have a tea break at about 10.45 am. Unless there is strong disagreement with that basic democratic workers' right, we will have a tea break at that time on the strict understanding that — as in a factory — Members will be back in their places by 11.00 am, on pain of deduction of income.

Mr Tony Killeen TD: As other Members have said, the terms of the motion are broadly similar to those that we have debated during previous plenary meetings. However, it is fair to say that there are also significant differences that illustrate that some progress has been made, and they reflect a mood of cautious optimism. As at least one Member has said, not all of the people of Northern Ireland have benefited from the process. Undoubtedly, in the fullness of time, they will benefit from the Good Friday Agreement, but those who have suffered from punishment beatings, expulsions from their homes, shootings, and intimidation have not benefited at this stage.

Much of the debate has concentrated on the political institutions and on the restoration of the Assembly, but policing in a democratic state is also hugely important, and that is one of the areas in which the political parties, Sinn Féin in particular, have not played a full role. Having said that, the amendment proposed by Lord Glentoran could cite a few other players whose contributions have been less than constructive. As for the specific words of the amendment, it is not helpful to use the term “Sinn Féin/IRA” at this juncture in the peace process. We know what Lord Glentoran means, and we know that there is some truth in that connection. However, language used about Northern Ireland should reflect the progress that has been made.

It also must be kept in mind that, during the summer, the biggest proof of progress was the relative peace throughout the marching season. In previous sessions we would have been particularly concerned about that and the difficulties that might have arisen, so it illustrates that a little more progress has been made.

On the other hand, the most recent decision of the Ulster Unionist Party executive to reject the joint declaration points up the difficulties within that party. I find it hard to know what would satisfy the dissident MPs in the Ulster Unionist Party — I do not think that anyone knows. Expectations have been raised and, therefore, a further postponement of the election would be damaging. It is undoubtedly true that a leap of faith is required to hold the election in the belief that a working Executive can be formed afterwards.

I agree with other Members who have paid tribute to the tremendous work of the Taoiseach and Prime Minister Blair. I also agree with Senator Brian Hayes and others, who have referred to the constructive role of the SDLP and its effective exclusion from the current phase. I do not know whether it would be appropriate for the Body

to signal that in any way, but it ought to be acknowledged that the SDLP is the party that has historically played the most central and constructive role in Northern Ireland.

I like the aspiration of having a full Assembly delegation at the next plenary. We have not seen that in writing previously, although we have discussed it on occasion. I do not think that we were brave enough to put it in writing before.

As I looked around, I noticed the portraits of monarchs on the far wall, and, although I cannot see the ones behind me, it is fair to say that they played a central role in Anglo-Irish relations during a particular era. It is also fair to say that an enormous amount of progress has been made in the short period since the Good Friday Agreement was signed, and I support the motion as tabled.

10:00 am

Mr Kevin McNamara MP: I will underline some points. First, I was always against the cancellation of the election. It is dangerous for democrats to say that they are not going to hold elections because they are not sure of the result and whether or not they will favour it. The result is a matter for the Northern Ireland electorate — it is not for us to dictate. We may know what we want the result to be, but, as practising politicians, we know that our wishes are not always met. That applies to all parties at all times. It is in the hands of the electorate to decide the outcome.

Secondly, to put off the election and to embark upon what seemed to be a saving Private Trimble campaign undermined the whole concept of democracy, because it was not people who were deciding what they wanted to do but rather the Governments — the British Government in particular — deciding which leaders were good for the Northern Irish people to have. It is the job of party leaders in the North to establish their own positions. The degree to which those party leaders become dependent upon the support of the British Government or the Irish Government weakens their appeal to the electorate in Northern Ireland.

Those party leaders must co-operate. Britain is currently the sovereign power in Northern Ireland, so proper consideration must be paid to that. However, those leaders must also act independently.

Failure to hold the elections has damaged matters considerably. If we do not have elections this year or at the latest in the spring, we must bear in mind that we are back to direct rule and to what we have left of the Good Friday Agreement and the institutions that have been established and the changes that have occurred.

One Ulster Unionist stands out more than most in supporting, proclaiming and advocating the benefits of the Good Friday Agreement: Lady Hermon. She ought to be acknowledged because she is unique. I have been on platform after platform with her when she has extolled the virtues of the Good Friday Agreement. She said that the agreement caused her to play an active part

in politics. That makes her unique among the Ulster Unionists of whatever hue who sit in the House of Commons, and we should recognise that.

As people feared, we are faced with the problem that the DUP could overtake the Ulster Unionists and that Sinn Féin might overtake the SDLP. That is not what I want, but it may well happen. That again is a matter for the electorate in Northern Ireland. However, it is important to notice that for all its not sitting in the Executive with Sinn Féin, the DUP participated in the Administration of Northern Ireland while rotating its Ministers.

Mr Andrew Mackinlay MP: Good Ministers they were too.

Mr Kevin McNamara MP: Someone at the back has said “Good Ministers they were too”. Mr Mackinlay may well have made a subjective judgement. However, the DUP played an active part in the Administration, so I do not share that sort of horror. They are politicians like the rest of us; they want to have and to exercise power. They may have some dreamy-eyed vision of a new agreement that will return Stormont to the glory that it had before the troubles started. Perhaps that is what they want; I do not know. However, we know that that will not happen, and they know in their heart of hearts that that will not happen and that they must come to terms with what has occurred.

I understand what is behind Lord Glentoran’s amendment. Like other Colleagues here, I felt that it was a major error for John Major — and for Tony Blair when he was in Opposition — to get hoisted on the petard of decommissioning. As Alistair Carmichael said, and as I wrote in a letter to Tony Blair, a mountainous pile of all the ammunition — guns, rocket launchers and whatever — can be piled up in St Stephen’s Green or inside Belfast city hall and exploded. However, with £100 a person can go down any high street in Ireland or Britain and get all the ingredients needed to make the two worst bombs that exist: the barrack buster and the agricultural bomb.

I do not want to see the guns, and no one should have them. However, decommissioning in the mind and spirit is more important than necessarily surrendering the guns, which I want to see surrendered. On the other hand, by continually raising this matter Ulster Unionists and others have caused delay and suspicion. The more that disarmament is insisted upon, the more that those who have the arms will not be dictated to. We must realise that.

As I have said before here, whether we like it or not and whether we accept the perverted theology of it, the IRA regards itself as a legitimate army. We may not believe that; we may not think that; we may not want that. However, in one sense, for the IRA to say “Yes, we were wrong” and to surrender would be to deny what it regards as its pantheon of martyrs and all their history. We have sought to prevent that happening. I think that we will see the disarmament that we want, but I do not

think that every time the issue is raised, in the forceful way that it has been in the past, we are going to get the reaction that we want.

I want to move on to the issue of policing. I could not agree more with what has been said about the need for Sinn Féin to come on board. The Patten Report was originally gutted when Mr Mandelson was Secretary of State for Northern Ireland. However, those mistakes have been rectified. The Patten Report is now fully on course and should be recognised as such. I do not believe that there is any real reason whatsoever for Sinn Féin not to take up seats on the Policing Board and play an active part in encouraging members of the Nationalist community to join the police force. It is important that it should do so. Every one of the arguments that it had put up against joining the RUC or the PSNI have now gone.

I hope that Lord Glentoran will not put his amendment to a vote. What is needed is not only the statement that he is calling for and hoping to get, and which we would all welcome, but an undertaking that we have never had from the Ulster Unionists that they will not collapse the institutions again in future. That is equally a part of the equation, and it must be taken on board.

The negotiations that are taking place prevent the Secretary of State from being present today. We are told that that whisker is being reduced further and further in size. Let us hope that we will have a statement this week that elections will take place.

The Co-Chairman (Mr David Winnick MP): Séamus Kirk will speak next. Lord Dubs will follow before or after the tea break as appropriate.

Mr Séamus Kirk TD: Thank you for the opportunity to contribute briefly to this most important discussion. Our plenary session is being held at a time when there is significant frustration with the stalemate that has existed for too long in the North. However, that feeling of frustration is tempered somewhat by news of the ongoing discussions. There is a degree of optimism that those will provide the wherewithal to allow elections to be held at an early date.

As one who represents a constituency close to the Six Counties, and who knows from first-hand experience the trials and tribulations that both communities have had to endure for many years, I can truly say that peace has grown slowly but steadily. The progress in the political arena and the uncertainty have not always matched the enjoyment that people in both communities have taken from the fact that peace has prevailed for quite a number of years. That is not to say that we have not had difficulties, in the margins and on the fringes, with punishment beatings and other nefarious activities that really have nothing to do with the operation of democracy.

It is the fervent hope of all of us that with the progress of time and the hoped-for re-establishment of

the institutions, such activities will be forever gone in both communities north of the border.

We have a reassurance that there is robustness and sustainability in the Good Friday Agreement. Despite the slowness and uncertainty of political progress, it is sustainable; it will stay the course; and it will always be there as the foundation of the eventual peaceful settlement and the establishment of the devolved institutions in the North.

Various speakers have referred to the enormous contributions made by Prime Minister Tony Blair and Taoiseach Bertie Ahern and their respective predecessors in getting us to the point that we are at today. History will treat them well for that.

A number of speakers have referred to the present discussions, which seem to give the Ulster Unionist Party and Sinn Féin a greater priority in the equation. They have clearly and rightly stated that other parties continue to provide the binding and cementing influence in the Good Friday Agreement, parties such as the SDLP and the Alliance Party. Their role should at all times be publicly appreciated so that there will be no detrimental effect on their electoral prospects when an election is called.

We do not fully understand the importance that gestures can have to making progress. A simple gesture on the part of Sinn Féin, or a simple gesture on the part of the official Unionist Party, would have an uplifting effect in their respective communities and would improve morale and public confidence about the prospect of re-establishing the institutions. That factor is underestimated.

Kevin McNamara referred to Sinn Féin's giving its full support to policing arrangements in the North. That gesture would build significant confidence in the Unionist community. Similarly, for the Ulster Unionist Party to declare that it is fully committed to the re-establishment of the institutions – that it will stay with them, support them and wants to be part of them for this and future generations – would clearly inspire considerable confidence in the Catholic community.

As always in our plenary meetings, what people say here is measured and tailored to ensure that nothing is misconstrued and that at all times we are encouraging the parties who are at the coalface of the problem to get the necessary meeting of minds. We are within striking distance of the line. If we can get to the point of an election being called, I hope that we can get back on the road to re-establishing the institutions, which will, in the long term, bring real stability and real peace to the North.

The Co-Chairman (Mr David Winnick MP): Thank you. We will now have a break. We will come back at 11.00 am, when the first speaker will be Lord Dubs. I hope that everyone will be back on time.

The sitting was suspended at 10.41 am and resumed at 11.07 am.

On resuming (Co-Chairman, Mr David Winnick MP, in the Chair)

The Co-Chairman (Mr David Winnick MP): My excuse for being late is that I was explaining a procedural point of view to someone. You can accept that excuse or otherwise.

When you are speaking you should stick closely to the microphone, otherwise there is feedback and no one can hear — but do not ask me for technical advice, because I am not the appropriate person. I call Lord Dubs, to be followed by John Ellis.

The Lord Dubs: Thank you. I shall, as ever, stick to your advice. Last April, we thought that agreement had nearly been reached. I sincerely hope that this is not another false dawn, because the disappointment last April was palpable. I am inclined to agree with Kevin McNamara that the election should not have been postponed from May. That has made current negotiations more difficult. However, the important thing that we all agree on is that the election should happen quickly, I hope within the next six weeks.

We can then welcome back the MLAs from Belfast. However, it is still a matter of ongoing disappointment that the Ulster Unionist Party will not take part in the deliberations of this Body. I find it hard to understand why since this Body seems to reflect the UUP's wishes with regard to east-west relationships. I suspect that the Ulster Unionists would find the environment here more welcoming and conducive to their interests than the Assembly. That is their problem, but not hearing their voice here leaves a serious void. I have urged them to join but to no avail, despite many others, including you, Mr Chairman, trying to persuade them.

There is one important gap. Not enough people in Northern Ireland are reminding the population of the benefits of the agreement. There is all too often a tendency to say that it is not really going very well or that confidence in the agreement has been lost and so on. It is important to remind people of the benefits to quality of life for people there: although there is still some violence, it is at a lower level; the economy is doing particularly well; employment is up; young people who previously left Northern Ireland forever are returning to make lives and careers there; and there is a general sense of self-confidence. People need to be reminded of all those benefits so that the politics of an election will properly reflect the achievements of the agreement.

There is still an unacceptable level of paramilitary violence, and I have some difficulty with Lord Glentoran's amendment, which refers to only one side of the difficulties. In some areas, victims of paramilitary violence — particularly Loyalist paramilitary violence — will feel that a more even-handed amendment may have been more appropriate.

Both the Ulster Unionist Party and Sinn Féin have much more limited margins for manoeuvre than is sometimes acknowledged. We all know the difficulties that face the Ulster Unionists because they make the headlines in all the papers. The margin for manoeuvre left to David Trimble is there for us to see. A similarly narrow margin for manoeuvre faces the leadership of Sinn Féin, but because its debates do not take place in the same open and transparent way as Ulster Unionist debates, we do not know how much weight to place on the difficulties facing Martin McGuinness and Gerry Adams. Those difficulties are there, and it is important that they are known to exist. Otherwise, we ask "Why don't you do this?" or "Why don't you do that?" when they would probably like to but feel that it is not so easy to do.

Having said that, I still believe that, in the fullness of time, Sinn Féin and the IRA will be able to say that the war is over and, above all, that they will be able to join the Policing Board. That is just a matter of time. I hope that that will happen because the full political involvement of all parties in the policing arrangements in Northern Ireland is surely an important precondition for a stable and peaceful society, and I hope that that day is not too far away.

Mr John Ellis TD: Today, we are looking at the same vacuum that has existed for the past 18 months. The Assembly is no longer operational, and several parties across the political spectrum in Northern Ireland are equally divided among themselves. That is quite clear. The Ulster Unionist party is divided within; Sinn Féin has problems within; other parties, such as the SDLP and the DUP, have all got problems. However, the main problem that they share is that they want to be in government and partake in an operating Assembly that has been suspended. Like others, I have said that the election should never have been postponed. It should have gone ahead, because if people were re-elected they would have to work the agreement.

However, we have been left in a vacuum. The Ulster Unionist Party has been mentioned. It seems to hold a monthly powwow at which David Trimble is challenged and at which he wins by the same margin every time. The net result is that the following week the dissidents in his party issue a new statement saying "We might, we could, but we won't."

For Sinn Féin, Gerry Adams and Martin McGuinness are having problems with certain sections of their organisation. We have had decommissioning, which is their problem, for quite a long time now. Somebody said earlier that if a stack of guns was dismantled in the middle of Belfast at a big ceremony there was nothing to prevent somebody going down the road the following day and buying more arms if he wanted to. What has happened in Northern Ireland is that paramilitary minds have been decommissioned, and that is more important.

11.15 am

Moreover, the political institutions must be up and running as soon as possible. I hope that the talks that are taking place today will lead to elections being held before Christmas. To postpone them again would be a disaster. People here have suggested that elections have been postponed in order to see who would emerge as the major players on both sides. My answer to that is that it is the electorate that will decide who represents them in the Assembly; the result will not be decided by any outside influence. An old saying in politics is that there is never a good time for an election for anybody, and that is the way it is in Northern Ireland at the moment. It is not a good time for anybody, because there will be pluses and minuses for each party that is involved.

We need to ensure that those who are elected give a commitment to the voters to work the agreement. That is what it is all about — working it for the people. All communities have seen the benefits of power being in the hands of MLAs, and they want that to continue. However, they will not tolerate an on/off situation in which one group gets annoyed and threatens to walk out if it does not get its way. The spoilt-child attitude has been there for quite some time on all sides. Until people realise that their job as elected representatives is to do what they are elected to do — govern and take decisions — they will not make major progress.

We have seen how successful the working of the agreement was. However, we must stress that without decommissioning of minds on all sides, and without a willingness on all sides to make the agreement work, we shall be back here in 12 months' time looking at another collapsed Assembly or listening to someone saying "We are not seeing fair play, so we're going to walk out again." We do not want to see that happen, so we should give our full support to today's talks.

I had hoped that Paul Murphy would be present this evening to give us a date for the Assembly elections. That is not going to happen, but I hope that between now and Wednesday we shall be told the date for the election. Let us encourage those on all sides to go into a new Assembly and make it work.

Mr Seymour Crawford TD: I wish the present negotiations well. It is vital, not only for Northern Ireland but for those of us living in the immediate border areas, that the Assembly be reorganised as quickly as possible, and that Ministers who understand the situation in full return to power. To that end, the DUP Ministers worked extremely well. That party, regardless of its ranting and raving otherwise, wants to be back as part of the Assembly.

It was also interesting that MEP Paisley was part of the team negotiating for the peace money. However, although he accepted the peace money he did not accept the peace, and that creates a difficult situation.

Members have been very outspoken in saying that David Trimble has made no effort to sell the agreement. Mr Ellis referred to the fact that he has had to go to a meeting almost every month because many of his own people do not agree with him: he must continuously sell the agreement in order to retain his position in his party. We have only to become involved with young people in Northern Ireland on both sides of the divide to find that there is more bitterness and hatred than there has been for a long time. We must be very careful about that. I know from my family situation, and from that of others, that that issue is very strong on both sides: there is a real belief that the process is not delivering. Nevertheless, the fact that this year's marching season was the most peaceful in many years is proof of the efforts of people such as David Trimble and Gerry Adams to ensure a more peaceful marching season in Northern Ireland.

Members have already referred to the difficulties that arise in leaving the SDLP, the Alliance Party and other parties out of the negotiations. The peace process would not have got off the ground without the work of people such as Séamus Mallon and John Hume. Leaving them out is a retrograde step.

We must look more realistically at what is happening to see where we can make progress. Several Members said that we need to get Sinn Féin involved in the Policing Board. No one agrees with that suggestion more than I do. I remember the time when young Catholics joined the police force and every means was used to force them out of it. Today, ordinary members of the Policing Board have to resign. That does not happen by accident; those people do not resign because they do not like the look on somebody's face. It is clear that they have been put under extraordinary pressure. In some cases, damage done to their property has forced them to resign. That is totally and completely unacceptable. I beg those who have any control over the people who are creating such bitterness to urge them to stop immediately. I urge Sinn Féin to join the police force; that would send out the clear message that the police force in Northern Ireland is for everybody. It may not be perfect — no organisation will ever be perfect — but it is much better to work from the inside to make the situation better than to stand idly by and criticise.

The people who murdered Detective Garda Jerry McCabe were pictured recently, and it was a great shock to see my constituency colleague included in that picture glorifying what they had done. Jerry McCabe's son was a Garda based in my home town of Monaghan, and I therefore travelled to his father's funeral in Limerick, where I heard the outcry. It was said at that time that he was not murdered by anyone with paramilitary links but by someone else. However, when it suited, when it was seen that the Good Friday Agreement might work, the people responsible were brought in under it. It made my blood boil to see them highlighted as great people who needed our support.

We want to bring about peace in Northern Ireland — that is beyond question. We must be careful about what we say here so that we do not wreck the feel-good factor. We must recognise the difficulties in different areas. In so doing, we may come to understand the difficulties of the SDLP, the Official Unionists and others who have been at the centre of the process.

I want to see elections taking place and the Assembly working. Before I came into politics with a capital “P”, I worked in farm politics. In that capacity, I worked with groups from Northern Ireland on an all-Ireland basis. I know the benefits that that can bring. The Assembly and the Irish Government worked together on several issues, including tourism. By continuing with that work, the future of the people of the island of Ireland can be improved dramatically. Getting the Assembly running is the most important step forward, but we cannot afford to bury our heads in the sand and say that things do not matter, because they do matter.

I had great difficulty in accepting that part of the Good Friday Agreement that provided for the release of those who had committed heinous crimes on both sides. I came to accept it, based on the fact that decommissioning would be a reality within two years. I recognise Kevin McNamara’s point about the purchase of artificial fertilisers, but why was decommissioning included if it means nothing?

We need to be realists. If we are to achieve a working Assembly, hard decisions will have to be made. The two most difficult decisions have already been mentioned. There must be genuine action by Sinn Féin, with the support of the IRA, to ensure that decommissioning takes place. We must be sure that arms are put beyond use. We need clarity that we are not returning to the past. We do not need a private army behind anyone. We also want David Trimble to say that he and his party will return to the Assembly for good.

I accept the point made by Lord Glentoran in his amendment. However, he fails to mention some important issues. I cannot agree with that, but most of us understand what he is trying to do. I urge him not to split the Body.

Mr Harry Barnes MP: It is interesting that there are major disagreements in several areas, yet none are catered for by the motion or the amendment. Michael Mates, in moving the motion, and Lord Glentoran, in moving the amendment, said similar things about Sinn Féin and about the need for a major move from that party in order to get things back on track. Ultimately, it may not matter how the vote goes; it may be that similar sentiments are being expressed. There is dissent in several areas: the SDLP’s position in the talks; the question of elections in Northern Ireland; the argument about the significance of decommissioning, which Kevin McNamara referred to; and the argument that Paschal Mooney put forward about

the relative inactivity of the Provisional IRA. Those areas need to be examined. I shall try to do so briefly.

It is a problem for the SDLP, with regard to its standing and status, that it is not involved in the talks, which may have some impact on its future electoral position. However, that is rather a diplomatic consideration. Some people will not be involved in the talks at all. The DUP is entirely outside the agreement, and is, therefore, irrelevant to the talks. The SDLP has been fully on board with regard to the Belfast Agreement, yet there is a sense that it is not needed in the talks. The talks are for naughty boys and girls who need to be brought into line in order to allow matters to develop. The Ulster Unionist Party is divided, which is a problem for David Trimble, because he can only go so far before he begins to be chopped down within his own party. There is the problem of Sinn Féin detaching itself entirely from IRA activity and joining the Policing Board. The reason that the talks are between those two parties is because those are the parties in which a shift is required in order to deliver the intentions of the Belfast Agreement.

The problem is that referendums — like those conducted throughout the island of Ireland on whether to accept the Belfast Agreement — and elections for assemblies or parliaments do not fit easily together. There is a sense in Northern Ireland that the decision that was made with regard to the Belfast Agreement is of great significance, and has to be treated as an overriding democratic consideration. However, that is not to downgrade Assembly politics; rather it is to say that there is some relationship to the situation that is developing with regard to the agreement. Ideally, that needs to be in place in order for elections to be held. There might be a stage when Assembly elections become so significant, and time has gone on for so long, come what may, they must take place. It might be that they take place in circumstances in which the Belfast Agreement has collapsed. However, as long as there is hope that the agreement exists and can be developed, the problem that must be faced up to, which creates difficulties for some of us, is how to reconcile the different considerations that emerge from referendum-type politics and Assembly-type politics.

11:30 am

The importance of decommissioning is much more significant than Kevin McNamara suggests. The perceptions of the Ulster Unionists and the Protestant community must be considered. Getting rid of Semtex and masses of arms that came from Libya and other places is significant. Those are not things that can be picked up readily and easily if the peace process collapses. There might be a lot of money around for the Provisional IRA to do that. However, at present money is being raked off in Mafia-type activity and is not available for the purchase of replacement arms. Therefore, decommissioning is important. Senator Paschal Mooney indicated that the situation was now OK

with regard to the IRA's inactivity and that the argument had gone too far. I grant that the situation has changed dramatically in Northern Ireland; however, low-intensity warfare still continues.

In particular, there is green-on-green activity. Murders, abductions and torture still take place, and people are still being forced into exile. We cannot ignore those things. It would be a fantastic advance if Sinn Féin, as a party that is expected to become part of the Executive, could show that it is fully committed to the democratic process to allow development to continue.

Mr Joe Sherlock TD: Go raibh maith agat. The important thing is that the talks are continuing. We saw in the Irish papers that David Trimble and Gerry Adams were in talks yesterday evening, and we know what the issue is. By reason of this British-Irish Inter-Parliamentary Body, or Comhlact Idir-Pharlaiminteach na Breataine agus na hÉireann, we have heard strong views on many issues from people from Ireland and Britain. We hope that the continuing talks will be successful. I will speak later about the intimidation of members of the district policing partnerships, but the main point is contained in the motion, which concludes:

“that the elections to the Assembly, postponed from May 2003, will be held before the end of this year; and looks forward to welcoming a full delegation of Assembly Members to its spring plenary in 2004”.

That is what it is really all about.

Ms Cecilia Keaveney TD: Go raibh maith agat. I often feel that this body is stuck in groundhog day. I think I said that the last time we met. It is unfortunate that we keep saying the same things: that the Good Friday Agreement is the way forward, and that everything should be done to achieve — to put it in blunt terms — a situation in which all politics become local. We often say the same things, and the process moves at a slower pace than most of us would like it to move. I apologise now if I repeat myself. Unfortunately, I become parochial when I represent Donegal — north of the North.

We talked about welcoming a full delegation of Assembly Members to the next plenary meeting. Why are no Assembly Members present at this meeting? It might be said that because the Assembly is not running, Members do not officially exist. However, given that they receive some sort of wage, I assume that they still have some form of legitimacy, and the British and Irish Governments should therefore have given them the facility to engage with this Body, given the significance of the role they play.

Secondly, I agree that the SDLP should not have been publicly and visibly sidelined. That gave out the wrong message to the public on either side of the divide and across the island of Ireland.

The agreement has already made a difference, which I see on a day-to-day basis. I agree that the political

vacuum is opening the door for sectarianism, and people in rural areas — where sectarianism was never a problem — have told me that it is beginning to raise its head there. That illustrates the significance of holding elections before the end of the year. Those who do not agree with that must think about what is happening. People are beginning to use the vacuum as an excuse for getting involved in unacceptable activities. I condemn the intimidation of members of the District Policing Partnerships. People are being severely intimidated. That is not right; it is not fair; and it should stop.

As others have said, leadership and what we say and do are important. That applies to every one of us. On local radio I was asked about the powers of this Body. As politicians, our role is to lead in our own way. We can debate whether Trimble is playing a leadership role. Some people think that he is leading very strongly; others think he not leading at all. All members of all political parties have a leadership role to play.

Recently, there was an unsatisfactory response to a little bit of fun—and fun is not a word usually associated with the Six Counties. Three of the four remaining teams in the all-Ireland Football Championship were from Ulster counties. When the fun got going in Strabane, people put massive Tyrone jerseys on large statues there. However, that became unfunny for some political parties, which is very sad. Sport brings people together and does not threaten anyone. For people to try to politicise sport is unfair and not constructive.

I look at such matters in a simple way. I travel through many counties and I see painted kerbstones, be they green, white and gold or red, white and blue. The message must go to business people that such activity is hindering their businesses. Most people will not stop in an area that shows that it has such a problem with its identity.

The restoration of local politics will enable the issues that I raise here on a six-monthly basis to be addressed. Those issues include the Foyle fisheries legislation that cannot advance because the Executive is not in place. As a result, our fishermen cannot develop the alternatives that they require. Margaret Ewing, who is not present at the moment, has an interest in these matters. I watched television this morning and heard about the possibility of an end to all cod fishing. We will soon face local problems that must be addressed at a local level. I face problems with the City of Derry Airport development, wind farms, unemployment, infrastructure and drug abuse. I want such issues to be dealt with by local Ministers in a local way. No harm to the people that come from outside, but situations are best understood by those closest to them.

The same reasoning applies to the furtherance of the Good Friday Agreement — we are not the people closest to the problem. I would like to have seen a full delegation of Northern Ireland Assembly Members here because we have reached a critical juncture. I do not

think that I would be able to solve the problem — but I give my support to any way that it can be solved.

I look forward to the answer to my question about north-west deprivation—parochial as I am. I also look forward to avoiding another groundhog day in six months' time, wherever we meet.

I fully endorse the invitation to come up to Donegal soon and to use the facilities available in Derry or elsewhere in Ulster. Go raibh maith agat.

Mr Arthur Morgan TD: Go raibh maith agat, a Chathaoirligh.

I have shaken hands with Gerry Adams many a time, and it has not done me a bit of harm. I do not think that David Trimble's shaking hands with Gerry Adams will do him any harm either. I, as other Members do, look forward to seeing the Unionists and my Colleagues and the SDLP — and everybody else from the Northern Assembly — present at the next plenary session. I would particularly welcome the Unionists, because we might get more common sense contributions than some of those that we heard earlier.

If I were to express the political views of this Body through the medium of colour, it would be a very royal blue canvas. A good splash of orange would be refreshing against that backdrop, and I would welcome it.

I was particularly disappointed with the first two contributions this morning, because they took me back to the plenary meeting in Manchester last year, when we experienced almost condescending lecturing. For an Irish Republican or, indeed, any Irish person, British politicians lecturing about democracy, particularly democracy in relation to Ireland, are something to behold. Members should think about what they are saying. If there had been any shred of democracy in Ireland over the last three centuries, there would never have been an organisation called the IRA. People should reflect on what they are saying. The cornerstone of the amendment is the height of nonsense.

The difference with the current talks is that David Trimble and Gerry Adams, and their respective teams, are meeting directly. They are not speaking through Governments, and they are not speaking through foreign affairs channels or civil servants — they are sitting down and speaking directly. That ingredient has been missing until now, and it will help to strengthen the trust that is necessary to move the process on.

There has not been momentum in the implementation of the Good Friday Agreement until now, and, while it is easy to point fingers, all the key parties involved have been responsible for that lack of momentum. The construction of the current talks means that progress is likely, and I too look forward to a positive outcome.

I will mention briefly the case of the prisoners in Casltrea. A photograph was taken of five prisoners who

are serving lengthy sentences there for manslaughter. Those prisoners should have been released under the terms of the Good Friday Agreement. It is not just I who is saying that — although, as an Irish Republican, I would say it — but the High Court in Dublin has said the same thing. I should explain that I was not in the photograph; I took the photograph and was therefore not in it.

A Member: That is an arrestable offence.

Mr Arthur Morgan TD: Well, arrest away; I have been in jail before — I do not mind.

Those people should no longer be in prison. It is ridiculous that they are held as political hostages at this stage of the peace process.

I do not mind whether the amendment is agreed because it displays the thinking of yesteryear. People need to get a wee dollop of cop on. Let us move on and take our lead from what Mr Trimble and Mr Adams are doing. I wish them well, and I hope that we have an announcement sooner rather than later. Go raibh maith agat.

Senator Brendan Ryan: Go raibh maith agat. I want to begin by saying slowly and distinctly that, as an Irish Republican, I do not share the views that were just expressed. I will not allow anybody to claim that he is the only one who represents the Irish Republican tradition. It is an honourable, broad-based tradition, and I will not hand it over any more than I will hand over the title "socialist" to a party that claims to be the only Irish Republican party. I say that not in anger, but simply to describe the reality of politics in Ireland.

In the 1980s I got myself into trouble, to no political advantage, by insisting that we address human rights issues as well as abuses of power by the British Army and the RUC in Northern Ireland. I attended a lot of meetings that few attended but at which there were, significantly, many members of the Garda Síochána Special Branch outside: there were almost more gardaí outside than people inside. I say this merely as background for anyone who may not know who I am. I was one of the few members of the Oireachtas in the 1980s who believed in keeping doors of communication open and in the need to involve all strands of opinion.

It is a terrible mistake to assume that only Unionists have a problem with the ambivalence of Sinn Féin and a lack of clarity about its future intentions. Some of the people I know who most detested the activities of the IRA in Northern Ireland were active working-class, left-wing Republicans in Northern Ireland. The price that they paid for that detestation was a high level of threat and intimidation because they would not conform to a mono-cultural view of how the problem in Northern Ireland should be solved.

It is time for the political leverage that one party is able to generate out of its association with a paramilitary organisation to end. We can then achieve a political

situation in which there is not, to use an old Irish phrase, a “slightly constitutional” whiff about one party. It has always annoyed me that that situation has dragged on and on and that attention has focused on a particular political party yet again just before an election.

11:45 am

The biggest Nationalist party in Northern Ireland — as it was in the Assembly elections — has been essentially marginalised. That party could be awkward because in its ranks are people who not only opposed violence but who lived with the fear of retaliation for their opposition to violence. They did so in a way that perhaps nobody else did, because that violence came from the community in which they lived. The marginalisation of the SDLP is a huge political mistake for which there will be a political price. This Body ought to discuss the political consequence of the marginalisation of the political party in Northern Ireland that has struggled resolutely against perceived injustices and that has equally resolutely said that violence was not the solution. That has consistently been my view, despite my various entanglements.

The fact about decommissioning is that one could decommission all the arms one wanted in the morning, but, if desired, could buy the same again inside a week. That invites discussion on the armaments industry. It would be a useful topic for this Body to put on its agenda in future, given that the United Kingdom is one of the chief arms exporters in the world and that we seem to have aspirations to join in that trade. It would be useful for us to discuss the methodology and the ways of regulating, if not eliminating, the arms trade.

Mr Andrew Mackinlay MP: I listened with great interest to what was said by Brendan Ryan with regard to the apparent exclusion of the SDLP from the talks, and I share its dissatisfaction and irritation that that is the case. I want to make a few comments about the SDLP, but I do so with some hesitation because in the past I have criticised the SDLP, and criticism is sometimes misunderstood as opposition. One can make friendly criticism, and it is in that spirit that I have criticised it in the past and want to do so today. I recognise its historic and very brave contribution to the peace process. It is manifest that without the energies, initiative and courage of several figures in the SDLP we would not be where we are today. I continue to wish them success in the Assembly elections.

However, they are in a party in desperate need of rebranding, for want of a better term. They suffer from a low profile in Westminster, in contrast, funnily enough, to Sinn Féin. Despite Sinn Féin’s abstentionist policy, which basically means that its Members do not go into the Chamber of the House of Commons, it has a high profile at Westminster. Its Members have a live and vibrant office, which is staffed day after day, and they are in communication with MPs. They are pressing buttons of influence all the time.

That is not my experience of the SDLP. If it has an office at Westminster, I am unaware of it — I deliberately say that I am unaware of it. There is certainly nothing in comparison with the operation of Sinn Féin. I raise this because friends of the SDLP might counsel it about this. Inevitably, this must be a contributory factor — and I do not defend it — to its Members’ apparent exclusion from key talks. Out of sight, out of mind.

I will give you an example. Reference has been made by the Deputy from Donegal to the fishing crisis. I can recall an occasion in the House of Commons when the Fisheries Minister made a major statement, and there was not one representative present from Northern Ireland from any of the political parties. On other occasions other parties have been present, but there has been no contribution from the SDLP.

I recall meeting a deputation of bereaved families from Belfast who had been affected by car crime. Car crime, whereby youngsters recklessly steal cars and kill people, affects both communities. The deputation visited the Houses of Parliament and Number 10 Downing Street, calling for legislation and police initiatives to combat it. I was there to receive that delegation along with Jeffrey Donaldson and Gerry Adams, but, again, there was no one from the SDLP in attendance.

Little issues like this, when they start to add up, demonstrate a low profile. I recognise the constraints on three Members of Parliament, but there are other people who could be put into bat, to attend events at Westminster. If I may say so, they ought to be banging on the door here. They are not represented this morning, and I regret that very much indeed.

I hope that at Clonakilty there will be Northern Ireland Assembly Members, and we must work to maximise the attendance from right across the political spectrum. I think that it was a mistake not to have picked up on the approaches made two years ago by Lord Laird, the Unionist peer, who sought to speak here. He should be encouraged to do so. We should extend an invitation to the independent peer from Belfast, Baroness Blood. We should also resolve that we will be as flexible as we can: they should be able to come here as observers or as associate members; the formulation is immaterial. We should do everything that we can to get opinion formers in Northern Ireland politics to come to the British-Irish Inter Parliamentary Body. In any event, I hope that there will soon be a Northern Ireland Assembly deputation.

It is in the Official Report of the last plenary meeting of the British-Irish Inter-Parliamentary Body that Denis Haughey MLA of the SDLP said to some of us on a Committee of this Body that it was SDLP policy to have proportional representation at Westminster elections. I have an open mind on that. Mr Haughey wrote to Members, and I raised the issue. John Hume was in attendance at the time, but he did not support that SDLP policy. I found

it amazing and disappointing that there was no zeal to advance that policy of the SDLP. Its Members really do need a rocket up them, in their own interests, to protect and promote their legitimate constituency. I say that out of friendship, not wishing to diminish them or in any way damage them.

There is a danger of a political dependency culture developing in Northern Ireland. Too many people, not just Unionists, are increasingly content with direct rule. That is bad, even from the point of view of good governance. There is a big void on the Northern Ireland statute books for measures that we in the United Kingdom, in the Republic of Ireland and in other jurisdictions take for granted. I refer, for example, to proper legislation on town and country planning; heritage protection; water and sewerage; and ordinary justice issues such as bail provisions and traffic legislation. There is a void, and people are suffering.

There is a lack of rigorous examination of the scarce financial resources of the public sector. That is because there is a 25-year backlog of legislation in Northern Ireland. For no other reason than that we should be flagging up, in the United Kingdom's best interests and in the best interests of the people of Northern Ireland, the need for devolved government. It is good governance and not just an expedient to overcome the historic problem that has bedevilled our islands.

The Co-Chairman (Mr David Winnick MP): Those earlier fraternal remarks that you made about a Northern Ireland political party will no doubt be noted. Lord Brooke will be last speaker before Jim O'Keeffe winds up. If anyone else wishes to speak, please so indicate. Thank you.

The Lord Brooke: Mr Co-Chairman, I was not seeking to be the last speaker, so I am absolutely delighted that someone else stepped in. I congratulate the Steering Committee on the symbolism of this hall as the scene of the debate, embracing both the Reformation in Great Britain and the Jamesian settlement in Ulster. I am more doubtful about the boss on the beam immediately over my head, which bears the word "casino".

I cannot underestimate the importance of the conversations between David Trimble and Gerry Adams, and thus I echo Arthur Morgan. I approved of the suspension of the elections in order to put pressure on for the resolution of critical issues. My next analogy is imperfect and should not be misunderstood; the case is little-known. All the blame for the defeat of the British in the American War of Independence falls on Lord North and King George III. It is never remarked that the Secretary of State for the Colonies at the time was the first Marquis of Downshire, who built Hillsborough Castle. He met Benjamin Franklin, who was the roving ambassador for the Colonies in Dublin and invited Franklin to stay with him so that they could discuss matters. They

disagreed about wine on the first night that Franklin was at Hillsborough Castle, and consequently the conversations totally broke down. It is a great "what if?" question: what would they have discussed had they not disagreed about the wine? It certainly has the makings of a play.

In direct terms, however, the Trimble/Adams conversations remain more important. I accept that decommissioning is irrelevant in the face of the arms trade, but it is symbolic. The discovery of an agent within the Northern Ireland Office, which was the *casus belli* of suspending the Assembly, is critical.

I share Harry Barnes's concern about Sinn Féin's reluctance to reverse the expulsions, considering that kangaroo courts are fundamentally anti-democratic, particularly when backed by force. That episode was critical to the suspension of the elections given the Prime Minister's pledge that those who use or threaten violence are to be excluded from the Government of Northern Ireland. It arose against the background of the apparent irrelevance of his pledge that prisoners would not be released unless violence was given up for good.

12.00 pm

As I am sure everyone in the casino hall knows, the background to the pledges was that, during the referendum campaign, Labour MPs who were campaigning for a yes vote reported considerable danger of the vote being lost within the Unionist community unless the Prime Minister took a personal role. He did so and produced the famous five handwritten pledges. The referendum result is always cited as having been a good result, but it was highly contingent on those pledges to secure it on the Unionist side. Thus, there has always been a degree of background pressure on the Prime Minister to repair the loss of confidence among Unionists that has arisen during the past five years.

I have sympathy for the SDLP and the Alliance Party, and I concur that there are potential electoral consequences from the course of events. I am less sympathetic to, or concerned about, the DUP and its absence because it is an anti-agreement party.

When moving his amendment, Lord Glentoran described the motion as bland. Because of the nature of the motions that we discuss, all our debates blend into a mix in my mind. I have not the faintest idea when I said what. However, I do remember saying that I was relaxed about and unconcerned about putting off elections in spite of the potential outcome of Sinn Féin and the DUP emerging as the two principal forces. I thought that the exercise of them working together would be extremely interesting for the rest of us to watch.

The central pressure of the last months has been on Sinn Féin, but I agree with Kevin McNamara that Sinn Féin's concern about the Ulster Unionist commitment to the Assembly and its capacity to "draw stumps" effectively,

in cricketing terms, is reasonable. I understand why Sinn Féin is pressing for compensating concessions by the Ulster Unionists on that.

Returning to my initial point, the talks are crucial. I am mildly critical of the language of the motion, which refers to “redoubling efforts”. Redoubling implies that the efforts have already been doubled. If that were so, efforts at the beginning were only a quarter of what we now ask them to be. That is slightly unreasonable, but on the other hand I agree that the pace has gathered over the summer.

I hope that I have not related this to the Body before — if so, I apologise. On the first night of the Wall Street crash the French ambassador, Dr Claudel, held a soirée in the embassy in Washington. News of the crash came through before the soirée, and in his speech to the guests he said:

“Between the crisis and the catastrophe there is always time for a glass of champagne.”

If an announcement is made later this week that elections will take place, I shall raise a glass of champagne.

The Co-Chairman (Mr David Winnick MP): Well said.

Dr Jerry Cowley TD: Everyone feels that elections should come sooner rather than later, because they are the sign of a democracy. There is great hope now. Everyone in Ireland, North and South, has shed tears — and worse — about what has happened over so many years. There is already great hope, as people have had a glimpse of what is possible in the North of Ireland. During the outbreak of foot-and-mouth disease we saw Bríd Rodgers co-operate with the Health Committees, North and South. There is so much potential for economic and social prosperity. An important report was commissioned on the emergency helicopter medical service that showed that the North and South of Ireland are the only two parts of Europe that do not have such a service. We are still awaiting the results of that report. However, there is much hope for the future, and people are happy that such things are happening. We all wish the talks every success, and we hope for a good resolution.

Mr Jim O’Keeffe TD: We have had a very good debate: 20 Members spoke to a motion that some Members said was bland. It is bland of necessity in order to encompass all the different views. However, even though the motion could legitimately be described as bland, the debate has been good, and there has been a common thread throughout. The principles buried in this bland motion are largely, if not unanimously, supported. This Body remains fully supportive of the Good Friday Agreement. In the words of the Prime Minister, to whom we have sent our greetings:

“It is the only game in town.”

I hope that he will be involved in that game for a long time to come in the light of the huge contribution that he has made to it.

We recognise the political progress that has been made and the responsibility of everybody to double or re-double his efforts to continue it. We want to see the agreement work, and we want a restoration of the institutions. We want elections to be held as soon as possible, and we want to welcome the Members of the Northern Ireland Assembly to the next meeting of this Body in the spring, which, I am glad to say, will be held in West Cork.

I wish to speak about some of the points raised in previous speeches. Michael Mates rightly referred to the unfortunate 30 years of blood and hardship that resulted partly because Sunningdale did not succeed. Séamus Mallon has referred to the Good Friday Agreement as “Sunningdale for slow learners”. In many ways, he was absolutely right. At this stage that is all history.

Lord Glentoran spoke to his amendment. We understand his perspective, where he is coming from and his interest in making the point that Sinn Féin or the IRA has not fully delivered. The International Monitoring Committee must be satisfied that the war is over. There must be support for the police and an end to paramilitarism. Almost everyone will agree with that. Timing is a concern, but I believe that who does what and when is not crucial — what is laid out must be done. A choreography or orchestration that has been agreed by the parties, explicitly or implicitly, may be the way forward. Steps must be put in place soon to allow the democratic institutions to function properly.

Senator Mooney referred to an issue that has been raised by several Members, including Brian Hayes and others — that is, the apparent sidelining of the SDLP in recent talks. I support the views that have been expressed. The SDLP has soldiered in the constitutional trenches for the past 30 years. It has held out against all aspects of violence on all sides. It has had an enormous input into the peace process. From the beginning it has brought others — particularly on the Nationalist side — around to its way of thinking. The SDLP should not be penalised; it should be fully credited for its contribution. If, by accident or design, the two Governments sidelined the SDLP, ground will have to be made up.

Peter Temple-Morris mentioned the saga of David Trimble’s troubles in his own party, troubles that are mirrored to some extent inside Sinn Féin. We understand that, but the parties themselves must sort out their problems and, if possible, bring a united voice to the discussions.

Brian Hayes spoke forcefully about the position of the SDLP; he also mentioned the need for an end to paramilitarism.

Helen Jackson referred to the need to bring a full delegation of Assembly Members to our next plenary

meeting. I look forward to welcoming them to West Cork next spring. She also mentioned the nonsensical illogicalities in Northern Ireland. In a way, that has been part of the problem for many years and, in some ways, may be part of the solution. There is an old saying that for every complex problem there is a simple solution. However, it does not always work like that. Sometimes complex problems require complex solutions.

One issue that Helen Jackson raised, about which everyone should agree, is policing. If there is to be a democratic state with democratic institutions, all parties must give full and unqualified support to the police.

Alistair Carmichael spoke of the real and pressing need for elections. That seems to be the general view among Members. At this stage, we are heading into democratic waters, and if we believe in democracy — regardless of the different views that we had in the past about the need to postpone the election — we must get the electoral ship afloat straight away. I understand that, for a variety of technical reasons, the last possible date for an election is 6 December. Therefore, the election should be called this week. I hope that the indisposition of the Prime Minister will not halt the process. I know where his heart lies on the issue.

Tony Killeen spoke of cautious optimism. Again, I believe that that sums up the general view of the Body. We are not overconfident; rather we are cautiously optimistic that there will be a decision on elections, that the electoral process will get under way and that it will lead to a restoration of the institutions.

Kevin McNamara gave his own distinctive contribution. He has always argued against the postponement of the election, and I understand that. He was not totally behind the saving Private Trimble campaign. I understand that perspective too. However, many of us are glad that “Private” Trimble is still “Commander” Trimble in the UUP as it heads into the elections, and we hope that he will be able to bring his troops with him when it comes to the establishment of the Executive.

12:15 pm

Séamus Kirk recalled that Yeats wrote of how “peace comes dropping slow”. Of course we are impatient and frustrated by its slowness. However, Mr Kirk made the important point that gestures are crucial in that business — a gesture from one side leads to a counter-gesture from the other. Arthur Morgan referred to the gesture of shaking hands. He never thought he would see a situation in which shaking hands could do any harm. I endorse his point.

Lord Dubs talked about the benefit of the Good Friday Agreement and how it is not fully recognised. That is a hugely important point. Many people are alive today because of the Good Friday Agreement. There are women who have not been widowed, children who have not been orphaned, and families and communities that have

not been shattered. Let us recognise fully that particular contribution of the Good Friday Agreement. It should not be overlooked. He also mentioned the economic benefits, such as employment and the improving economy. Indeed, I understand that North/South trade has almost doubled since the Good Friday Agreement. Clearly, there are many benefits. Let us not forget about them.

John Ellis made the salient political point that, ultimately, all those who are involved are politicians and that, in general, all politicians want to be in government. It is a factor when you consider, in particular, the position of parties such as the DUP.

I agree with Seymour Crawford’s point about the famous photograph, taken in Castlereagh Prison, of elected representatives posing with those who were involved in the killing of Det Garda Jerry McCabe. I say this openly to Arthur Morgan: it would be a considerable understatement to say that I soundly disapprove of those who were in the photograph and those who took it. It sends out the wrong signal. Apart from that, it is against the law. It is a total breach of regulations. Just picture the reaction of the relatives of the garda who was killed.

Harry Barnes made a good point about the SDLP — I hope that that does not sound condescending. In many ways, the efforts are to get the UUP and Sinn Féin fully behind the agreement and fully on board — they are the “naughty boys and girls” as he put it. Therefore, to a degree, the SDLP is penalised because it has been fully behind the agreement from the beginning. Mr Barnes summed it up well. Unfortunately, however, it does not take away from those penalty points.

Mr Barnes also took issue with Kevin McNamara who said that decommissioning in mind and spirit is important. On a practical level, I understand that bombs made from agricultural fertiliser are easily enough put together, but let us consider Semtex. No one keeps Semtex for defensive purposes. Why, therefore, is it retained? At this stage, Semtex cannot be replaced as easily as agricultural fertiliser. It is important that decommissioning occur at every level — in mind and spirit and on a practical level.

Joe Sherlock spoke of the different viewpoints that have emerged from the talks but was essentially supportive of the talks being successfully concluded as soon as possible.

I love it when Cecilia Keaveney refers to her own area, Donegal. She has that wonderful facility for bringing everything down to the local area. I am sure that many Members have read Tip O’Neill’s book ‘All Politics is Local: And Other Rules of the Game’. I am convinced that Cecilia Keaveney co-authored that book.

Cecilia Keaveney also referred to the need for Assembly Members to be present at our next meeting. As I understand it, when the Assembly was suspended, discussions were held with its Speaker as to the appropriateness or otherwise of Members of a suspended Assembly attending meetings

of this Body. There was a technical difficulty about that at the time. Having said that, I hope that the Assembly will be working at the time of the next plenary meeting and that its Members will be able to attend.

I agree with Arthur Morgan's comment that shaking hands does not do anybody any harm. I do not fully, or even partly, agree with many other comments that he made. Others would have liked him to have said more on some issues, but there may be reasons for that too. The essential point is that everybody urges Sinn Féin to endorse fully the view that has been presented here and to participate in a fully democratic fashion in the election.

Brendan Ryan gave a different perspective on Republicanism to that of Arthur Morgan, which speaks for itself.

Andrew Mackinlay gave strong advice to the SDLP, speaking as a friend. It struck me that he might, perhaps, offer himself as an electoral adviser to the SDLP in the upcoming campaign.

We had the usual marvellous historical tour from Lord Brooke: from Herefordshire, to Ulster, to North America, home again and back out to Washington for a glass of champagne. Last night, I saw him at dinner, and I urged him to write a book. His fantastic recollections are absolutely marvellous.

In some ways, Jerry Cowley wrapped it up for us when he said that we have come through the process, that we now hope for a good outcome and that we want to see the elections under way. I believe that that expresses the view of virtually everybody here. We also want to see an end to paramilitarism in all its forms. That is the demand of democrats here and throughout the island of Ireland. That is not only our demand, but it is the sovereign will of the people of Ireland, North and South, as set out in the Good Friday Agreement and subsequently endorsed in the referendums.

We are at a vital point in the peace process. If, during the coming weeks and months, we can secure the full implementation of the Good Friday Agreement, we will be at the edge of an unprecedented era for this island, one that will lead to the release of the full potential of its people, North and South, and draw on the power and strength of its two traditions — and the sooner, the better. I endorse the motion.

Mr Andrew Mackinlay MP: On a point of order, Mr Co-Chairman. I want to clarify something that I said earlier. When I was speaking about the SDLP and the delegation on car crime I said that no member of the SDLP had been there to receive that delegation. That was wrong. Alex Attwood was indeed there, and I am glad of the opportunity to make this correction.

The Co-Chairman (Mr David Winnick MP): Thank you for clarifying the matter, Mr Mackinlay.

Lord Glentoran, do you wish to pursue your amendment? It is a difficult decision.

The Lord Glentoran: First, I would pursue it if it were a little more perfect than it is. Secondly, I would like to make the point that when we do not see the motion to be debated until after dinner the night before, it is extremely difficult for anyone who wishes to formulate an amendment. It was not withheld from the clerks, Ms Alda Barry and Mr Jim Mulherrins. However, it was done in a hurry. I did not have an opportunity to discuss it with colleagues and friends. I want to make it a point of order that we be given adequate time in future.

12:30 pm

I also want to clarify what I believe to be a misunderstanding of my intentions with regard to elections. I opened my statement by saying that my party and I support elections and believe that they should take place in Northern Ireland as soon as possible. The purpose of my amendment was to point out that, having had those elections, it is imperative that Sinn Féin join everyone else in the Executive in supporting, in particular, the enforcement and rule of law and order.

The Co-Chairman (Mr David Winnick MP): I hesitate on a procedural point, but I understand what you say: you cannot reply to the debate because we have had the reply to the debate. On behalf of the Steering Committee, I am sorry that it was not possible to circulate the motion earlier. However, because of the ongoing circumstances, which everybody must know about, we decided on the motion at last night's meeting. Normally, as you know, we would circulate the motion beforehand. I understand what you are saying, Lord Glentoran, but I need to know whether you want to pursue the amendment.

The Lord Glentoran: On that basis, the amendment is imperfect, and I beg to ask leave to withdraw.

Amendment, by leave, withdrawn.

The Co-Chairman (Mr David Winnick MP): Thank you, that does help. The motion has been circulated and has been fully debated.

Question put and agreed to.

Resolved:

That the Body remains fully supportive of the Good Friday Agreement as the only way forward for the people of Northern Ireland; recognises the political progress brought about by the peace process and the Good Friday Agreement, benefiting all the people of these islands; acknowledges the collective responsibility of all concerned, including the two Governments and the pro-agreement parties, to make the agreement work; calls upon all parties involved to redouble their efforts to achieve the restoration of the devolved institutions; trusts that the elections to the Assembly, postponed from May 2003, will be held before the end of this year; and looks forward to welcoming a full delegation of Assembly Members to its spring plenary meeting in 2004.

The Co-Chairman (Mr David Winnick MP): We shall reconvene at 2.15 pm, when my Co-Chairman will take the debate on the European Constitution.

The sitting was suspended at 12.33 pm.

The sitting resumed at 2.23 pm.

THE PROPOSED EUROPEAN CONSTITUTION

The Co-Chairman (Mr Brendan Smith TD): I ask that mobile phones be turned off and newspapers put away. Those who are interested in contributing to the debate on the proposed European constitution should inform me.

Mr Séamus Kirk TD: I beg to move

That the Body takes note of the proposed constitution for Europe.

I am glad of the opportunity to move the motion. It is an important consideration, not only in the political context of Ireland, but in the context of the UK and Europe in general — the member states and those that aspire to membership in the coming years.

The European Council established the Convention on the Future of Europe at Laeken in December 2001. The convention was asked to consider the challenges facing Europe over enlargement, the changing global context and recommendations for a new constitutional treaty for the European Union. The convention completed its work on the draft constitution in what we could call a record time of 17 months. It had working groups, discussion circles, a plenary session and the praesidium.

The draft treaty is divided into four main parts. Part one is the constitutional part, which contains 59 articles and sets out what the Union is, its objectives and values, what it does, how it legislates and what its institutions are. Part two contains the text of the Charter of Fundamental Rights, and part three sets out the various policy areas in which the Union operates. It also contains the detailed procedures to apply in the financial management of the Union. Part four contains what are known as the general and final provisions. It sets out how earlier treaties are to be repealed, how the new constitution is to enter into force and how it can be amended in future. It also states the languages in which the treaty will be authentic, and those include the Irish language.

Parts one to four are followed by the protocols to be attached to the new constitution. At the moment, those relate to areas that were the subject of consideration by the convention, such as the role of national parliaments, the application of the principle of subsidiarity and proportionality, representation in the European Parliament, weighting of votes in the Council and at the Euro group and the Euratom Treaty. The Intergovernmental Council will add to that list. That will include, where necessary, carrying over protocols attached to the existing treaty.

The convention represented a significant difference in the way of preparing treaty change. It brought together representatives of Governments, national parliaments, the

European Parliament and the Commission. It operated in a spirit of openness and transparency. Its meetings were held in public, and all documents, contributions, draft articles and amendments were publicly available. The Italian presidency is committed to maintaining the convention spirit by making the Intergovernmental Conference as open as possible. That is to be warmly welcomed, as is the Irish Government's decision to publish their responses to the presidency's questionnaires.

The Oireachtas's Joint Committee on European Affairs was kept fully informed of developments throughout the process by all of the Irish convention members, and that will continue through the Intergovernmental Conference. The Irish Government were initially represented at the convention by Ray McSharry, a former commissioner, and subsequently by Dick Roche, the Minister of State for European Affairs. The alternate was Bobby McDonagh from the Department of Foreign Affairs.

The Oireachtas was represented by John Bruton TD, who was a member of the convention's praesidium, Proinsias de Rossa MEP and their deputies, Pat Carey and John Gormley.

The National Forum on Europe also has played a valuable role in ensuring that developments at the convention were debated at a wider level. An extensive programme of meetings has been prepared, including further meetings around the country, to ensure that people are as well informed as possible about the convention.

The convention was asked some important questions, including how to bring the Union closer to its citizens; how the Union should be better organised; and how it can best play a positive role in the wider world. The convention succeeded, in large part, in finding solutions to these questions, and that outcome is to be warmly welcomed. Its achievement should not be undermined at the Intergovernmental Conference.

The draft constitutional treaty is easier to read and understand, and that is a welcome development — complaints have long been made that "Eurospeak" has been difficult to interpret. Part one, in particular, makes clear what the Union is and does and what its values and objectives are. It makes clear that powers are conferred on the Union by the member states and not vice versa and also that any powers not conferred remain with the member states. It sets out clearly and concisely the division of powers between the Union and member states.

There is a significant reduction in the number of legal instruments, and that should mean that decision-making will become more understandable to individual citizens. The renaming of the instruments will contribute further to that.

The Charter of Fundamental Rights was discussed at great length to clarify its scope and application. It is clear that the charter will apply to the EU institutions and to the member states only when they are implementing EU

law. No new competences are created as a result of the charter's proposed incorporation into the draft treaty. The principles of subsidiarity and proportionality have been restated and strengthened. National parliaments have been given an enhanced role in monitoring compliance. The institutional changes proposed respect the key principles of the equality of member states and balance between the institutions.

2:30 pm

The draft proposals on composition guarantee equality of access for all member states to the Commission on the same terms. That was a central feature of the Treaty of Nice, but these proposals are a step forward in that all member states will continue to appoint a commissioner. Under the Treaty of Nice, once the Union reached 27 members a smaller Commission was to be agreed. While the current arrangement is a good one, if one commissioner per member state is achievable, in terms of equality that will obviously be a further boost.

I am not among those who have called for a permanent president for the European Council. What has been proposed respects the important balances between the institutions and does not undermine the president of the Commission. That formed an important part of the overall package put forward by the convention.

The double majority system of voting will have the advantage of being easier to understand, although I would have been happy too to retain the arrangements agreed at Nice.

While the overall convention result is to be warmly welcomed, there are other issues. As the Government have said, the Intergovernmental Conference should not be a rubber stamp. It is important that real negotiations take place at that level, and the Government have identified issues that would benefit from further debate at the Intergovernmental Conference such as taxation, which is important to our economy, criminal procedure, security and defence. The present work programme appears to offer the scope to raise those issues, and that is to be welcomed.

I share the Government's view that continued full unanimity is appropriate in the taxation area given its fundamental centrality to national political and economic life. Ireland's distinctive legal tradition also makes it appropriate to maintain unanimity on some of the new articles on criminal law, especially on procedural aspects. I agree that those are areas of great sensitivity and will give rise to significant debate.

With regard to defence, further work is required to avoid the risk of fragmentation and incoherence in the Union. There is a need to look again carefully at these ideas. However, it seems clear that Ireland is not being asked to take on any obligations incompatible with our position on neutrality.

The convention has done much good work, but the Government and Oireachtas representatives, and Deputy Bruton as a member of the praesidium, have helped to produce a draft treaty that I hope will be well received. It is now up to the Intergovernmental Conference to conclude that work. In many ways, it is an opportunity for us to compliment the diligence of those involved in preparing the draft treaty, which deals with complex areas. They worked very hard; our fellow parliamentarians particularly had a significant role and input at working group levels. We are grateful to them for that.

It gives me great pleasure to commend the motion to the plenary session. I am sure that there will be significant interest in the subject among the members of the inter-parliamentary group, both on our side and on the UK side. Go raibh maith agat.

Mr Andrew Mackay MP: First, I endorse what Séamus Kirk has just said. It is right and proper that we are discussing the proposed constitution, and it is important that our comments are listened to.

Let me state straightaway that I cannot see why we need a European constitution at all. We have asked why it should exist. Various Ministers in different countries say that it is all about enlargement. I do not quite understand that. I am a big supporter of enlargement, as is, I hope and guess, virtually everyone at this plenary session. Nothing pleases us more than to see ex-Soviet bloc countries from central and eastern Europe in particular taking up their full role in our European Union. That will enrich and improve the Union.

However, what about the creation of a European Foreign Minister, as under this constitution? What does that have to do with enlargement? Absolutely nothing. What does creating a legally binding charter of fundamental rights have to do with enlargement? Absolutely nothing. What does the expansion of EU powers over criminal law — something that I am very opposed to — have to do with enlargement? Nothing whatsoever.

Let us return to Nice. At the Nice Treaty, enlargement issues were covered and resolved. The Council of Ministers concluded at the end of the Nice summit that the treaty opened the way to enlargement. It did, and it has. As of January next year, a significant number of new countries will join the EU, with more to follow.

The Intergovernmental Conference, which came out of Nice, was told originally to report by 2004 — next year. However, federalists in Europe who are concerned about enlargement because they see it as a threat to a federal Europe with common foreign, defence and economic policies and common taxation know that that cannot happen with the new member states coming in.

The process has been rushed with unseemly haste, several months ahead of the accession in January 2004. The states whose applications have been accepted in

principle, and which will join in January, were given little say during the convention. I hope that the Body deplores that, as I do. The process has been rushed so that those new member states cannot be properly involved. I hope that referendums will be held across the EU. I assume that our Irish friends will be holding a referendum in the next few months, as was the case with the Nice Treaty, and I believe that others should do the same. I have urged my Government to do so. In the United Kingdom, a big head of steam against the constitution is building, and I place on record my belief that the constitution is totally unnecessary, positively damaging in some ways and does not facilitate the enlargement of the EU one bit. I hope that that is properly recorded.

Mr Iain Smith MSP: I believe that constitutions are good things. Democratic institutions should have clearly stated terms of remit, and those should be available to any member of the public. I do not share Andrew Mackay's concern about the creation of a European constitution. It is absolutely essential that such a constitution clearly define the competencies of each of the member states and each of the parties to it. One of the problems with the EU at present is that those competencies are not sufficiently defined, and that gives rise to problems.

I welcome some of the aspects of the draft treaty, in particular its emphasis on subsidiarity and its recognition that regional legislative parliaments have an important role to play in the drafting of European legislation. Those improvements to the working arrangements of the EU will come as a result of the draft treaty, should it be implemented.

I have concerns on what is proposed in the draft treaty. I wish to draw attention to a point of concern within my constituency of North East Fife, namely the proposal for the EU to have exclusive competence in the conservation of marine biological resources under the common fisheries policy. Given the European Union's record of managing the common fisheries policy, I would not trust it with exclusive competence in that area.

Many years ago, my area — a small village fishery, currently of about 30 boats — was home to a substantial white fishery. No white fish are now caught from Pittenweem in north-east Fife. However, the European common fisheries policy imposes restrictions on what fishermen may catch because of the need to preserve cod and haddock stocks. That does not make sense. There are quotas on nephrops — prawns as they are generally known — to prevent the by-catch of white fish in areas where there are no white fish. Those prawns are fished only in the North Sea and could easily be managed in a sustainable manner by local fishermen. I do not think that it would make sense, as a provision of the European constitution, to give exclusive competence to the European Union in an area in which it has been totally incompetent. I hope that, regardless of whether the draft treaty is ratified

at the Intergovernmental Conference, the European Union's competence on fishing is re-examined.

Mr Alistair Carmichael MP: I shall be brief because I agree with a great deal that Iain Smith has said. I highlight one point from a British perspective, namely the need for the constitution to be subject to approval in a referendum.

The European Union of 2003 is different from the organisation to which the British people signed up in 1975. The changes have been incremental, but the sum of those changes is dramatic. An opportunity for the people to express their views in a referendum is long overdue. We should have held a referendum on the Maastricht Treaty, and, arguably, we should have held one on the Single European Act. The need for a referendum is clamant.

I add the weight of my views to those expressed by Iain Smith on the designation of the management of marine biological resources as an exclusive competence of the EU. I presume that marine biological resources means fish stocks. If that is an example of the EU's new simplified language, we should be grateful that it decided not to use obscure or complicated language. The history of the common fisheries policy is one of unmitigated failure. It has failed to involve fishermen in the management of fish stocks and has failed to manage fish stocks properly.

One third of the local economy in Shetland is dependent on fishing. Therefore, what happens in Brussels has a tremendous impact on our communities, and we feel enormous frustration that we are unable to influence it. The people who are micromanaging from the centre have never been on a fishing boat in their lives. Frankly, they have no understanding of the industry or of the impact that their decisions have on the communities most affected. That is why the point that was rightly brought to our attention by Iain Smith is one of the most potentially damaging aspects of the proposed constitution from the perspective of the people that I am elected to represent.

The Baroness Harris of Richmond: I praise the work of the convention and of all the people who are involved with it. They spent many hours in wide-ranging talks. I do not share the view that the draft constitution was rushed through. The convention spent a year talking about important issues, and applicant states were very much involved. I have great respect for the work that the convention did. The proposals for the new constitution make it much clearer; it is better defined; more consultative; more open and transparent. We must not forget that a great deal has been agreed already without a lot of concern being expressed.

My main concern is that the Intergovernmental Conference (IGC) will begin to unpick what the convention has worked hard to agree on. Of course, legitimate concerns remain, for example about the number of commissioners, qualified majority voting and the election of a president,

although that is a minor side issue. We must not lose sight of some of the good things proposed by the draft treaty, particularly that the council should meet in public when it is legislating — that is extremely important; improving the ways in which we deal with external border issues, which is important for all of us across Europe; improving co-operation on policing and intelligence gathering. I hope that the IGC will not start to try to unpick a whole year's worth of work by members of the convention who looked seriously at all those matters.

2:45 pm

The Lord Temple-Morris: I will say just a few words as a good European. I do not want my good friend Andrew Mackay to be too surprised to hear me say that I agree with three out of his four main points. I agree that we do not need a European constitution *per se*, though we do need it if the EU is to be enlarged. Is it being rushed through before enlargement takes place? The answer is yes. Should there be a referendum? The answer is no — and that is the point on which we disagree.

The history of the EU shows that we have always been running before we could walk. We want EU enlargement for grand political reasons, so it is necessary that we get it, and, therefore, we must race to have a constitution. Although I have not read the draft constitution in detail, it appears to be a lawyer's dream. What the end result will be, I know not. We have not even solved the basic problem of corruption in the administration in Brussels that will deliver enlargement. We must get back to reality.

I confess that when it comes to the cosy lot of the British and the Irish and others in Western Europe, I am a closet federalist. There are enough problems with France and Germany and so on to make my attitudes those of a closet federalist; that is why I am a European in order to have proper institutions of control.

I repeat what I said about Brussels, given that the European Union is now moving towards having 25 countries. Of the three additional candidate countries about to enter, one is not even in Europe. That is Turkey which has serious human rights problems and was originally brought in only because no one would say no. It was brought in for Cold War reasons relating to one of the largest standing armies in Europe. Now we are stuck with it, and Turkey is kept waiting as a candidate country.

I do not know how on earth a total of 28 countries could be governed cohesively in any constitutional way. We have to give ourselves time to develop. The big boys are not setting that good an example. The UK has its own problems in relation to Europe, and I am fearful that things should continue as they are.

It is fair to say that although the euro might be popular with its participants, it is not performing very well. It will not be helped by the quibbling at the top as to who should run it or by the fact that the two major participants are cheating like mad; I am referring to the stability pact.

Rather than trying to run the whole thing down, I am saying that there is a long way to go. We cannot pretend, therefore, simply because we have a constitution — which is pretty vague, from what I have read of it — that we will suddenly have a president. I really do not know what he is going to do.

Let us take the example of the foreign affairs spokesman of Spain, Mr Solano — a very nice man. He has been running around the world, and no one takes the least bit of notice. Taking the Iran situation — an example that is close to me — it is only when the Foreign Ministers of Germany, France and Britain decide to go together on that vital project that there is a chance of doing something about it. A president elected for two and a half years, which seems an odd time, and five years in all, will have a difficult time if he happens to be a Frenchman set against President Chirac, for example. Moreover, to have someone wandering around with the title of Foreign Minister, when we really do not have any joint foreign policy, is putting the cart before the horse in every possible way. My advice is “Cool it.”

To my friend Andrew Mackay I say that we may not reach the referendum stage, because the matter may be in the mire well before that. It takes only one country to repudiate it in a referendum, and away it goes. I wish that we had concentrated on the essential institutional changes to cater for enlargement only. That was all that was necessary, and those changes are there, although even they are questionable and require much debate. This business of a constitution unnecessarily causes people concern. I was amazed two weeks ago when I went to the Netherlands in a parliamentary group of four and had discussions in the Dutch Parliament. Normally the Dutch tick us off for being “anti-European”, but, interestingly, on this occasion they were more questioning than we were. They are also going to have a referendum. There is, therefore, in old Europe, much quizzical and cautious looking at what is happening here.

We should pause before going romantically down the road to constitutions and goodness knows what and replacing the European Convention on Human Rights, for example — suddenly they are going to have two conventions on human rights unless they get reconciled. We are being slightly romantic and going beyond the bounds of realistic adventure.

The Co-Chairman (Mr Brendan Smith TD): At present Margaret Ewing, Mike German and Paul Bradford are listed to speak. If other members wish to contribute to the debate, perhaps they would signal to me.

Ms Margaret Ewing MSP: This debate is critical not only for this Body but for the whole of the UK and Europe. This morning we talked about changing institutions and about how those changes had to be implemented in the UK, and we are now broadening our discussion onto Europe. We speak very fine words about public involvement, accountability and transparency, yet, as Cecilia

Keaveney said earlier, we should bring things back down to earth.

Andrew Mackay said earlier that there is a head of steam for a debate on a European constitution. As an elected Member of the Scottish Parliament, I can honestly say that people do not regularly come up to me saying anything about a European constitution; it is not a major issue. I wonder whether people understand institutional change, or, indeed, any of our fine words. If all of us as a Body took off our name tags and went for a walk down the streets of some of the beautiful surrounding villages of this area, people would not know what we were talking about if we spoke about different types of competence, alternatives to “QMV” or the meaning of “NORPEC” or many of the other acronyms that we use in political debates on this subject. They would probably think that we were wired to a totally different planet.

I want to bring us back down to earth and ask: what are the challenges as we look at the complex documents that are before us on this matter? If we are genuinely to engage the public in a debate, whether by referendum or election, we must find a mechanism for informing them on what could happen in the EU that is better than that which currently exists.

What do we really hear about what is happening in Europe? The answer is: very little. Living on the UK mainland, I hear or read occasional snippets about Europe, but usually those are all negative — I hear about Brussels bureaucrats or yet another Directive that will tell us how to handle our lives. The UK must be better involved in the promotion of Europe. I am pro-Europe — I believe in the concept of Europe, though I am not uncritical. Quite honestly, the current level of involvement is pathetic.

Many of us in this room — such as Alistair Carmichael and I, who represent the Highlands — have seen the benefits of the assistance that the European Union has given to our areas. We appreciate that, but that is not always expressed positively. If I want to find out what is happening in Europe, I am more likely to buy an Irish newspaper, such as ‘The Irish Times’, or the ‘Irish Independent’, or I would buy ‘Die Welt’ or another European paper, because the lack of coverage in the UK is appalling. Since many members of the media are sitting behind me, I hope that they do not have too many daggers. However, I shall issue a challenge to them, because we must rely on bits and pieces of information that we get — mainly from the tabloids — that talk about many ridiculous issues.

I want to pick up on something about which Iain Smith and Alistair Carmichael spoke. We have before us the paper on the convention that the Liaison Committee of the House of Commons issued to us. As we discuss all these issues, according to television and radio reports today, the Council of Ministers dealing with fisheries is likely to authorise a total closure of cod fishing in the Irish Sea, the North Sea and other areas. There are no details

about that policy, but the implications for attitudes towards Europe are very strong.

Representing as I do a Highland constituency with a strong mixed fishing fleet, I have found that fishermen who were essentially pro-Europe in many ways have now become completely anti-Europe. One of the dangers of this constitution is that other interested parties will be similarly alienated. I do not want to go into all the issues concerning criminal justice, except to say that, as Scotland has a different system, I hope that our voice will be heard in such negotiations. However, too much commonality of policies risks alienating people.

Baroness Harris referred to the Intergovernmental Conference and the unpicking of many of the sound recommendations made by the convention, which I accept was extremely democratic and very hard-working — although I suspect that many people have never heard of it. I am concerned about the timescale of the Intergovernmental Conference. It is an indication that we hope that this will all be over by Christmas, but we have heard that phrase before. I suspect that it will spill over into the Irish presidency of the European Union, and, as a body that brings together people from all over the United Kingdom, we should be making a recommendation to the Irish presidency on our attitude to the convention.

I welcome the idea of a constitution; I have always supported the concept of written constitutions. However, the arguments have not yet been fully and generally aired enough for people to make a decision in a referendum or through any other mechanism.

Mr Mike German AM: Iain Smith made a point about subsidiarity, and Peter Brooke’s view was that we are on a romantic journey. I have no problem with romantic journeys because, generally speaking, they have a happy ending. Romantic journeys are signs of vision, and although I share his concerns I also believe that the journey we are on will be slightly longer than the one we will hear proposed. However, in the next 10 days there will be a council meeting on subsidiarity and the role of the regions in the large member states. That has a strong resonance for the work that this parliamentary Body seeks to do: bring together commonality and commonality of interest.

3:00 pm

This is strongly linked to what we discussed this morning and to our hopes and aspirations that the Assembly in Northern Ireland will be reformed and restructured. I remind Members of the White Paper on governance that preceded the proposed constitution for Europe and its work on bringing people closer to their electors and how Europe can play a much bigger part in local issues.

A key issue, although understated, that has been supported by this Body is tripartite agreements. Tripartite agreements or contracts — depending on whether you consider them a legal definition of legal activity or as a

project activity — are proposals that are on the table but which require a great deal of definition. In the interests of the nations and regions of the United Kingdom and Ireland we could use that as a device to help us to bring together some commonality of project work for the future.

The Commission believes that common project work could be done on the environment. The tripartite agreements locked together three levels of government — nation states, member states and the regions and the European Union as one in a commonality of purpose. Therefore we ought to investigate how those agreements might play out in the context of this Body and in the context of the White Paper on governance. This Body ought to develop policy on how to promote common activity and common projects. The Commission gives the examples of the environment and regional policy, but we could include areas of social policy.

There are areas of social policy in which the bodies that we represent have been active. It would be appropriate to share that. The Commission says that its purpose in promoting these agreements is to develop experience and encourage involvement. That is precisely this Body's *raison d'être*. The European Committee of this Body could examine this issue and, if appropriate, submit a paper to the next plenary meeting on the ways in which we could engage, in policy terms, to shape a tripartite agreement and on the levels of involvement by the bodies that we represent. We could help to re-establish democracy in Northern Ireland by giving them a genuine role. They would immediately be online with things that they could tell us that they have done well, and we could promote them. The debate about the European convention, a written constitution and how we relate to our citizens has practical outcomes. That could be considered as an action for next year.

Senator Paul Bradford: This is a pertinent discussion. The debate on the proposed European constitution, here or elsewhere, normally revolves around two lines of attack. Eurosceptics argue that the constitution is a bridge too far, while Europhiles argue that the treaty is not advanced enough. That coalition of opposition probably means that the treaty is balanced and that it is a reasonable and fair accord.

My friend, Lord Temple-Morris, said that we should cool down events because they are moving too quickly. However, the debate on the changes in European political affairs over the past few years has been transparent, public and detailed. The work of the convention has been unique. The public has not yet engaged with that debate, but that is the case with the early stages of most political debates, be they domestic, European or international in scope. It is virtually impossible to get the public to engage during the early stages because people are generally apolitical throughout the Union. However, once the endgame on the question of the European constitution is reached and referendums are required, the public will tune in. The procedure at convention level has been detailed and trans-

parent. There is not much more that could have been done in terms of public consultation. The constitution is the next natural step.

The development and proposed expansion of the European Union is the most spectacular political success story of the past century — if not of all time. Look at the Europe that existed after the second world war, or in 1988 and 1989 before the fall of the Berlin wall, and then look at what is on the table and the next steps. It is a dramatic success story; a spectacularly successful political project that has brought peace to Europe and is building a strong, sensible international counterforce to another world power. We are now taking the next natural step forward.

I am sure that everybody here welcomes enlargement when he reflects on the countries that will join the European Union in the near future. New management structures are needed to make the system work for every citizen of the Union. The convention, which led to the proposed constitution, results in a modest set of proposals to ensure that Europe is run well for its citizens. I would love a huge public debate with every citizen throughout the streets, towns and townlands of Europe wanting to engage in it. However, that is not how politics work any longer. The structures involved are correct, and steps have been taken only after careful consideration. I believe that they are quite modest. As I said at the commencement: when europhiles say that it is not good enough and others say that it goes too far, we are probably OK.

The Co-Chairman (Mr Brendan Smith TD): I will call Kevin McNamara to reply to the debate at 3.20 pm. As five Members have yet to speak, I ask each one to be mindful of the time constraints.

Mr Harry Barnes MP: Having earlier been classified among those who are called “royal blue”, I hope that I shall not now be seen to have defected to the “yellows” and joined the Liberal Democrats. However, I want to mention two Liberal Democrat contributions.

Like Iain Smith, I am in favour of constitutions that give people democratic clarity about what is to be done, whether we are talking about a trade union, a Labour Party branch, an allotment society, the United Kingdom or youth. The provisions before us do not offer that democratic clarity. I agree with Alistair Carmichael that there should be a referendum in the United Kingdom about the measures that are to be put to us. Provisions should be made in a written constitution like that of the Republic of Ireland, where there have been several referendums on changes to the European Union. I believe that it is only legitimate for the people to make decisions on such significant matters.

My views on the European Union often confuse many people, including myself occasionally. I have strong criticisms of it, which meant that at one time I opposed the United Kingdom's going into it and argued that we should come

out of it. Incredible, undemocratic, creeping competences and bureaucratic centralisation are involved in its arrangements. A set of democratic nations should together be able to overcome these and operate according to the principles of a decent constitution that is based upon democratic lines.

The powers of the Council of Ministers and the Commission's rule — as distinct from that of the European Parliament — are quite obnoxious. Subsidiarity has been drafted in to try to save the day. However, it seems to mean anything that anybody wants it to mean. How it is interpreted depends on who is influential in a certain area.

Instead, there should be constitutional clarity about who does what and who has which area of responsibility, rather than principles being engaged in to try to grab power back. If powers are to be given back to nation states, the constitution should clearly state their areas of involvement and those that the higher body, the European Union, deals with. Their parliament should determine that, so that people can see where decisions are taken, amendments are proposed, arguments are put forward and votes are taken. A great democratic deficit exists in Europe; it often sends me to the anti-lobby, because I dislike those developments.

However, the way out of that, especially now that we are so deeply involved in the European Union, is to make fundamental reforms. The aim of such reforms should be the achievement of a federal, democratic and social Europe in which the principles that I have mentioned begin to emerge. It is one thing if charters of rights dealing with the role of Foreign Secretaries in criminal law and so on are written within clear constitutional frameworks. However, it is another thing if they are written in such a way that no one can be properly held to account and that allows deals to be made between different Governments. That is entirely inadequate.

To return to the colour analogies mentioned earlier, my political views are neither green nor orange, nor royal blue, nor yellow: they are red, with a deep hue of democracy.

Ms Helen Eadie MSP: I campaigned in 1973 during the referendum on whether we should enter the European Union. As a Labour Party member who has always been deepest red, I campaigned for a "Yes" vote when the Labour Party was against joining the EU. I have been consistent all my political life in my support for the European Union. Having listened to today's debate and the debates in our communities, I believe that Margaret Ewing is absolutely right to say that no one is beating a path to our surgery doors to complain about the issue. In my four and a half years as an elected Member of the Scottish Parliament, no one has ever come to my surgeries to complain about the constitutional convention.

I had a wry smile on my face when I heard the remark about the constitution being a lawyer's dream. One would think that we are working in a kind of vacuum. In fact, for many years, treaties have existed that have been lawyers' dreams. We are trying to bring some sense and a legal

framework to EU politics and to create a level playing field. It is always salient to remind ourselves what we are trying to achieve: maximum opportunity for all people in the European Union. If we run and hide by bitching all the time about this or that constitution, we do no service to the people who count on us to create jobs, friendships and twinning arrangements. When I was a councillor in Fife, I served as vice-president on the North Sea Commission for three or four years. All the commission's achievements were set against a backdrop of constant complaints about local politicians who were trying to create those very alliances and good opportunities for economic development and tourism.

3.15 pm

The new constitution has several benefits. I read up on how it would benefit not just the Scottish Parliament but national parliaments. For the first time, national parliaments will have a role in the EU legislative process, and that is not something that we should carelessly ignore. Under the constitution, if a third of the national parliaments raise concerns, the Commission must reconsider its proposals. Member states can also, where appropriate, bring an action before the Court of Justice at the request of national parliaments on the grounds of infringement. The Committee of the Regions can do likewise. Yes, the constitutional convention brings problems and challenges, and it should not simply be rubber-stamped when it reaches the Intergovernmental Conference, but we really need that framework.

We should look at that kind of scenario as an opportunity not a threat. The Scottish Parliament has worked hard to set up early warning systems. I served as a rapporteur for the European Committee in the last session of the Scottish Parliament, and we decided to work alongside our Westminster colleagues to ensure that we have staff in Brussels who will alert us to issues arising that are of real interest and significance to Scottish people. I hope that we stop the negative approach. Let us move forward and be positive.

Senator Ann Ormonde: My points have already been well made, so I will be brief. In Ireland, we were jolted when the first Nice referendum failed, and we suddenly realised that we were disconnected from the man on the street — people did not know what was going on. It is important that the preparatory work on formulating a draft constitution has been done through the convention so as to bring all the treaties together and simplify the issue. As many members have said, that will allow us to go down the street and say "This is for you" and tell the people that we have introduced a scrutiny measure that will mean that any legislation proposed will have to be vetted by our Parliament. That is the way forward.

The people who put us here must know that we are working for them and that decisions are made locally — hence the principle of subsidiarity. That is a jargon word, and it took me a long time to get around it, so I do not

use it with Mr Citizen. It is important that we keep it simple, and the draft treaty will be simpler and more transparent. I look forward to finalising the work so that we will have a constitution that we can talk about, use and be comfortable with.

Senator Paschal Mooney: It was interesting to listen to our British colleagues from the various constituent assemblies and parliaments and to get a sense of their attitude towards the entire European experience. As one who, like many members here, has had the experience of interacting with European politicians and institutions, it quickly became apparent to me that the European Union was built, and functions both politically and administratively, on a series of alliances and networks.

I will take up Ms Eadie's point about negativity here. It is interesting that it is a Scottish colleague who is talking about the positives in Europe, rather than her English colleagues. I have always been mystified about why there is this latent anti-Europeanism in the mainstream British political system. In fact, from our perspective as a neighbouring and friendly country, it can be seen that the best role for the United Kingdom is right at the heart of Europe — at the heart of its decision-making — to ensure that the French/German hegemony is not so much thwarted, but at least limited. I say that as a representative of a small country.

It is becoming increasingly apparent as the debate on the European experience goes on that there are small country interests and large country interests. I respect that, but I hope that this debate — which I welcome and which should be a regular feature of our discussions — is not limited to North/South issues. It is also about east/west issues, and by that I mean east in the widest European context.

Through this sort of dialogue, we will both learn from the experience, because we share many interests as we work in Europe together. If you consider any of your briefing documents, you will see that there are issues on which the British and Irish Governments fought the good fight, one of which was to ensure that taxation was not on the agenda at Nice. I acknowledge that it was the strength of the United Kingdom, as a large country, that Ireland was able to ally itself with at Nice that enabled us to retain our independence in that regard.

Without going into specifics, I hope that the debate will focus our minds. Ann Ormonde was right when she said that we went through a period during the referendums in which we had to inform ourselves and our electorate. For that reason, if for no other, I strongly urge our UK colleagues to hold a referendum on the treaty. It will stimulate debate. Margaret Ewing mentioned the "tabloidisation" of European affairs. It is extraordinary that you tolerate many of the stories in the tabloids.

Harry Barnes expressed a balanced view. It is not the European Commission that makes the Directives; it is

not the European Commission that makes the policies: it is the politicians and the Council of Ministers that make the policies. Ann Ormonde made the point that this treaty is about ensuring that national parliaments will now have greater transparency and accountability, ensuring that any proposal to limit the size of the English sausage will be thrown on the scrap heap where it belongs.

Mr David Melding AM: I want to make one point — expansion is not over; in fact, the most dramatic and important phase of expansion is about to begin. It involves the rest of the Balkans and the old hardline states of the former Soviet Union — Belarus, the Ukraine and Moldova. If those states do not become part of the European Union, we will create a very unstable frontier. What is the logic of saying that we have expanded thus far but no further? Issues such as one commissioner for each member state are unlikely to survive in the medium or longer term. They should never be used as a pretext to deny states that are clearly on the European continent the right to seek membership. Long-term political stability in Europe is impossible unless membership is open to all states.

Mr Kevin McNamara MP: The Co-Chairman wants to move on to other things, so I will be as brief as possible. Fourteen people including myself have spoken in a very interesting debate. In some ways, it was interesting for what was not said rather than for what was. A general restraint was shown by some of my British colleagues, certainly those from the Westminster Parliament, about the major storms that are going on between and within parties on the concept of Europe. Mr Mackay spoke in a very restrained way, and his views were echoed by others. What he had to say was interesting but wrong.

One issue that people failed to mention, which I thought would be important to a Body such as ours, was the charter of fundamental rights. It was mentioned *en passant*, but what will the position be? Is the new constitution a new body that will affiliate or sign up to the European Convention on Human Rights? It should, because if it does not, we will be in the difficult position of possibly having two legal systems in Europe concerned with human rights — one in the European Union and one in the area of the Council of Europe. It seems that the constitution should, as is suggested, sign up to the European Convention.

In many ways it is important that the standards that we accept in our own countries and in western Europe generally should be the standards that are applied throughout Europe. There is a danger that if the European Community has its own standards it will give the green light to the Commonwealth of Independent States and other organisations to create their own conventions. Those would be more state-dominated and less concerned with the individual liberties with which we are concerned.

I was interested in the comments about the fishing industry. When Britain entered the European Community, I sought the Adjournment of the House on Standing Order 9, as it was then. Britain was going into a European

Union in which the interests of the fishing industry in near, middle and distant waters had not been resolved. In keeping with the level of support that I have always enjoyed on such issues, not one Tory, Scottish National or Liberal supported me, with the result that the initiative got nowhere.

One of the biggest problems that we must examine is the degree to which centrally based politicians might be prepared to sacrifice regional industries for the greater good of a national or European gross domestic product. At one time, there were nearly 200 trawlers using my local port, most of which were middle- and deep-sea vessels, but the whole of that once great fishing industry has disappeared. We must bear that in mind, and I say that as a European federalist.

I am surprised that my Irish colleagues have not said more about the benefits that Europe has brought to the Republic of Ireland. It has enabled her to escape from the shadow of the United Kingdom and to play an important and individual role in Europe. The EU has also enabled the Republic of Ireland to, as Douglas Hurd used to say, punch above her weight. The benefits of joining the European Union can be seen throughout the Republic of Ireland in its cities, towns, infrastructure and social and educational policies. I am surprised that more has not been said about those benefits and how they might be affected by the proposed European constitution.

I agree with what Harry Barnes said on the need for clarity; we must bridge the democratic deficit. Much more power should rest with the European Parliament. I do not favour the methods used for choosing, or voting for, candidates in the United Kingdom, and specifically in Great Britain. The need for more power to rest with the European Parliament is reflected in the provisions of the European constitution, but that is balanced by the powers and recognition given to national parliaments.

There can be no more excuses. Baroness Harris pointed out that the Council of Ministers will no longer be able to legislate behind closed doors. Ministers will no longer be able to tell their national parliaments that, by God, they had fought the good fight, but had been overwhelmed by others when they had probably done a dirty deal on another matter — a quid pro quo that the Minister regarded as important but that the parliament did not.

I see that lovely smile on Mary O'Rourke's face; she obviously knows what I am talking about from her experience on the Council of Ministers.

The constitution is important. It is essential that we have division of powers, and it should be seen to be so. It is not a woolly document; it is better and simpler. However, I am not happy about having foreign ministers and presidents in common. I would prefer it if power were still given to different nations for six-month periods. That would be difficult because of enlargement, but it would give what some of us have been arguing for today: a focus

to enable local populations to see the important role that their country is playing. That would be true of Germany, the Republic of Ireland, Luxembourg or wherever. For the moment I exclude Italy, because the attitudes towards the current president are not the most fraternal.

3:30 pm

It is important that all states have at least one commissioner. I am not in favour of countries losing their commissioners. I see it as being like the United States, where there are two senators for every state, no matter how big or small the state. There is a representative who plays a particular role and can be seen and recognised. An oath is taken to the community, but nations can also have that identity with the greater body.

I can see by the look on some people's faces that not everyone agrees with what I am saying. Perhaps there is a little more agreement than there was when I spoke about decommissioning this morning. This is an important debate that will and should continue because, whether we like it or not, we are all in it together for good or ill.

Paul Bradford made an important point about bringing all the European nations together, but in a different way from what happens in the United States, and creating an important economic area that should realise its potential. Britain should be in there playing an important role to achieve that. Britain tries to be the bridge between Europe and the United States, with an uncertain amount of success.

Please allow me to change my metaphor: James Maxton once said that if you cannot ride two horses at the same time, you should not be in the bloody political circus. Britain is trying to ride two horses at the same time, and that cannot be done. We should be in Europe, maintaining good relations with the United States, but thinking of ourselves, specifically and directly, as a European nation.

Question put and agreed to.

Resolved:

That the Body takes note of the proposed constitution for Europe.

The Co-Chairman (Mr Brendan Smith TD): With the agreement of the Body, we will send the transcripts of this debate to both Governments and the devolved institutions. The sitting is now suspended until 3.45 pm. Everyone must be back at that time because the Minister is joining us to make a speech and to take questions. The sitting is suspended so that a group photograph can be taken in the courtyard immediately across the corridor.

The sitting was suspended at 3.32 pm.

The sitting resumed at 3.55 pm.

ADDRESS BY THE MINISTER OF STATE (MR JOHN SPELLAR)

The Co-Chairman (Mr David Winnick MP): We are grateful to you, Minister, for coming here at this crucial stage. The Body understands why the Secretary of State, Mr Paul Murphy, is unable to attend as he and previous Secretaries of State have done. We understand the sensitivity of the moment and agree unanimously that the negotiations should continue in the hope that they are successful this week, but perhaps the Minister will tell us more. We further appreciate that there may be certain rather delicate questions on the Order Paper and that it is up to you, Minister, to decide whether it is possible for you to answer fully the questions tabled and any supplementary ones.

The Minister of State, Northern Ireland Office (Mr John Spellar): I hope to answer questions fully and exactly, although perhaps not in total. I am sure that colleagues will understand the reasons.

I thank the Co-Chairman for his welcome. It is a pleasure — and something of a surprise — to be here. Paul Murphy was looking forward to speaking today, and he has asked me to convey his sincere apologies to the Body for his absence. He is sorry that he cannot be at this session, but he must be in Northern Ireland at a delicate stage in the negotiations. As Minister with responsibility for political development, maybe I should be there too, but the Secretary of State and I thought it important that one of us attend this gathering.

The political process is at a delicate stage. Perhaps, therefore, the Body understands the limits of what I can say. I have, however, key points to make and contributions which I particularly wish to acknowledge. We are optimistic that we can find a way out of the current impasse. There is too much goodwill around to think otherwise. That is not to say that a deal has yet been done — it has not. We are much closer, but not there yet. I hope, however, that we will get there in the not-too-distant future.

We will have reached a momentous day. I know that we have had more than a few momentous days in the Northern Ireland peace process, but that does not minimise their impact. Each has brought the process forward to a stage not previously hoped for, and I hope that we can do the same in the near future.

The political process involves many players, and it is appropriate today to record again our thanks to the Irish Government. The close relationship between our two sovereign Governments is strong and getting stronger. The relationship has never been closer — at all levels — and it has without doubt made some of the major

political successes possible. It also helps us to work through major problems.

The Prime Minister and the Taoiseach have devoted an enormous amount of personal energy to the process, and it has been an amazingly successful collaboration. The contribution of all the political parties in Northern Ireland must also be acknowledged. Politics is difficult anywhere, as practitioners here know full well, but perhaps nowhere more so than in Northern Ireland, where as well as being difficult, we recognise that it can also be dangerous. Some of the public-spirited and courageous people who have agreed to participate in the district policing partnerships can testify to that, and I am pleased to see that there are questions on that subject later on which I can expand.

The pro-agreement parties in particular stuck their necks out repeatedly for peace, and this continues to be so as we speak. We have seen real political leadership in the pro-agreement camp. The courage and tenacity of all the political parties, large and small, must be recognised, and I am honoured to do so today.

The so-called anti-agreement parties are also important, not least because of their electoral support. While I disagree with the position of the anti-agreement parties, I do not equate anti-agreement with anti-peace — all political parties want a peaceful political settlement. Regrettably, a few do not want it to be based on the Good Friday Agreement. I would, of course, be happier with their position if they could provide a credible political alternative. However, that is the reality that we have to work with. I support the Good Friday Agreement wholeheartedly as do the Government, and we support all those who are working to see its continued and complete implementation. It is our blueprint and will remain so. The final political accommodation in Northern Ireland will come, and it will come because of the Good Friday Agreement.

4:00 pm

What will that final solution be? It will be a political accommodation of historic proportions, where the existence of Northern Ireland is secure so long as the majority of those living there want it. It will allow the people of Northern Ireland to govern themselves in line with devolution elsewhere in the UK and in line with normal democratic processes. Differences will be worked through politically, and there will be trust. What we are doing now is rebuilding trust. It is easier to break trust than to build it, so what we are doing is sometimes difficult and frustrating.

We want there to be trust between communities: assurances from one that the democratic process is the only way to deal with differences, and assurances from the other that walking away from a problem is not an option. We want to see secure institutions across all three strands of the Good Friday Agreement and a secure future for all. In spite of that we should also recognise that things in Northern Ireland are already much better than before

across a whole range of indicators. Northern Ireland is a very different and better place than before.

One of the things that I have found as I have been in this job — such as meeting Paschal Mooney again after all these years — is that many of the current players were around when Paul Murphy and I were in the Opposition team in 1994 and 1995, along with our late colleague Gareth Williams. Along with Mo Mowlam, that was a very impressive team, as I am sure you will agree. One of the interesting things that struck me the other day was when the Prime Minister said that those who come back to Northern Ireland after a while notice the real difference. Having been away during that intervening period, I have noticed, even more than those of you who have been involved on a day-to-day basis, the enormous differences that have taken place in the atmosphere in Northern Ireland and in the raw underlying statistics.

Since 1998 around 125,000 new jobs have been created. Unemployment rates have fallen from 7.3% to around 4%. Manufacturing output, interestingly, compared to a fall in the overall UK rate during the same period, has risen by over 9%. In the 10 years to 1999, real GDP in Northern Ireland increased by over 20%, compared to 16.5% in the UK as a whole. Exports have doubled over the past 10 years. Tourism, a very good indicator of international confidence, has increased from 435,000 in the 1970s to 1.74 million in 2001. Those are major economic improvements by any standards.

The other real improvement is that people are not being killed as before. In 1972 alone almost 500 people lost their lives. It may be easy to forget that, but their families certainly do not. This year the number of deaths can be counted on your fingers. We all recognise that any death is one death too many, but hundreds of people are alive today who would not otherwise have been except for the Good Friday Agreement, and that is to the good. The peace process is delivering, and that is why we must persist with it. Things are much better than they were, but equally we recognise that they can be better still.

We are also dealing with the pure criminality, which is the legacy of many years of paramilitarism. The godfathers of crime on both sides cannot continue to flaunt their ill-gotten gains, and the Assets Recovery Agency is acting on this front to confiscate the proceeds and benefits of crime. The Assets Recovery Agency is based on the successful model of the Irish Criminal Assets Bureau. Paramilitarism must also be stamped out.

The creation of the Independent Monitoring Commission is crucial to both the ending of paramilitarism and the promotion of trust. The UK and Ireland have collaborated splendidly to create the commission, which will soon be up and running when the Irish Parliament passes similar legislation to that which went through Westminster recently. We need to ensure that civil society can function, free from the oppressive fear of paramilitarism and the organised crime that goes along with it.

I have managed so far not to say the E-word — elections, that is. You will probably want to know whether we are having elections and, if so, when. I had hoped to be able to be clear about that, and we hope, as I said at the outset, that we can see elections soon in Northern Ireland — elections with the likelihood of a functioning devolved Assembly and Executive at Stormont. Devolution worked in Northern Ireland before, and we want to see it working again. That is what we have always wanted and what we are working towards, and Paul Murphy is working on that even today. If it proves that his absence has brought forward the prospect of elections in Northern Ireland, I know that you will agree that he could not have spent his time better.

I look forward to answering questions and to joining you at dinner this evening. I have enjoyed my foray into your proceedings, not only to be able to convey the essence of what the Government are doing but also to get the Body's feedback on the progress that we are making.

The Co-Chairman (Mr David Winnick MP): Thank you very much for making a concise statement to the Body. There are quite a number of questions on the Order Paper, and I am sure that you are prepared, as you always are in the House of Commons.

Oral Answers to Questions

Effects of Republican Intimidation

1. **Senator Brian Hayes** asked the Minister of State to estimate the number of people who have resigned from the new district policing partnerships in Northern Ireland in recent months as a result of Republican intimidation; to say what action, if any, the British Government are proposing to take to provide security and protection for persons who have agreed to serve on the Policing Board or on the district policing partnerships; and to say if he will make a statement on the matter.

The Minister of State I regret to report that, as a result of intimidation, three independent district policing partnership (DPP) members have resigned. I pay tribute to the contribution that they made to the work of the DPPs in their respective areas. I condemn those responsible for this campaign of intimidation. They offer nothing to the people of Northern Ireland except further suffering and pain. My colleague Jane Kennedy has met the Policing Board to discuss the situation and has written to each DPP chairperson outlining the options available to members who are concerned about their safety. The Chief Constable is deploying significant resources in those areas most affected. Where he assesses a DPP member to be under a significant or serious level of threat, that individual will be admitted to the Key Persons Protection Scheme and provided with appropriate home security measures.

Senator Brian Hayes: I thank the Minister for his reply and for his presence here today. I am sure that he will join me, as he has already done, in utterly condemning the intimidation that members of the district policing partnerships have been subjected to, particularly over the summer.

Has the Minister, in his discussions with Sinn Féin, raised the need for it to sign up to the new policing dispensation that is the PSNI and for that party to desist immediately from the rather intimidating protests at various locations in Northern Ireland that we have seen over the summer? Sinn Féin's actions in not signing up to the Policing Board ferment this kind of intimidation, which is utterly unacceptable.

Secondly, will the Minister give additional information to the Body in respect of the Key Persons Protection Scheme? Our Government brought this matter to the attention of the Minister and the Secretary of State in September this year. Can members of the district policing partnerships now avail of that scheme? If so, how many have done so to date? It offers a measure of protection to those people, their families and their homes against the thuggish behaviour of some dissident and mainstream Republicans.

The Minister of State: I thank my colleague for his robust condemnation of the intimidation. The individuals

affected obviously find that intimidation extremely concerning, but one can only admire those who forthrightly stand against it. To date, 39 individuals have been admitted to the scheme. Unfortunately, one person has had to move house under those special arrangements.

Intimidation has had a more significant impact beyond that felt by individuals. Any future devolution of policing and justice necessitates full engagement by the community and an end to paramilitarism. Intimidation, therefore, undermines that long-term aim. The Prime Minister rightly said in October that there cannot be two police forces in a country: there must be one that has the support of the community. Such support requires public statements but also engagement and genuine involvement. Not only is it undesirable that the homes of members are still being attacked and that there are demonstrations outside the meetings of the district policing partnerships, it is also deplorable. I am grateful for the Senator's words and for the responses that colleagues gave during his contribution.

Political Situation in Northern Ireland

2. **Mr Kevin McNamara MP** asked the Minister if he will make a statement on elections to the Northern Ireland Assembly.

5. **Mr Michael Mates MP** asked the Minister if he will make a statement on progress in the peace process.

16. **Mr John Ellis TD** asked the Minister if he will outline the problems preventing the holding of Assembly elections in Northern Ireland and if he will give a definite date for these elections.

The Minister of State: I will link Questions 2, 5 and 16.

The Co-Chairman (Mr David Winnick MP): That is perfectly in order.

The Minister of State: Stable and inclusive devolved institutions will be re-established only by restoring trust and confidence. For that to happen, clarity on the ending of paramilitarism and the stability of the institutions, once they are restored is necessary. We have taken positive steps towards that — recently, we established the Independent Monitoring Commission.

As the Prime Minister said, we accept that elections to the Northern Ireland Assembly should go ahead. It is better that they do so on a basis that offers a real prospect of resumed devolved government. Intense discussions have been continuing between the Governments and the political parties with that object in view.

The Co-Chairman (Mr David Winnick MP): Before I call supplementaries, can I have reasonably short questions rather than speeches, as is the case in Parliament. That is not directed at you, Mr McNamara.

Mr Kevin McNamara MP: Will there be elections anyway?

The Minister of State: We believe that there should be elections and that those should lead to a working Assembly and an effective Executive. We all know the preconditions that will enable that to happen.

For precisely those reasons, there were intensive discussions in Northern Ireland last week — including all day yesterday — between political parties, Governments and the special representative from the United States. Everyone understands the desirability of holding the elections and returning to devolved government and of political parties to be engaged in the process of persuading the people of Northern Ireland to their particular viewpoints. Equally, however, we understand that if those aspirations are not to be disappointed, the conditions that would bring about an effective Assembly and Executive must exist. We are close, but not quite there yet. We hope that over the next day or so we will be able to get there and announce an election. Being realistic, we recognise that that must happen soon for climatic reasons, apart from any others.

The Co-Chairman (Mr David Winnick MP): Michael Mates has a supplementary question arising from Question 5.

4:15 pm

Mr Michael Mates MP: As we all know, the prime cause of the break up of the Assembly and the resignation of the Executive was the vexed question of the decommissioning of arms. Is it still an absolute pre-condition of restoring the Assembly that arms are put permanently beyond use with violence permanently rejected as a tool for any political party, as the Prime Minister promised the people of Northern Ireland before the referendum?

The Minister of State: We need a clear indication of an end to paramilitarism. Part of that is the decommissioning of arms. Members will have seen David Trimble's statement at the Ulster Unionist Party conference on the timetabling of decommissioning, which would be consistent with achieving that aspiration. It is also important that the processes of the Assembly and the various North/South bodies are working. Part of that is to ensure that people do not see violence as a means of achieving their aims in a democratic society.

However, walking away from problems is not an option either. There must be a desire on both sides to work together within a democratic framework to run a proper political process. That is our hope for the people of Northern Ireland. Those are the pre-conditions, and that is the framework within which we want the elections to be held. We have come a great way towards achieving that. We are close to achieving success, but we had not yet reached that point when I left Millbank at lunchtime. However, we are much closer than we were.

Sir Brian Mawhinney MP: It is no great secret that the two Governments have agreed that there will be no elections until the IRA issues a statement to the effect

that the war is over. Does that statement have to garner the agreement of the two Governments or the Ulster Unionist Party or all three?

The Minister of State: All those parties are hoping to create conditions that will inspire confidence that, after an election, the Assembly and the Executive will work. They all have a role to play in that. An important aspect is the renunciation of violence as a way of influencing the political process. Equally, it is accepted that the various instruments must work and should not be compromised by people walking away from them, thus causing the system to seize up. Clear indication is needed, and trust must exist between parties. Obviously, much is in the hands of the local political parties in Northern Ireland, and that is precisely why they have been involved in such intense discussions. At the same time, the Irish Government and the United Kingdom Government will seek assurances that processes are being carried through. That is why they created the Independent Monitoring Commission: to evaluate the bona fides of those involved in the process and to report on it. We introduced legislation — the two Governments having obviously discussed the details between them — and the Irish Government introduced their legislation to create that mechanism for providing assurance. The commission can also make recommendations based on its evaluations of whether the parties are actually fulfilling their part of the bargain.

Transport links across the Irish Sea

3. **Mr Dai Lloyd AM** asked the Minister of State if he will make a statement on progress between the British and Irish Governments on transport links across the Irish Sea.

The Minister of State: The proposed acquisition by Stena AB of certain P&O routes is currently under investigation by the Competition Commission, and we await its report with interest. The UK Government support a liberalised air market in which airlines and airports take commercial decisions on the provision of air services. We believe that that creates the most effective conditions in which airlines can respond to the demand for air services, including services between Scotland and Northern Ireland. The UK Government's air transport White Paper, due to be published before the end of the year, will make decisions on aviation issues across the UK.

Mr Dai Lloyd AM: By way of background, I will highlight Wales's only national airline so far, Air Wales, which operates out of Swansea and Cardiff airports and flies to Cork, Dublin, Jersey and London City. Can I press the Minister further on his thoughts on developing improved links between regional airports within these islands?

The Minister of State: I am interested in the examples that Mr Lloyd has given, because one of the big developments in aviation has been the rapid expansion of point-to-point travel from many regional airports. That deals

first with an existing demand that people do not have to travel to the main hub airports and then face extended journeys at either end. Secondly, it creates new markets, often in the leisure and holiday-home areas. It also expands business links.

When we attended the Labour Party conference in Bournemouth, we noticed that the regular flight from Prestwick to Bournemouth is absolutely packed and, from what I gather, not just with Labour Party delegates. Regular traffic has built up as people have adjusted their working patterns or lifestyles to find alternative homes. They may even be able to work much further afield and return home at weekends. We are seeking to relieve some of the pressure on the main airports through the creation of regional aviation and through a new pattern of tourism and economic activity.

Some local councils have wanted to stimulate that market, and there may be an argument for that as a kick-start procedure. Generally, however, we do not favour subsidising those services, because they should compete on a level playing field. We should especially try to encourage routes between Great Britain and Ireland.

Dr John Marek AM: In view of the present Westminster Administration's record on railway transport, can the Minister tell us anything about the improvement or possible electrification of the north Wales main line from Crewe to Holyhead?

The Minister of State: I must think back now to when I was dealing with those issues. I am not a great fan of further electrification, because there have been huge changes and improvements in diesel technology concerning both emissions and traction. Moreover, more options are available with diesel. If anything goes wrong on the line, more potential to re-route trains exists. The significant capital cost of electrification must also be borne in mind.

The most significant priorities relate to the upgrading of rolling stock, the improvement of travel times and, in particular, trains' reliability. Beyond that, I cannot recall the details on the north Wales line, save to say that there is increasing traffic between Great Britain and Ireland, which is a result of the greater integration of European economies.

Mr William O'Brien MP: The question of links across the Irish Sea is important. Is it all about transport for commercial goods and the speed of getting goods across the Irish Sea?

The Minister of State: The Competition Commission must consider whether the proposed merger of Stena Line and P&O will improve services, because there is a balance to be struck. The question of whether competition between the two companies stimulates a better service must be considered. Services to Larne and Belfast are in competition with services to ports in the Irish Republic, so we must ensure that we get the most cost-effective, long-term

solution. The Competition Commission will deal with that issue and will report around February 2004.

Questions have also been raised about how competition from lorry road-user charging will affect various ports. That is a matter that we will have to address. The ports of Larne and Belfast are extremely fast and efficient in loading and unloading freight, and that is of considerable importance not just for business in Northern Ireland but also for several companies in Southern Ireland.

Senator Paschal Mooney: I thank the Minister for his kind comments, and I wish him continued success in his career.

I want to draw the Minister's attention to the mass of evidence that was accumulated by Committee B, of which I am a member, on transport links between the UK and Ireland. He will find in the submissions, which were made on both sides of the Irish Sea, North and South, that the development of sea routes is extremely important for the economy of the island of Ireland. He has touched on that in his answers.

Should the Westminster Government not recognise that one of the by-products of devolution has been that the amount of money available to the National Assembly for Wales and to the Scottish Parliament has resulted in less money being spent on developing infrastructure in the ports? My Scottish and Welsh colleagues can talk about that in more detail. However, I should like to know whether the Westminster Government can ensure that sufficient resources are given to the National Assembly for Wales and to the Scottish Parliament for port development. It has been acknowledged that it is extremely important for the economy of the island of Ireland and for the economies of Scotland and Wales to develop port infrastructure and also to develop the infrastructure west-east in Scotland and west-east in England. Traditionally, Irish commercial traffic —

The Co-Chairman (Mr David Winnick MP): I am sorry to have to interrupt.

Senator Paschal Mooney: Commercial traffic is going towards the channel ports, whereas there are other viable alternatives.

Mr Kevin McNamara MP: The port of Hull.

The Minister of State: Far be it from me to tell the Welsh or Scottish Executives how they should disperse their already substantial budgets. I recognise the importance of some of those routes. That was one of the reasons that, as Minister for Transport, I tried to fast-track improvement on the roundabouts where the road from north Wales runs into Cheshire. It is a good road through north Wales; however, it runs into three roundabouts and mixes up with the commuter traffic in Cheshire, and that has caused considerable delays. I hope that that work will continue.

The importance of those routes is recognised by the European Commission in the trans-European networks, and I acknowledge that. There have been several improvements on the roads through England. For example, the through dualling of the A14 has been enormously beneficial for reaching the haven ports of Felixstowe and Harwich, which is of particular significance for Irish traffic. With regard to Scotland, I must defer to my colleagues who are in the majority party in the Scottish Parliament. That is one of the problems with devolution: if a block of money is provided under devolution, the devolved Administrations will decide how to spend it.

It is an issue when some of the benefit will go to another Administration in the way that I described with the roundabouts in Cheshire. One of the difficulties was that the roundabouts were never a priority for the north-west because they were on the fringe of the north-west. Routes that were in the core of the north-west regional area were prioritised, and that is fully understandable. However, the Cheshire roundabouts were significant for Wales, but they were outside the Welsh jurisdiction. We had to intervene to make that improvement.

4:30 pm

I am not saying that to evade or divert the question. There must be engagement — which is one advantage of a forum such as this — between the Irish Government and Irish politicians with the Administrations and parliamentarians in Wales and Scotland in order to present that case.

The Co-Chairman (Mr David Winnick MP): Colleagues, I want to make progress, but I know that this is an important question. I will call on those names that I have. Please be brief, so that we cannot complain afterwards that we have only reached Question 5 or Question 6.

Ms Cecilia Keaveney TD: Go raibh maith agat. I welcome the Minister. He spoke about intervention and the Irish Government working with the various regional assemblies. Does he agree that it is a chicken-and-egg-situation? He says that he does not want to get involved in subsidies of services that would distort level playing fields, but what if a region does not have a level playing field to start with, or if there is no infrastructure or if there is inadequate infrastructure?

One example is the City of Derry Airport, which is battling against Belfast City Airport and Belfast International Airport. I cannot but acknowledge, in her presence here, former Minister O'Rourke, who put in the public service obligation (PSO) against substantial comment from both those airports and extended the runway. Services into Stansted are from Derry, and yet the only way to maintain the City of Derry Airport is by investment that Derry City Council will never be able to afford. It would be better to put the infrastructure in place first and then let them fight their corners from a level playing

field. Does the Minister accept that we have a problem to start with?

The Minister of State: You may recall that I spoke about kickstarting services to make them viable. The Northern Ireland Government put £1.4 million into the City of Derry Airport with a matching sum from the Irish Government. There have been further requests from the airport, initially regarding some infrastructure developments that are fairly immediate. There are also longer-term issues about the extension of the runway.

Not only are we involved in that, but I have had discussions with the Irish Minister precisely because we recognise that this is important not only for Northern Ireland but for the north-west as a whole. It has an impact on a wider economic area. We are involved in those discussions, and we fully understand why the City of Derry Airport is putting in further requests. However, there has already been investment there.

Deputy Mike Torode: My point is of special interest to the overseas Administrations. Will Her Majesty's Government please give an assurance that they will do their level best to ensure that regional airports — particularly airports serving those of us who cannot jump on a train — will maintain links with the capital of this country and that we will have a chance to restore those links that have been lost, even if it is by using PSOs?

The Minister of State: My answer is conditioned to an extent by the outcome of the consultation on airport capacity, which particularly affects London. An increase in that capacity would facilitate such a process. In discussion on that matter, one key issue of interest to many regions in the UK has been the securing of access to London.

There is, however, another side to that. In several areas in Scotland, for example, there is a debate on the extent to which they should try to secure access to the main London airports to link to the international network and the extent to which they should try to build their own international network as the number of travellers increases and as critical mass is approached. There is no single answer. There are different answers for different routes and for different airports, but it is an important issue that various regions must address. In some cases, developing their own international capacity may be a better long-term solution than merely trying to gain access into London.

Even the question of access to London becomes slightly confused. Do we mean access to London airports or to Heathrow? There is an important issue to be considered with regard to Heathrow. It is the world's premier international airport. Astoundingly, in the region of 20 million more international passengers use Heathrow than any other airport in the world. The extent to which we need to maintain that position, particularly with regard to strong competition from Charles de Gaulle, Frankfurt and Amsterdam, is a major issue. The answer is not straightforward because of those considerations.

Mr Iain Smith MSP: I am sure that the Minister recognises the substantial investment in transport by the Scottish Executive. That includes support for the Rosyth to Zeebrugge ferry, which provides another west-to-east link.

The Minister of State: I facilitated that link.

Mr Iain Smith MSP: Will the Minister tell the Body what the Northern Ireland Office is doing to support the proposal to restore the Ballycastle to Campbeltown ferry?

The Minister of State: Essentially, it was unfortunate that we were unable to progress that. When we have seen the outcome of the Competition Commission report, we may need to revisit that.

I am sure Mr Smith is aware that the initiative to start the ferry from Rosyth came from the Scottish Executive, but we were able to facilitate it through various European mechanisms. It is equally pleasing to report that the service has been highly successful and viable. That is something we must consider, because we must ensure a strong, competitive transport system. We must also consider the advantages to the rest of the economy. At the same time, we do not want to subsidise heavily services that take away traffic from existing services thereby undermining their financial viability. We must get that balance right as well.

Transferability of Pension Entitlements

4. **Mr Jim O’Keeffe TD** asked the Minister what steps are being taken to ensure that there is transferability of pension entitlements between Northern Ireland and the Republic of Ireland to enable years of teaching and other service in Northern Ireland to be combined with years of service in the Republic and vice versa.

The Minister of State: A joint teachers’ superannuation working group, which was established in 2000, has identified a range of potential options for effecting the transfer of pension entitlements between both jurisdictions.

In addition, the North/South Ministerial Council has established a series of working groups to consider obstacles to cross-border mobility on the island of Ireland, including the wider issue of the transferability of public-sector pensions.

Mr Jim O’Keeffe TD: I thank the Minister for his reply. Does he accept that it is ridiculous that there is no North/South co-operation on pensions and that years spent in teaching and other forms of public service in Northern Ireland cannot be combined for pension purposes with service in the Republic of Ireland and vice versa? Does he accept that this is a bread-and-butter issue, and, to continue the food analogy, does he accept that it should be one of the first fruits of the Good Friday Agreement?

We have had the setting up of working groups — the one on teachers’ superannuation is almost four years old, and

the second one mentioned by the Minister was set up two-and-a-half years ago under the North/South Ministerial Council. Of course, the main emphasis now is on the high political issues of the elections, the Assembly and the Executive. However, as soon as those are out of the way —very shortly, it is to be hoped — a message should be sent from this Body, via the Minister, to the working groups that we would like them to get back down to business. We should tell them that the emphasis should be on working and that we will expect reports and actions very soon. The issues affect many ordinary people, North and South, who are giving public service on the island of Ireland.

The Minister of State: I will draw those very strong comments to the attention of my colleague Jane Kennedy, the Minister responsible for Education.

Police Service of Northern Ireland

6. **Mr Joe Sherlock TD:** asked the Minister of State if he will outline the progress made to date towards the establishment of a police service with broad cross-community support in Northern Ireland; how many new personnel are in training or recruited to the PSNI since its establishment, broken down by community background; what steps are being taken to deal with the campaign of intimidation directed towards members of the district policing partnerships; and if he will make a statement.

The Minister of State: The first intake through the fifty-fifty recruitment arrangements was in November 2001. Over the two years since then, the proportion of Catholics serving as officers has risen from 8.3% to 13.6%. We are on course to meet our target composition of 30% Catholic officers by 2011. A total of 256 officers are currently in training, made up of 54% Catholics and 45% non-Catholic student officers. Since the start of November 2001 the police force has recruited 930 officers, made up of 479 Roman Catholics and 451 non-Roman Catholics.

As I have already stated earlier, I regret to report that as a result of intimidation, three independent district policing partnership members have resigned. I very much appreciate the pressure those individuals were placed under, and I wish to pay tribute to their contribution to the work of the district policing partnerships in their respective areas.

Mr Joe Sherlock TD: Go raibh maith agat. The Minister mentioned intimidation in his report. Does he agree that following the Assembly elections that are likely to take place, there is a good prospect for a working Executive that will help to bridge those gaps and end that intimidation?

The Minister of State: I hope that that will be one of the outcomes of the elections, of the workings of an Assembly and of the various pressures that I hope there will be in that Assembly to bring about normalisation. All parties should have a clear understanding that it is crucial that the fight against crime is carried forward by

the police and that there is confidence in and support for the police in that battle.

As I indicated in my opening statement, there is, and will be, a considerable legacy from paramilitarism of organised crime and the profiteering from that. There are several ways of tackling that: the Assets Recovery Agency is obviously one, but effective policing is another, and that is of great interest to the people of Northern Ireland. On the other side of the equation, those who profit from crime see that it is to their advantage to try to disrupt the transition to normal policing, which may explain the involvement of some people in the campaign of intimidation against members of the district policing partnerships.

Mr Joe Sherlock TD: Does the Minister agree that there is a prospect for setting up a working Executive following the election?

The Minister of State: I certainly hope so. We are closer than we have been previously, and we have made considerable progress. It may be that, as we are meeting here, progress has been made. We are getting close to that, and the next few days will be extremely significant in achieving it; that is our hope and our reasonable expectation.

4:45 pm

Mr Arthur Morgan TD: I thank the Minister for coming over, and I hope that the talks do not break down as a result of his being here — we would feel very guilty.

Will the Minister tell us the position on the negotiations regarding the Patten Report? How close are the regulations to the Patten Commission Report for all policing arrangements?

The Minister of State: In relation to recruitment policy, I have said that fifty-fifty recruitment was the objective. On the number of recruits currently training and the number of those being recruited, we are at slightly more than fifty-fifty. That has not been without pain and tension. A number of young people, from both communities, who are qualified to the required standard, are applying to join the Police Service, but the problem is that there are many more applicants than can be accepted. However, that has given rise to a feeling in the Protestant community that perhaps it is being disadvantaged. Those who put that argument do not have an easy response as to how we actually bring about the move towards more balanced representation in the police force. We have made considerable strides in that direction, and we are continuing with that. I am very pleased with the progress. However, we should recognise that there have been tensions and concerns regarding that. The balance of advantage is considerable, and we are making progress.

European Enlargement

7. **Ms Margaret Ewing MSP** asked the Minister of State what assessment he has made of the impact on Northern Ireland of European enlargement.

The Minister of State: The Government fully support next year's EU enlargement, which will bring additional economic growth, opportunities for job creation, enhanced trade and investment and increased stability and security across Europe. The Government have published a regulatory impact assessment on enlargement, which is available on the Foreign and Commonwealth Office web site. The impact assessment shows that enlargement will be good for the UK, the new member states and the EU as a whole.

Ms Margaret Ewing MSP: Given that there is a general welcome for enlargement, my question specifically relates to what the Northern Ireland Office has done to assess both the opportunities and the concerns that enlargement brings about. This would be similar to the work already undertaken by the National Assembly for Wales, which has published its enlargement action plan. It was finalised in June, and it is now being taken forward at official level. We would all like to see something similar happening in Northern Ireland.

The Minister of State: I am not aware of any detailed specific study, and I am rapidly looking through my notes to see if I am correct. The Northern Ireland Office has been engaged with Her Majesty's Government in the overall assessment — the advantage to the economy of the growth overall of the economy as a result of enlargement. We also have to look at whether the centre of gravity of the EU is shifting and the impact that that would have on the countries to the west of the EU. That includes the United Kingdom and, more specifically, the island of Ireland.

After 2006, we need to look at the impact on structural funds as a result of those funds going to the new member states for the restructuring of their economies. That will impact on several regions of the United Kingdom, including Northern Ireland. We are working on that, but we have not come to any conclusions. However, I am not aware that there has been any more general work done with regard to the economic impact in Northern Ireland. If any such work has been undertaken, I will write to the hon Lady about it.

Mr Murray Tosh MSP: If the Minister ascertains whether a detailed study has been done and discovers that it has not, in view of the potential implications for structural and CAP funds — and more global issues relating to the centre of gravity — will he commission such research?

The Minister of State: Sorry, let me be clear. I was talking about the impact that EU expansion will have on the economy. We have been working on a regional policy, and we published a consultation paper on its future on 6 March, and that sets out our preferred approach. We are currently seeking views on that approach. That work encompasses the grants allocation system and therefore takes into account the impact that expansion will have on UK policy and on the removal of structural fund grants from several regions.

The question that I initially addressed concerned the study of the economic impact of expansion as it affected

Northern Ireland specifically. I said that I was unaware whether we had carried out such a study.

Mr Murray Tosh MSP: Will the Minister do that now?

The Minister of State: I shall find out what we have done, and I shall write to Margaret Ewing.

Ms Cecilia Keaveney TD: May I be presumptuous and tell the Minister that there is plenty of data in Northern Ireland on the east-west divide? That divide exists across the whole island. I am worried that the levels of funding will ultimately disappear as a result of EU enlargement in 2006.

The Minister said that unemployment would drop from 7% to 4%; I assume that there are regional disparities in that. Enough studies prove that higher levels of unemployment will affect the western region. According to a recent census, parts of Donegal have unemployment levels of 25% to 28%.

How will we kick-start infrastructural development? If that does not happen now, it will not happen in 2006. Should the Assembly get going again, it will not have the funds to put into place the necessary infrastructure. Political will to address the east-west divide has not existed in the past.

The Minister of State: That is true. We must disaggregate the impact of internal economic effects. After all, infrastructural development occurs not only in the North of Ireland but throughout Ireland, as evidenced by the significant developments around Dublin owing to its magnet effect. Those are genuine problems that both Governments need to address. In the north-west in particular, the work of both Governments obviously interacts. Airports were mentioned as one such area of interaction, but road programmes are another — we have discussed our various road programmes with the Irish Government.

We also need to disaggregate the impact of the growth that has occurred on the eastern seaboard corridor from the changes that may come about as a result of the EU enlargement from next year. Those are important but separate issues, despite a degree of overlap.

Ms Cecilia Keaveney TD: The National Spatial Strategy in the Republic and the Objective 1 —

The Co-Chairman (Mr David Winnick MP): We are trying to reach your Question.

The Minister of State: I think that we have.

The Co-Chairman (Mr David Winnick MP): In broad terms.

Northern Ireland Human Rights Commission

8. The Lord Dubs asked the Minister if he will make a statement on the Northern Ireland Human Rights Commission, with particular reference to the membership.

The Minister of State: The Human Rights Commission is one of the key institutions of the Belfast Agreement, with an important role in protecting and promoting human rights. We recognise that there has been criticism of the commission recently and understand the importance of restoring confidence.

For that reason I welcomed the recent publication of the commission's action plan, in which there is a good deal to reflect on. The commission has since met the political parties, and I look forward to hearing the outcome. On that basis, we will endeavour to find consensus on the steps that are necessary to rebuild confidence.

The Lord Dubs: Will the Minister confirm that there have been several significant resignations from the Northern Ireland Human Rights Commission recently and that, therefore, confidence in the commission is at an all-time low? How do the Government propose to restore confidence in the body?

The Minister of State: The Government have been engaged in discussions with the commission with regard to its action plan, although the action plan is, of course, the commission's own work. There is, as I said, a good deal to reflect on. I hope that there will be reflection and discussion.

There is a need to replace some of those who have resigned. However, there must be agreement about the mechanism for replacement. Consensus on the importance of the commission and its role must also be rebuilt. Views are divided. We should remember that a considerable number of groups were not in favour of the commission from the outset. I have told some of its more recent critics that they ought to reflect on that. That is why there needs to be deep discussion about how the commission and its role can be rebuilt.

I hope, therefore, that all those who have the best interests of Northern Ireland at heart will try to encourage the process of rebuilding confidence in the commission and rebuilding its work. Much has been done to try to improve the internal operations and efficiency of the commission in response to some earlier criticism. That is why it is slightly disheartening that, although the commission has made improvements in that area, there has been a crisis of confidence elsewhere.

Mr Kevin McNamara MP: The Minister will be aware of the importance of the report by the Joint Committee on Human Rights on the work of the Northern Ireland Human Rights Commission. It emerged from the report that the commission seemed to be unpicking some of the fundamental parts of the Good Friday Agreement and that it was not paying sufficient attention to the joint statement from both Governments on the need for political parties to have a real interest in the Human Rights Commission. I understand what the Minister said about the difficulties of moving forward on that, but

have the Government taken any positive steps? What has been done about filling the vacancies in the commission?

The Minister of State: First, we ought to recall that many of those on the commission had significant records in dealing with human rights, had spent much time doing so and had good reputations. It would be desirable for political parties to be engaged in rebuilding the confidence and work of the commission. I say to Kevin McNamara, as I said to Alf Dubs, that there are several groups that never engaged with or supported the Human Rights Commission from the outset. That situation makes it even more disappointing that there have been these major disputes.

5:00 pm

Kevin McNamara is right; apart from personality issues, there are philosophical ones that need to be debated and discussed. They are not easily resolvable. They reflect differences of emphasis in human rights circles across the globe — differences that are not specific to Northern Ireland. There are questions about individual rights and group rights, and about whether there is any interaction between the two. Those are real issues. Whatever happens to the Human Rights Commission, those issues will not go away.

Therefore, there is a need for re-engagement. I had hoped to advertise the vacancies for new personnel in September, but I have not yet done that. Until we get consensus on a way forward for the Human Rights Commission, I am not sure of the value of employing new people. Besides, given the criticisms currently being levelled at the commission and at individuals, I am not sure who would want to join the body, or whether we would attract the people we want to develop that work. The Human Rights Commission is due to play an important role in the production of a Bill of Rights for Northern Ireland, which, as Kevin McNamara will know, is an important part of the agreement. Of course, the attention of the political parties might well be focused on other areas over the next month or so. However, post-election — if there is to be one — it will be enormously important to refocus their attention on that area and to rebuild that institution.

Road, Rail and Air Access: Derry and Dublin

9. **Ms Cecilia Keaveney TD** asked what efforts are being made to improve road, rail and air access into the deprived North West area and in particular to improve access between Derry and Dublin; and if he will make a statement on future investment plans and priorities.

The Co-Chairman (Mr David Winnick MP): Question 9, if you have not already answered most of it.

The Minister of State: I ask the Member whether I have answered most of it. I did not ask whether I had answered to her satisfaction. *[Laughter]*

Ms Cecilia Keaveney TD: The National Spatial Strategy and Objective 1 status supposedly exist to enable counties such as Donegal to overcome existing peripherality. Can any regional goals or policies be consciously adopted to enable the west of the Six Counties to catch up?

You mentioned links to Dublin and talking to Ministers. The Belfast-to-Dublin route is served by the M1 and the Enterprise train; there is no similarly speedy link to Derry. Unemployment statistics will not change until there is a conscious policy change. This is a chicken-and-egg scenario. Unless an area is successful, it will not get money to upgrade its infrastructure; but if it has no businesses in the first place, it cannot become successful. Instead, it is caught in a poverty trap.

The Minister of State: When I go to Derry, they tell me that I am spending all the money on Belfast. When I met the Belfast City Council — all parties — I was told that I am not spending enough on the link roads to the Republic. There is a huge number of requirements and needs. For example, the Irish Government are strongly pressing us to complete the motorway so that the Republic's considerable investment in the motorway from Dublin towards Belfast is matched on the stretch that still requires considerable improvement.

On the other hand, I have spent quite a bit of time over the last few months opening bypasses in the west; in fact, I opened bypasses in Strabane and Limavady on the same day. I visited the Toome bypass recently, and that work is ahead of schedule. It will be ready in the spring and will make a big difference to access to Derry — it will take between 20 minutes and half an hour off the journey, which is a considerable improvement. Work has been carried out on the Craigavon Bridge, and work has just commenced on the Foyle Bridge. I was recently in Derry to try to get various landowners and developers to agree to speed up the Skeogh link. That would help the port and improve access across the border.

I fully understand people's aspirations in the north-west and the need to tie that up, not least because the Irish Minister of State at the Department of Transport is a TD from Donegal. However, there is an infrastructure backlog. Considerable progress has been made, although I accept that more has yet to be done.

Mr Seymour Crawford TD: I support Deputy Keaveney's point about the Derry to Dublin route, which is known in the South as the M2. Some work is being carried out in County Monaghan at Carrickmacross, and we held meetings recently in the Dungannon and Omagh area in an effort to encourage cross-border co-operation. Remember that Derry is the fourth-largest city in Ireland and that it links with the largest, Dublin. I should encourage that work to be carried out, as it is extremely important from the perspective of Counties Donegal and Monaghan to be linked to Northern Ireland.

The Minister of State: A number of issues are involved. One area that I am pushing on with, with all haste, is the improvement of the existing road structures. We have an

appalling planning system that requires about three inquiries before a development can go ahead. If, however, we can do the work within the existing “land take” of the Roads Service, it can proceed more quickly.

On some roads where there is a certain volume of traffic we are rapidly constructing climbing or acceleration lanes to enable overtaking. That is particularly important in areas where agricultural vehicles slow up the flow of traffic. I realise that colleagues will say that they are not dual carriageways, but climbing lanes can make a significant difference to journey times. They can be put in place in a shorter time frame, as the entire planning process can be compressed.

Devolved Administrations

10. **Mr John Griffiths AM** asked how the devolved Administrations can best build their relationships for mutual benefit.

The Minister of State: There are important benefits in building links between the Administrations. We have been heartened by the activities of the Joint Ministerial Committee and the British-Irish Council. How such links are developed must be for the Administrations themselves to decide. Formal co-operation, however, has as important a role to play as formal structures.

Mr John Griffiths AM: We in the devolved institutions of the Welsh Assembly and the Scottish Parliament believe that there is a commonality of experience between those institutions, notwithstanding the special factors that apply in Northern Ireland, which offer advantages for normalising politics there once the Assembly is reconvened. As a result, the Assembly will be brought into the political mainstream. As the Minister says, it is up to the various Administrations to develop links. How can the Northern Ireland Office facilitate that important process, and what role will the Minister play? As the new kids on the block with less political baggage than some of the other players — for obvious reasons — we have certain advantages.

The Minister of State: I hope that the Northern Ireland Office will not take the prime role; I hope that the Northern Ireland Assembly and its Executive, subject to events over the next few days, will take on that role.

The Co-Chairman (Mr Brendan Smith TD): I am glad to have the opportunity to record our thanks to the Minister for his attendance. In the unavoidable absence of the Secretary of State, Paul Murphy, it is fitting that the Minister with responsibility for political development had the opportunity to address the Body. We note the positive nature of the Minister’s initial contribution and his detailed replies to the questions.

As a parliamentary body, we wish the Minister and all involved in the talks a successful and speedy outcome. *[Applause]*.

The Co-Chairman (Mr David Winnick MP): I echo all that.

The sitting was suspended at 5.13 pm.

Tuesday 21 October 2003

The Body met at 10.03 am.

DEVELOPMENTS IN NORTHERN IRELAND: SOME THOUGHTS ON THE CURRENT SITUATION

The Co-Chairman (Mr David Winnick MP): The Body is now in public session, and the first item on our agenda is an address by Prof Paul Bew. We are very pleased that he has agreed to speak to us on the situation in Northern Ireland. His distinguished CV has been distributed. As members will have known before today's circulation of his details, he is Professor of Irish politics at Queen's University, Belfast. He has written several works that have been well received in the wider world and not just in the academic world. He is writing an official history of Ireland that we all look forward to reading. As I say, we are very pleased that he has been able to come to speak to us, and I understand that he is willing to take questions.

Prof Paul Bew: I would like to thank David Winnick and Brendan Smith for their kind invitation to address the Body today; I am grateful to them both. It will not surprise members that I am also grateful to Alda Barry for her help in bringing me here. It is a great pleasure and honour to speak to the Body this morning.

I am conscious of the fact that not for the first time in my life Mr Gerry Adams is attempting to upstage me by giving a press conference that will be on Sky at 10.30 am. I will not be offended if people feel that it is more important to hear what he has to say than what I have to say. I know from experience that Mr Adams's press conferences tend to run slightly late, so members should not take 10.30 as the precise time. That means that I should try to talk for about 15 to 20 minutes this morning to allow some time for questions and to allow flexibility for those thinking about Mr Adams's message.

I have been asked to speak with specific reference to the situation and mood of the non-Nationalist community — the Unionist community. I have provided a worrying table. It is the BBC's tracking poll from the programme 'Hearts and Minds'. There has not been another since.

The table shows a marked drop in support in the Unionist community when it was asked how it would vote if the referendum on the agreement were held today. The suggestion is that perhaps as many as 55% of Unionists voted for the agreement in 1998. Worryingly, 67.1% said that they would vote against it in October. That was a bad moment. The question was asked in the context of the Stormontgate crisis when there were

allegations of spying at the heart of Government by the Republican movement. Unionist disillusionment had reached the point where, having been 55% in favour, it was then 67.1% against.

It is worth noting that the poll also shows a growth in Nationalist disillusionment. Since it started with a much higher base of support that may not seem too significant, but it is not at all totally insignificant. However, the main problem is clearly the Unionist figures, which are stark. They put the case in the darkest possible way.

I remember that this poll came out more or less at the same time as the Prime Minister came to Belfast to give his speech at the Harbour Commissioners' Office. While that speech was coming to an end, I was working for the BBC outside. Some of the Prime Minister's entourage and officials from No. 10 were still there. I was chatting to them about the speech, and I asked them if they had seen the poll. They replied that they were of course aware of the poll and that that was why the speech about acts of completion had to be made.

If by the end of today we are in a "damp squid mood" about the response to the Prime Minister's speech, and if by tomorrow commentators are starting to say that the Prime Minister laid down strong markers as to where the Republican movement had to be to get the process going again but that we are not there and that we have not quite reached the mark, we are in real difficulties. The poll will then make dark reading for everyone.

However, there is another way of looking at the political consciousness of Unionists, while still bearing in mind the poll results. When the Assembly was working, for example, in the summer of 2002, supporters of the Unionist parties were asked if they wanted their parties to withdraw from the institutions. A majority of the supporters of both main Unionist parties — including the DUP — said they did not want them to withdraw. That suggests that the problem of disillusionment is balanced by a pragmatic awareness within the Unionist community of the case for a settlement. Those two opinions coexist. There are people who say that they voted for the agreement in a mood of high optimism, who are significantly disillusioned, but who still do not want their parties to opt out of the process. The poll results before us are compatible with that view. If one asks Unionists whether they want the agreement to succeed, the result in favour is as high as 60 per cent. That is the finding of a poll taken in the last few weeks. If one suggests that the IRA will declare its war over and engage in massive decommissioning, the numbers on some polls are even higher.

A struggle — a battle — is going on. There is no point in hiding that what is being attempted today by David Trimble represents a huge gamble. Even if at the end of today and tomorrow, commentators say that we are on the ground mapped out in the Prime Minister's speech at the Harbour Commissioners' office, the battle might still be

lost. There are conflicting tendencies in public opinion that explain why a decision has been made by David Trimble to see whether he can work with the more positive trends within Unionist public opinion rather than with the trends of disillusionment. There is a real difficulty: is it apathy, or has the project been de-legitimised by the various scandals, such as Florida, Stormontgate, Castlereagh and so on? Has the process been radically de-legitimised? Nobody knows the answer to that question, but we should not simply comfort ourselves with the notion that the political problem in the Unionist community is simply apathy; it may be more serious than that. There are trends in Unionist public opinion that suggest that if the agreement were implemented as advertised, it could flourish and survive with significant support within the Unionist community. That is the gamble that is being made by David Trimble.

We are expecting an election on 26 November, which represents a crane that is trying to pick up the prostrate body of the agreement. There are three elements to that project. One is the large-scale decommissioning widely perceived to have happened. However, the degree of clarity and information that the average member of the public feels that he possesses about that by tomorrow will be important. If that is muffled in any way, we could be in a seriously negative position. People in this room might be experienced and might know that a very significant amount of IRA weaponry had gone. However, if the ordinary Unionist voters do not have that message clearly and honestly conveyed to them, there will be no shortage of Unionist politicians who will say that nothing has happened, or that something trivial has happened, and decommissioning will turn out to be a damp squib instead of an ace card.

Secondly — and this is where Mr Adams's remarks to be made shortly become very important — there is the question of a statement in the territory of "The war is over". We already know that the Republican movement will not use that phrase. If one reads David Trimble's speech on Saturday, one sees a reference to the desire for an acknowledgement from the Republican movement — and by that he clearly does not mean only Sinn Féin — that the implementation of the agreement represents the basis for the "Full and final closure of the conflict". That was a key phrase in his speech that I am surprised did not attract enough attention.

That reference to the final closure of the conflict is essential; and it is essential that the IRA, as well as Sinn Féin, be signed up for that. There is always a difficulty. Everyone in the room knows that the likelihood is that we are talking about the cross-referencing of statements. It is important that it is clear that not only is the IRA giving a general nod in the direction of approval of Mr Adams's statement about Sinn Féin's sentiments about peaceful methods but that the IRA itself is committed to them.

There was a historic moment in the Special Commission in 1888 when Charles Stewart Parnell was asked about Fenians and Republicans who had joined his movement.

He was pressed about this by three judges in London. Parnell said that people had joined the Land League. He had set up his movement, and many people had drifted away from the tradition of physical force. The judges asked him how sure he was that those people had drifted away and how clean the break was. Parnell replied that he could not be sure what *arrière-pensées* those people carried with them.

That may have been inevitable and unavoidable in 1888, but at this point we cannot tolerate *arrière-pensées* on the part of the IRA. The participation of Sinn Féin in the Government of Northern Ireland means that there can be no lingering afterthoughts about renewing the armed conflict. It must be clear today that there are no such lingering afterthoughts. I do not know whether that will be absolutely clear, but we will know shortly.

I can remember discussing this issue with some of you, and with Senator Martin Mansergh, at a luncheon when you met in Belfast some months ago. The clue to this is simple. The IRA, as well as Sinn Féin, must be signed up to the Good Friday Agreement. Since 1998 we have been told that Sinn Féin signed up, that Sinn Féin will do international decommissioning, that Sinn Féin believes in peaceful methods, but the IRA has never, as a body, signed up to that. By the end of today that position must clearly be over.

Above all, the IRA must be signed up to the key principles in the Declaration of Support of the Good Friday Agreement. Paragraph 4 states:

"We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise."

The IRA, and not just Sinn Féin, must be on the terrain of paragraph 4 by the end of today if this process is going to have any success or any chance of working.

10:15 am

Another important aspect of the election campaign is about to come upon us. Paragraph 5 of the Declaration of Support commits the participants to the full working of all the institutions, including the North/South bodies. That is important because the Independent Monitoring Commission has a role to play in enforcing that point. It is not only the IRA that has been "half in, half out" since 1998, to use the Prime Minister's phrase from his Belfast Harbour Commissioners speech. When he spoke about the "fork in the road" and transformation, he was saying that the process could not continue with the IRA half in and half out; that position had to end.

It will not be possible during the election campaign that follows — if things go according to plan today — for the DUP to present itself to the electorate with a half-in and half-out approach. The new arrangements strongly

imply that the DUP too must come in under paragraph 5; that is important. What is happening at the moment concerns not only the IRA coming in under paragraph 4 but the DUP coming in under paragraph 5 and fully working the institutions. It is a double move, and the two parts are linked. If the deal on paragraph 4 is flawed, there is not the slightest chance in hell of the DUP's moving into the terrain of paragraph 4 and that becoming paragraph 5. It is important to understand that.

The election will be difficult. If it is true, as Sinn Féin and some journalists have said, that there have been indirect contacts between Sinn Féin and the DUP, that will be a difficulty for the DUP. The reason is simple; let me explain. The core problem or difficulty that we will face in the election campaign — apart from apathy, because holding an election on that date is highly risky — is with those Unionists or Protestant people of decent moral sentiment who feel that the world has been turned upside down in moral terms. Borrowing a phrase from the historian Christopher Hill, writing about the seventeenth century, but using it in a different context, plenty of people in Northern Ireland believe that the world has been “turned upside down”, that terrorists are in government, that terrorists have been released from jail and that all that they consider to be morally correct has been destroyed. Without question, the DUP mobilises around that feeling. It is a powerful feeling, and anybody who thinks that there can be no basis for it does not understand what has happened in Northern Ireland.

One can understand and prioritise the unavoidable need for historic compromise between the two main traditions to run the place properly and fairly together; however, it must not be forgotten that it is absolutely unavoidable that a large tranche of people will have huge moral difficulties with the process. The problem is that the DUP presents a remedy that is different from the mood on which it feeds. The proposals that we have seen in various articles from the DUP to make certain institutions more accountable, to fiddle around with the agreement are not what concern those people. Proposals such as that to make the North/South bodies more accountable — although personally I think that the negotiated arrangements are satisfactory — could be dealt with at any review of the agreement. Some issues raised by the DUP — certainly, those of accountability, waste and over-expenditure in government — can be dealt with. The key issue, however, for the group of people who feel that the world has been turned upside down is neither accountability nor institutional change but whether they can live with Sinn Féin in government. Other issues are secondary.

The fundamental difficulty is that on one hand the DUP says that it accepts that Northern Ireland cannot be a Sinn Féin-free zone and on the other hand mobilises votes among people who hope, for historically understandable reasons, that it can be. That, therefore, is of tremendous importance in the election. As I explained, a large

tranche of people feel that morally the world has been turned upside down. A problem arises if the one party that is trying to feed politically on that resentment and anger has also been engaged in indirect contacts with Sinn Féin. That is a huge difficulty for any appeal that the DUP might make. If, however, it turns out in the course of the campaign that what looks at this point like a difficulty is not, we are in for a closely contested and extremely bitter campaign. I hope my remarks about how things will unfold in the days leading up to, and the day of, the election are realistic rather than overly pessimistic.

Many people talk as if this whole process is now a done deal. Today is a most dramatic day. It is the greatest of all the gambles that we have seen, but it is not guaranteed success. There is a chance of success, but there is also a chance of failure. To respect the chance of success, it is necessary to acknowledge fully and realistically the dark side and the possibilities of failure. Thank you for your patience.

The Co-Chairman (Mr David Winnick MP): That was indeed a very informative talk, and we are very grateful.

Senator Paschal Mooney: Prof Bew, thank you for your usual clear analysis. Although I accept your final point that a broad mass of Unionist voters live in what I term a “moral bubble” and would vote for the DUP for the reasons that you stated, how can you reconcile that with massive intimidation and physical force directed at the Catholic Nationalist community over the past several years? As you are well aware, that has been underreported in the Republic of Ireland and the UK, which gives the impression that peace is breaking out everywhere. Because no great continuous public criticism of that is heard from Unionist representatives, would you not agree that that morality essentially masks a non-acceptance of sharing government with the Nationalists — of having a Fenian around the house?

Senator Brian Hayes: I thank Prof Bew for his address to the Body. At the most recent general election in the South, when the leaders of my party, and of Fianna Fáil, the Progressive Democrats and the Labour Party were all asked whether they would do a deal with members of Sinn Féin and serve in government in the South with them, the entire political establishment said no. The Taoiseach was on record as saying that Sinn Féin must resolve its relationship with the IRA; other responses went from that all the way down to the demand that there must be complete decommissioning of weapons before the IRA could go into government in the South.

When that is heard in the North, when Unionists hear that, what is their reaction? I agree with you that the question concerns the IRA in government. In the South we seem to have a huge difficulty with accepting it in government, while we expect the Unionist Party and others who have been subjected to its terrorism for the past 35 years or so simply to go into government with it.

What is the reaction of the Unionist community when it hears the statements from our political leadership in Dublin?

Mr Andrew Mackay MP: Prof Bew, that was fascinating and sobering at this crucial time. We could not have been more timely in having you here this morning. However, there was one dog that you did not have barking in the night. You, rightly, discussed the dilemma of the DUP. What about the dilemma of the “OUP rebels” — the Burnsides, the Donaldsons and the Martin Smyths who at Westminster no longer sit with David Trimble, Roy Beggs and Sylvia Hermon but nudge along the Bench so that they are virtually sitting next to the DUP? My party, more than most at the moment, knows that split parties do not win elections. I would appreciate your comments on that.

Prof Paul Bew: Thank you for those questions. I will answer Senator Mooney’s question first. It is true that both main communities in Northern Ireland are subject to a kind of ethnic myopia. They do not notice the violence against the other community, and I absolutely accept that point. That is one of the reasons for people to put aside their feelings of moral revulsion and get on with the business of working together for an historic compromise. To do otherwise would imply that this is a clash in which one side is right and the other side is wrong — which many people think it is — rather than a clash of two rights, which it actually is.

However, it is important to understand the problem. The DUP has always had a core of support, and much of it is very sectarian and traditional. What Dr Paisley says in his stronger moments represents the views of most of his supporters — for good or ill. He is a genuinely representative politician in that sense. However, the DUP has never been a hegemonic force. It has never been able to make itself a hegemonic force within Ulster Unionism, because most Unionists want to be led by people of transparent decency and who are, at some level at least, acceptable within mainstream British politics.

However, it is possible that the moods within the broader Unionist community, which have always protected the UUP up to this point, may dissipate for two reasons. First, a section of the respectable middle classes has become convinced that what has happened, particularly with regard to policing and prisoner releases, is so morally unacceptable that it can overcome its reluctance to vote for a party previously seen as uncouth and full of corner boys. The question is whether, if that same party is in dialogue with Sinn Féin, or has been in some sort of dialogue with Sinn Féin, it will be the correct receptacle for those feelings of moral anger. Nonetheless, that is how that section of the community sees things. Some people now think that, compared to what has happened, the uncouthness of the DUP is a minor problem. That is a danger.

Secondly, the same people are not worried about the implications of voting for the DUP. They are quite happy to bring about a crisis in the agreement, because essentially they would prefer direct rule. They have been heard to say that joint authority or a united Ireland

would be better than the current arrangements — there is nothing in either scenario to scare them. If you were to argue that it would be a great mistake for Unionists to opt out of the political process, that the consequence of opting out in the 1980s was the Anglo Irish Agreement and that therefore it would be better for the self-respect of the community to be engaged at some level with the direction of its political affairs rather than leave it to others, they will say that the price is too high.

There are huge difficulties about the concept of joint authority, and it is not an attractive option for any British Government, even now. However, talks about the subject would not frighten that section of the middle classes — they do not care. We must be realistic. That mood is held by significant groups of people, and if the election were held today or tomorrow, it would be reflected in the ballot box. I am not sure how it can be dealt with. However, it is very important to understand it.

There is another problem: much of David Trimble’s support is actually for the idea that some type of engagement was necessary in the process of bringing the war to an end. That is not quite the same thing as supporting the agreement. Mr Trimble is a lot more popular in the Unionist community than the agreement and its institutions. People have a realistic awareness that a conflict such as this does not come to an end overnight. They know that it will be messy and difficult, that moral compromises will have to be made and that somebody has to get involved. However, that is not the same as believing that the structures of the agreement are wonderful, that devolution is wonderful or that people want devolution back at any price. This also creates difficulty. Even some of Mr Trimble’s hardcore support in the UUC is more for the idea that the engagement was necessary rather than for the institutions. I do not have any answers, but every member here should be aware that those are real trends within public opinion.

I agree with the point made by Brian Hayes. However, I can never understand why this point is not understood more widely in Dublin: there was a civil war in Ireland between 1922 and 1923 and the two parties involved in that war have never shared power together or been in government together; yet the civil war was between Nationalists and Catholics.

You assume that, without any problem whatsoever, people in the North should just forget about a war that is more recent, more horrible and that has a sectarian Catholic-Protestant dimension. That is remarkable because it does not merely involve a casual attitude to the feelings of Northern Unionists; it involves a casual attitude to the past of one’s state. I find it astounding that nobody stops to think about that or about the sheer difficulty of what we are trying to do.

10.30 am

To go slightly beyond the member’s point, I am not just saying that the IRA should sign up to article 4 on the

first page of the agreement, which calls for a commitment to totally peaceful methods. If that is done, then, logically, your parties will have to change their position on the question of having Sinn Féin as partners in a coalition. Although there are many other considerations in such matters, if the parties in the Irish Republic are not soon able to say that the position has changed and that Sinn Féin members are now considered fit, in principle, to be partners in a coalition, the project will be fatally flawed. The contradiction that was mentioned needs to be resolved.

Andrew Mackay asked about the three “rebels”. I am delighted that Jeffrey Donaldson is taking a careful attitude rather than dismissing today’s events before they happen. That is a good sign. Recently, other signs pointed to an explosion in the UUP due to its internal wars. The dispute between the dissidents and the mainstream elements last weekend was particularly nasty.

Other points also need to be understood. It is fairly clear that the composition of enough constituency parties has changed in a pro-Trimble direction since 1998 as to make it almost impossible to defeat him at a UUC meeting. There will have to be another such meeting shortly to respond to today’s package. The outcome of that meeting may be close, but historically the shift has made it difficult to defeat Trimble. The rebels have lost three times despite believing that they spoke for the prevailing party mood and that they had enough votes.

Mr Kevin McNamara MP: I look forward to an election, but it is possible that a majority of UUP Assembly Members will be returned who will be anti-agreement. Secondly, the prospect of Burnside and Donaldson being allowed to be candidates is another concern.

Professor Paul Bew: Happily, that is the point that I was coming to. Up until a few days ago, there was a sense that the strategy of Burnside and Donaldson was to wait for a bad election result. That may change; the political situation is changing rapidly. The UUC has not turned out to be the favoured battleground that they assumed it would be. Donaldson and Burnside may favour moving in for the kill following a bad election result in which Trimble is short of the necessary votes to be elected First Minister and where the DUP has outstripped the UUP. In political terms, that would be the point of maximum opportunity.

I do not know the answer to the second question that Mr McNamara raised. The party leader has to sign the nomination papers, but since people such as Burnside and Donaldson have been selected by the normal means, I do not know whether Trimble can reject them as legitimate candidates. I am not a lawyer. I believe that they will stand as UUP candidates and will wait to see the election results.

There is no question that if David Trimble’s great gamble has failed, the DUP has won heavily and the Unionist community is saying that Trimble settled for too little, they are going to have a moment of maximum opportunity when they will finally succeed in doing what they have

been trying to do for two to three years. There is no question that they have a great chance of doing that.

Senator Paul Coghlan: What happens if, after the election —

The Co-Chairman (Mr David Winnick MP): Before colleagues start trooping out, I want to say that there will be a break after this question. I ask members to return no later than 11.00 am.

Senator Paul Coghlan: What would happen if Trimble’s party had a clear majority over the DUP, given that not all those elected for the UUP will be Trimbleites? I suppose that it would depend on the numbers. What would the three rebels do? Could they destabilise that Unionist “majority”. Would they defect to the DUP or do something else?

Prof Paul Bew: The evidence is that the rebels would be reluctant to defect, and I do not expect that they would. However, they would have considerable political clout at such a moment. If Trimble wins, however narrowly, and the UUP is not out-pollled by the DUP, he is still in play. That is because the argument of Trimble’s opponents is that his leadership will lead to electoral meltdown — not an unsatisfactory result but a meltdown.

If Trimble scrapes by, there will be a period of bargaining and negotiations. If he has more votes than the DUP, there will be issues that are likely to recur, such as how the votes of the Alliance Party — a party which will come back much reduced — will be employed in the election of the First Minister. Although the Alliance Party says that it is not prepared to do things that it has done in the past, it is quite possible that there will be a return to debates about the Alliance Party redesignating.

There are key issues. Essentially, the DUP has to beat the UUP and the Alliance Party. That is not that hard to do. When one considers the last election, it seems to be an impossibility, but the Alliance Party, like the SDLP, is not going into the election with good prospects. Therefore, nobody can predict what will happen, but there is a distinction between a meltdown and an unsatisfactory result. If there is an unsatisfactory result, with a small UUP majority, Trimble will still have the support of the Ulster Unionist Council. It will not turn against him if the UUP has scraped home. I do not know how it would play then, but the game would still be on at that point.

The Co-Chairman (Mr David Winnick MP): Thank you, Prof Bew. That was most informative. We are most grateful to benefit from your distinguished academic and practical experience of Northern Ireland politics, which justifies your invitation from the Body. Many thanks. *[Applause]*.

The sitting was suspended at 10.41 am.

The sitting was resumed at 11.06 am

The Co-Chairman (Mr David Winnick MP) in the Chair

DEATH OF MRS JOHN SPELLAR

The Co-Chairman (Mr David Winnick MP): I have a very sad announcement to make. In the past half hour, we have heard that John Spellar's wife died suddenly last night. This is devastating news, obviously first and foremost to John, to whom we send our deepest sympathies. I understand that Mrs Spellar was not at all unwell and that she died suddenly last night or in the early hours of the morning. I am sure that everyone wishes to extend his deepest sympathies to John as soon as possible.

BUSINESS REPORTS FROM CHAIRMEN OF COMMITTEES

The Co-Chairman (Mr Brendan Smith TD): We will now hear business reports from the Chairmen of the Committees. I remind colleagues that business reports should be brief — five minutes or fewer — and to the point, since we wish to move onto the substantive reports from Committees A and D. The Chairman of Committee B, Andrew Mackay, has pressing parliamentary engagements, so I ask him to report first.

REPORT FROM COMMITTEE B (EUROPEAN AFFAIRS)

The Chairman of Committee B (Mr Andrew Mackay MP): I should like to discuss the interim report of the European Affairs Committee. The Body will be aware that that Committee is examining its relationship with the Nordic Council, with which it has had very good meetings. Further meetings are planned over the next couple of months, and it is hoped that the report will be ready for printing in February. Lessons can be learned from the Nordic Council, and the Committee might make some recommendations to the Body. Furthermore, opportunities exist for the Committee to establish closer relationships with the Nordic Council, the Baltic Council of Ministers and the Benelux countries. I suspect that our Committee will have interesting proposals in that field, and I hope that we can debate the report at the next plenary meeting in April.

The Committee is anxious to move on to a second report, which will be started in February or March.

Work on that report will continue beyond the next plenary meeting. We have decided that we want to look at European common, foreign and defence policies and co-operation as they affect the Body and its different members. Thereafter, in the summer, we hope to consider the tripartite agreements that came from the Commission. Those particularly affect the different parliaments and assemblies, and the Northern Ireland Assembly in particular, which we hope will be in operation and will co-operate with our investigation.

REPORT FROM COMMITTEE A (SOVEREIGN MATTERS)

The Chairman of Committee A (Mr Jim O'Keeffe TD): I am absolutely shocked at the news about John Spellar's wife — he sat across from me at the dinner table last night. We all join in the expression of sympathy to him.

With regard to Committee A, a report on penalty points will be tabled later this morning. The co-rapporteurs were Lord Dubs and Brian Hayes, and we will have the opportunity to debate that. We will also have a report from Senator Mansergh and Lord Brooke on the British-Irish Council. We will hear about the criminal justice review group from Andrew Mackinlay and Tony Killeen. That group was parked to some degree, pending the restoration of the institutions, but we expect it to be reactivated as soon as the Northern Ireland Assembly and its Executive are back in operation.

Committee A visited Belfast again in June and had fruitful discussions with the Police Ombudswoman, Nuala O'Loan a formidable lady who seems to be doing an excellent job. We also had discussions with the chairman and vice-chairman of the Policing Board, Prof Des Rea and Denis Bradley. We then visited the PSNI college, and we were very impressed with the progress being made under the new approach to policing. There is a problem with infrastructure for the PSNI college. I merely mention that, but otherwise much progress has been made.

In Kilkenny, we had an interesting and impressive presentation of the views of Paddy McGarvey of the Irish Parliament Trust. Many of you will be aware of those, and he has again kept us up to date by circulating his latest memo at this meeting. We appreciate the opportunity to listen to him and thank him for his presentation.

We had a further meeting this morning and put in place a provisional work programme for the next six months. I hope to give you a report on the industrious and fruitful efforts of the committee in six months' time.

REPORT FROM COMMITTEE C (ECONOMIC)

The Shadow Chairman of Committee C (Mr Harry Barnes MP): I will present the report because the chairman of Committee C, Seamus Kirk, has had to return to Ireland, and the vice-chairman, Bill O'Brien, has returned to the Commons in order to chair a Standing Committee meeting.

We are involved in an ongoing investigation into financial aspects of Health Service provisions. So far, we have had a fruitful visit to the Isle of Man. We will visit Wales on 1 December to look at maternity and other services. There are proposals to go to Scotland then as we wish to consider a variety of administrations and to compare their financial arrangements. We hope to have a report produced in time for the next plenary meeting.

Following Jim O'Keeffe's question to John Spellar yesterday, an issue arose about the transferability of pension entitlements between Northern Ireland and the Republic. We felt that that may involve wider discussions on transferability between the United Kingdom and the Republic — the east-west aspect. We are going to look at that. The appointment of two rapporteurs is to be finalised to cover that area and produce material for a future plenary meeting.

11.15 am

REPORT FROM COMMITTEE D (ENVIRONMENT AND SOCIAL)

The Chairman of Committee D (Mr Kevin McNamara MP): The fruits of our labours will be debated later. However, Sellafield is an ongoing problem: the report will not be the last that Members will hear of this issue. Our two permanent rapporteurs, Jeff Ennis and Mary O'Rourke, will keep us up to date on it.

We are also considering waste management, its environmental impact and the problems that it raises. We were able to combine nuclear and general waste management matters during our visits to the Isle of Man and the island of Guernsey. The Committee is indebted to Mike Torode, Deputy Berry and Donald Gelling for their hospitality, the amount of information that they put at our disposal and the interesting comparisons that we were able to make between the way that the French nuclear authorities deal with the problems of public relations and keeping people informed and how the British fail to do so.

I should also point out that visiting those islands also enabled us to do part of our work on waste management.

We saw interesting developments in obtaining energy from waste and how they were able to get their plants sensibly managed, in an environmental context, so that they did not stick out like sore thumbs. That was important, and we are indebted to the islands. The Committee also felt it important to bring the Crown dependencies into its discussions so that they can play a central role. That met the spirit of the new council. We hope to have a report on waste management for the next meeting, which, if the Steering Committee is successful with its suggestion, will take place in Northern Ireland.

SELLAFIELD

Mr Jeff Ennis MP: I beg to move

That the Body takes note of the report of Committee D on Environmental and Social Affairs on Sellafield, the latest developments and the conclusions and recommendations of the report, which should be forwarded to both Governments and the other Administrations represented on the Body for their observations and to the British-Irish Council Secretariat for transmission to the members of the environmental sectoral group.

It is a great delight for me to introduce this report to the plenary Body. I too would like to pass my thanks to Donald Gelling from the Isle of Man and Mike Torode for everything they did to make our trips to those two islands pleasurable. I would particularly like to mention Donald Gelling's minibus driving skills, which he showed while we were on the island.

As Kevin McNamara has already said, the two visits gave the Committee the opportunity to compare and contrast operations at both Sellafield and COGEMA-La Hague with the two island states. There is quite a lot to compare and contrast.

Although there appears to be a shift away from commercial reprocessing towards the management of the historic waste legacy at Sellafield, the British Government should take more of a lead in clarifying the medium- and long-term future of nuclear energy, particularly at Sellafield.

The energy White Paper, published in our country in February 2003, to some extent steers us towards renewable energy sources, but it still seems to have a fallback position of introducing more new nuclear build. The Government must provide more clarity on that issue, and the sooner the better. However, Committee D welcomes the fact that, were new nuclear-power build proposed in future, it would be subject to the fullest public consultation, which must take full account of the views of Ireland, the Isle of Man, the Nordic regions and other surrounding states such as Wales and Scotland.

We note that waste has not yet been returned to overseas customers. We continue to believe that the United Kingdom Government must apply more political pressure to ensure that Sellafield does not become a permanent dumping ground for nuclear waste.

The co-operation shown between Guernsey and COGEMA-La Hague in exchanging information, particularly in monitoring the reprocessing site, was, in the Committee's view, very good. Unfortunately, the relationship between the Isle of Man and Sellafield cannot be said to be as good, and we regard it as less than satisfactory. In consultations with Sellafield, the Isle of Man is accorded the same status as an English local authority, and we feel that to be totally inadequate. We still believe that the Radiological Protection Institute of Ireland should be given enhanced status to monitor Sellafield. The United

Kingdom Government must be far more open with our neighbours on nuclear issues. Despite recent constructive visits that we have made, several concerns still exist. As the Chairman of Committee D has said already, we intend to maintain a watching brief on developments at Sellafield, and we wish the Body to agree to the motion. My co-rapporteur, Mary O'Rourke, will want to add to my comments.

Senator Mary O'Rourke: I wish to add my voice to those of members who have already offered sympathies to John Spellar. It is amazing how John could be struck by such tragedy when he was in such good humour and when events were so favourable. I am sure, Co-Chairman, that your view is similar.

We appreciate the trouble taken by those who met with us and arranged our visits, and we appreciate the open manner, in the main, in which our concerns were listened to and answered. However, that has not at all diminished a growing sense of unease shared by some of the Committee at the conduct of matters at Sellafield. That might be the best way to express our misgivings. Kevin McNamara will know that that is the way we feel.

I feel strongly that there is unease in the United Kingdom as well but that the firm hand of the regulator prevents the expression of incipient unease or wariness. Some months ago, both 'The Irish Times' and the 'The Guardian' carried reports that forecast the early closure of some activities at Sellafield. Those claims have since been dismissed as untrue, but I believe that they were straws in the wind — if members will pardon the pun — indicating the United Kingdom Government's growing feeling. Far from being erroneous, those views may represent a central position that will soon be demonstrated.

The United Kingdom's energy White Paper was ambivalent. There was something in it for everyone. One could read into it a bit for you, a bit for me and a bit for the person around the corner. It therefore allows for a shift in the Government's position. As Jeff Ennis and Kevin McNamara have said, it is important that we maintain a strong watching brief, as the portents of things to come increase.

The Irish Government's case against the United Kingdom Government under the United Nations Convention on the Law of the Sea is adjourned until December 2003. The European Union is making noises that it might take Ireland to court because she did not first prosecute in the European Court before taking action under the convention. That is mere grandstanding. However, it will be interesting to see what happens in December when the case resumes. Committee D will have to keep a careful watch on events.

We met everyone whom we ought to have met, and we made extraordinarily good friends, particularly in the Isle of Man, where we noted the lowly status that it is accorded in its relations with the UK Government in comparison with the prominent status and debating position accorded to other aligned islands. I speak for myself, but I have

spoken to Kevin McNamara and Jeff Ennis about this matter, so I am not welching or ratting. I remain unconvinced that there is nothing to be afraid of; I remain strongly convinced that there is much to be wary of in the activities of the UK Government. I do not suggest that they spend every day plotting and planning, but the regime that has been in place for a long time contains dangers.

While we await the re-commencement of the case in December, I remain convinced that the Committee should keep on its cloak of wariness, investigation and determination so that all concerned at Sellafield will know that a strong body is keeping watch on activities.

The Co-Chairman (Mr Brendan Smith TD): I call Donald Gelling, to be followed by Arthur Morgan.

Mr Donald Gelling MLC: We were delighted to play a part in the British-Irish Inter-Parliamentary Body over the last year having hosted two Committee meetings on the Isle of Man. That helped us to feel that we were playing a bigger part in the work of the Body, despite being on the periphery a little. On the Isle of Man, we have struggled for some time with the monitoring of Sellafield, principally because of the difficulty of getting information, as Jeff Ennis mentioned.

It has now been accepted, in accordance with the report issued by Committee D, that matters could be a little more open and transparent. The respected leading scientist who is carrying out the monitoring process will perform his duties and will produce information that will be most helpful to everyone. We welcome that monitoring inasmuch as it is yet another step towards getting the information that we require rather than the information that others think we should have. We also appreciate that more attention has been paid to our pleas since the Irish Government entered the debate. We are delighted that we have been able to play our part, and we regard the report as another step in the better monitoring of Sellafield, which we see as a danger, even more so since 11 September 2001.

Our insurers cancelled the policy that covered terrorism on the Isle of Man. They recently said that, for a large sum of money, they will offer that cover but not for a terrorist attack on Sellafield that would lead to a chemical problem. Therefore, the insurers also see that Sellafield poses a danger because it is only 30 miles away from the island.

Mr Arthur Morgan TD: Go raibh maith agat, a Chomh-Chathaoirligh. On behalf of myself and my party, I offer heartfelt sympathy to John Spellar on his tragic loss. I have no doubt that the Body will forward a collective commiseration to him.

I sincerely thank Donald Gelling and Mike Torode for the extremely generous hospitality that we received on the two islands. We greatly appreciate their looking after us well and the excellent facilities.

Delegates to the Body have taken an interest in Sellafield. Jeff Ennis, Kevin McNamara and Senator O'Rourke have

been particularly enthusiastic members of Committee D, especially in relation to Sellafield. Over the summer many members have committed valuable time to examining the issue, including undertaking visits to Cap La Hague, Sellafield, the Isle of Man and the Channel Islands. Sellafield undoubtedly represents the greatest environmental threat to any constituent part of the Body. Putting it on that scale brings home to us the importance of the Body's continuing to monitor activities at Sellafield.

Unlike Committee members, the report is fairly bland, but, as was pointed out yesterday, blandness is a trait of some of the Body's activities. I hope that the presence of some Unionist delegates at our next plenary meeting will bring more decisiveness and precision to our activities. I look forward to that.

11.30 am

As we have heard, nuclear waste from Sellafield is not being returned to overseas customers, even though they are legally obliged to take back that waste. British Nuclear Fuels (BNFL) still resists monitoring procedures by the Radiological Protection Institute of Ireland, and emissions of technetium 99 and caesium 137 into the air and the sea continue. The Body must regularly monitor all Sellafield's activities. I hope that Committee D will receive a brief on that critical issue, and I look forward to being a part of that activity. Go raibh maith agat.

Senator Mary O'Rourke: I was not present at Sunday night's meeting and was, therefore, unable to report to it on other meetings that have taken place. During the summer Arthur Morgan and I attended two meetings in the Dáil. We brought together TDs and Senators, including Senator Ormonde and others. The first meeting was attended by the Scottish Parliament's Opposition leader, who was visiting Ireland. The Parliament has taken on the Sellafield issue and is concerned that traces of magnesium have been found in salmon off the coast of Scotland.

I hosted a second meeting in the Dáil for a group from the Nordic countries, who again attended informally. Deputy Morgan, Senator Ormonde and other representatives from the east coast of Ireland were present. Those meetings should be included in the report as an addendum or an annex. Although falling outside the remit, the fact that those people came to us reflects the fact that a desire for involvement is gathering force.

Deputy Mike Torode: On behalf of the Guernsey delegation — and that is just myself — may I —

The Co-Chairman (Mr Brendan Smith TD): So it is unanimous.

Deputy Mike Torode: For the first time in many years I have had a unanimous vote on something. May I echo Donald Gelling's view that we were very pleased to be able to play a fuller part in this Body by having the members of Committee D come down and visit. I hope they found things to their satisfaction and, indeed, of great interest.

They will, I am sure, be pleased to know that our waste-to-energy plant is now much nearer fruition than when they were with us in the summer, and that, at a cost of some £72 million, which is rather a lot of money for a small community, we are about to commence building a plant which we hope to have in full commission, in all probability, not before 2007. I hope that the Committee will come and visit us again and see how we have got on with that project.

The Co-Chairman (Mr Brendan Smith TD): I call Kevin McNamara MP, Chairman of Committee D, to conclude the debate.

Mr Kevin McNamara MP: Mr Co-Chairman, I am not certain how we can amend the report as we have it at the moment, but we will have a statement in the verbatim report of this debate, so it will be on the record. I am certain also that, through the workings of the European Committee and its relationship with the Nordic Council, that will be taken on board. When we had our first meeting with the Nordic Council in Iceland, discharges from Sellafield and how deposits had been found in fish of one sort or another were among the main subjects raised.

I would also like to mention that the Committee is, sadly, going to lose the services of its British Clerk, Christopher Johnson, who has been promoted to other things in the House of Lords. I will not say “better” or “more advanced”, because I am sure that that cannot happen in the House of Lords; however, he has been promoted, and we shall miss him, his courtesy, his sound advice and his hard work. We wish him well and welcome Audrey Nelson to take his place. She has one advantage, if I may say so — not in the sense of gender — in that she comes from Downpatrick and will be able to add a new dimension to our work.

Finally, I reiterate all that has been said about the kindness and hospitality that we received from the island Governments.

Question put and agreed to.

Resolved:

That the Body takes note of the report of Committee D on Environmental and Social Affairs on Sellafield, the latest developments and the conclusions and recommendations of the report, which should be forwarded to both Governments and the other Administrations represented on the Body for their observations and to the British-Irish Council Secretariat for transmission to the members of the environmental sectoral group.

PENALTY POINTS

The Lord Dubs: I beg to move

That the Body takes note of the report of the Committee on Sovereign Affairs on mutual recognition of penalty points and agrees that the report should be forwarded to the British and Irish Governments and to the devolved Administrations represented on the Body for their observations.

At the outset, I would like to thank my fellow rapporteur, Senator Brian Hayes. We worked well together, and we had fun. It was an interesting project. I would also like to thank the two clerks, Colm O’Grady and Hugh Yardley, for putting a great deal of effort into the work that we did.

It is widely agreed that road safety is a big problem both in the North and in the Republic and that the number of accidents and deaths is far too high. The present position is that although there are penalty points both in the Republic and in the North, when a driver from Belfast goes over the border, even if the guards spot him going too fast, they cannot do much about it.

It is the same when a driver from the Republic travels towards Belfast. The Chief Constable said that 500 speeding drivers from the Republic were picked up on the three mobile cameras but that he could do nothing about it. Penalty points cannot be imposed, and it is much too difficult to take those drivers to court when they have no address in Northern Ireland. However, the evidence in both jurisdictions shows that penalty points work. They have brought down the number of accidents, they are seen as effective, and both the Gardaí Commissioner and the Chief Constable welcomed them.

What can be done to ensure that drivers from one jurisdiction, if caught in another, are given the penalty points that they would have received had they committed the offence in their own jurisdiction? That is a real problem.

There are several options, and the British Government seem to be pursuing the option of harmonising the penalty points system between Northern Ireland and Britain, where it is slightly different, then asking the Dublin Government to harmonise their penalty points system. However the difficulty with that approach — and I am fairly critical of it — is that once the British Government have harmonised Northern Ireland and Britain, it will be very hard for them to tell the Dublin Government that they will change again. The British Government are more likely to tell the Dublin Government to follow their way. That is not a sensible approach, politically or morally, and I do not think it is possible, although it appears to be the British Government’s favoured position.

However, if the Governments were to go down the path of harmonising, there should be simultaneous negotiations between the three jurisdictions. That is the only way to get the legislation on the same basis so that it works in the way that we envisage, and that is a long and complicated task.

The right way forward is a little complicated, but we have reason to believe that it might be acceptable and workable. It will require more legislation, but that will not be over-complicated. The system would result in the following: if, for example, a driver from Belfast is caught by the gardaí for speeding, that offence will be reported to the police in Belfast, who will then apply the sanctions and penalties appropriate to that offence. In other words, if a Belfast driver is caught speeding on the road from Dundalk to Dublin, the guards will then report that to the police in Northern Ireland and that driver will then get the three penalty points or whatever is appropriate. If the driver challenges that, he will then have to go to court and so on. That seems to be the simplest way, given that the level of penalty points is not the same. The Republic gives two points for speeding; however, if a driver challenges that in court, the points may be increased to four. In Northern Ireland three points are given for speeding, and speeding is the most crucial problem. That system is the best and most workable, and it could be put in place quite quickly.

Secondly, because of road safety concerns on both sides, it might be sensible to have a single body dealing with road safety in the whole of Ireland. That will entail another North/South body; however, as road safety is such an important issue, improved co-operation and the possibility of a North/South arrangement for road safety are desirable. However, that is a decision for the new Assembly to take on board — assuming that there is agreement today.

Finally, both the Chief Constable in Belfast and the Gardaí Commissioner said that the problems were entirely North/South drivers. The problems with drivers visiting from Britain and elsewhere are minor in comparison. The real problem is the road safety of drivers moving North to South or South to North. We have the total support of both the Gardaí Commissioner and the Chief Constable; the Irish Government are in support; and we must ensure that the British Government respond quickly in the way we have suggested.

Mr Tony Killeen TD: I compliment Lord Dubs and Brian Hayes for producing the report. I was surprised to find that not only were there differences between the systems in the North and in the South — which is not very surprising — but that there were also differences between Northern Ireland and Britain with how the penalty points system operates.

Those difficulties could not have been anticipated when they took on the job. Lord Dubs said that we in the South might take umbrage and refuse to operate a system agreed by Northern Ireland and Britain. It would be a pity if that happened, because we all recognise that we have not given as much attention to road safety as we should.

Bad driving and failure to obey the rules destroy many families and individuals. There is a feeling among Southern drivers, who spend a great deal of time commuting to and from Dublin, that many of the stupid actions that we

see are performed by drivers in non-Irish registered cars — sometimes we are not quite sure if they are from Northern Ireland or Britain. Harmonisation of the systems would be enormously beneficial. In particular, drivers who transgress the law in one territory should be penalised when they return to their own jurisdiction.

Although there are political and practical difficulties involved in implementing such measures, I confess to being impatient to resolve this issue, which would be for the betterment of the people North and South.

Mr Jimmy Devins TD: I welcome the report. As I drove from Sligo to Dublin last Sunday, four cars overtook me — all had Northern Ireland registrations and all were travelling in excess of 70 mph. Unfortunately, the law allows drivers, North and South, to drive at speed and with impunity in each other's jurisdiction. There is no effective remedy available at present. If the Garda Síochána charges a person before releasing him or her on cash bail, at least it has the cash if the person does not turn up at court. Unfortunately, release on cash bail does not often happen. I strongly support this proposal and I agree with Lord Dubs's call for it to be implemented immediately.

11.45 am

Mr Arthur Morgan TD: I welcome the report. I am from the border constituency of Louth, and the people there see the problem starkly. Many local authority members in Louth believe that Northern drivers are the bane of their woes and that they make up most of the road offenders. We wake up each Monday morning to hear that another six or seven people have been killed. Something urgent needs to be done to counteract that, and the Committee and the rapporteurs have suggested that an all-Ireland body should be established to that end. It is a practical and common sense suggestion that I hope can be implemented as quickly as possible.

Mr Jim O'Keeffe TD: I compliment the Chairman and members of Committee A for producing an excellent report and for upholding the honour and dignity of the Committee in such a marvellous fashion. The Committee has set a precedent with regard to the activities of other Committees. Many areas could be ironed out through mutual recognition between North and South and between the two islands. Isolating such issues and focusing on them could be a continuing part of the work of his Body. I hope that the Body continues to produce quality reports such as this, which can be implemented in the years ahead.

Senator Brian Hayes: I thank Deputies Killeen, Devins, Morgan and O'Keeffe for contributing to the debate. Obviously, we believe that the British and Irish Governments can make practical progress on the issue.

I was in Australia last January, at my own expense. Two weeks ago, I received a letter from the road enforcement bureau of New South Wales, informing me that I had been doing 65 mph in a 60-mph zone on a certain

alleged date. There was a fine of \$150 Australian with a demand that I pay up as soon as possible. The summons was wrong — I was not in Australia in April, but last January. Is it not astonishing that a country 15,000 miles away can track me down as an alleged offender, yet we cannot make progress on the 10 miles on either side of the border? It really brings home to me the need for a common sense solution to the problem, as colleagues have said.

St Michael's Hospital in Dun Laoghaire is the national rehabilitation centre for spinal injuries in the Republic. Since the introduction of penalty points, the number of cases referred to the hospital has been reduced by 50%, and, as has been reported by Lord Dubs, there has been a significant reduction in the number of fatalities. Penalty points work: they change drivers' behaviour and are an effective mechanism for driving home the message that people must slow down on the roads.

The new Dublin-Belfast motorway is a fantastic road. It is an example of the best quality roadway in the country. However, there is a particular problem there. The Gardai Commissioner told us that when gardai have been on the road and have met and intercepted Northern drivers, those drivers do go to the local barracks and pay up. However, the problem is that the speed cameras to be placed on that road will mean that fewer interceptions will be made. People feel that if they are speeding, and they get a letter in the post, they do not have to pay it. Our solution, as Lord Dubs has outlined, is simple and straightforward, and both Governments should take it on board.

Finally, we have also outlined our support for the introduction of road safety on an all-Ireland basis. Obviously, that would have to be debated with the new Assembly, once it is in operation again. We in the South have much to learn from road safety practice in Northern Ireland — particularly the funding that is given to local education programmes in the Six Counties. We believe that the introduction of the new body would greatly help to drive home the message that road safety matters.

I thank Lord Dubs and our two Clerks, Hugh Yardley and Colm O'Grady, for their considerable work and expertise over the past months. I recommend that the Body adopt the report, so that both Governments can get on with the introduction of the necessary legislation.

Question put and agreed to.

Resolved:

That the Body takes note of the report of the Committee on Sovereign Matters on mutual recognition of penalty points and agrees that the report should be forwarded to the British and Irish Governments and to the devolved Administrations represented on the Body for their observations.

TRIBUTES TO JIM MULKERRINS AND JOHN OBORNE

The Co-Chairman (Mr David Winnick MP): There is little business left. In a moment I will call Kevin McNamara to move the adjournment, as he usually does. Before I do, however, I draw the Body's attention to the fact that this will be the last plenary meeting for our Irish Clerk, Mr Jim Mulherrins, who has become so familiar to us over the years and who has done such an outstanding job. He is going on to other — I would not necessarily say "higher" — things. One can rest assured that Jim will play, as always, an active role in the Irish diplomatic and foreign service.

Jim, we deeply appreciate the role that you have played and the guidance that you have given to us — it has been tremendous. As you know, it is so important that the British and Irish Co-Clerks are able to work together. Without that co-operation, it would be difficult for the Body to function, however much the Co-Chairmen work together. Therefore, we want to put on record our tribute to Jim for his outstanding work. *[Applause]*.

The Co-Chairman (Mr Brendan Smith TD): Co-Chairman, I endorse fully your comments about Jim's work as our Clerk. Over the past few years, he has gained the confidence of all members and of officials from various Government Departments and the two Parliaments. Jim will assume other duties in the Oireachtas, especially now that Ireland is due to take over the presidency of the European Union in January. However, I know that Jim's advice and help will still be available to the Body, and I welcome John Hamilton, who will take over as Clerk.

I also pay tribute to John Osborne, who has been one of the Body's stalwarts since 1990. John was ill during the summer, but I hope that he will be able to retain his duties with the Body. We wish him well.

The Co-Chairman (Mr David Winnick MP): Last night, we had an illustration of John Osborne's work. I cannot take credit for it: John organised everything, including the singing waiters. John has worked for us, on the British side, for many years. He has worked in a co-operative and friendly manner with our Irish colleagues on the administrative side. I do not know whether John will continue his work. His first and foremost concern must be his health, but I will write to him. I am sure that the Body sends John and his wife, Maggie, best wishes for the future. If he decides to leave, we shall miss him a great deal.

ADJOURNMENT DEBATE

Mr Kevin McNamara MP: I beg to move

That the Body do now adjourn.

Co-Chairmen, much of what I was about to say about Jim Mulkerrins and John Osborne you have already said. Jim Mulkerrins will be missed by us all. One of the tragedies of John Osborne's ill health is that, having manfully gone abroad with Amanda Hay to scout out suitable venues and courageously try out the hospitality before recommending it to us, he was sadly unable to attend last night's dinner because he was unwell. Missing that must have been a particular disappointment to him because he had enthused so much to the British delegation about our visit to the Marquis of Salisbury's small pile and country retreat. We send him our good wishes.

I also convey our thanks to Maj-Gen Pennefather, who stepped in at very short notice to help in the organisation of this meeting. I know that, on our side, Amanda Hay will have drilled him in how to do things properly, and we are grateful to them for all their work.

I also wish to pay tribute to the hotel staff and the chefs, who looked after us so well. They were always there to help us but were never obtrusive. Our stay here has been very pleasant. I hope that all members agree with me on that and that our thanks will be conveyed to the hotel staff and administration.

I know, as do all members of the Body, that we cannot exist without the Clerks from both jurisdictions. Our thanks, as always, go to them. Their figureheads are Amanda Hay

and Jim Mulkerrins, but there are many others involved — including the volunteers who work on our Committees — to whom we are indebted for their dedication and work.

Last, but not least, I am indebted to the British-Irish Parliamentary Reporting Association for two reasons. First, as with all politicians, we like to have our words immortalised, which is being done for us but perhaps not in the way that it is sometimes in our own Parliaments. Secondly, they volunteered their services, for which we are also grateful. That complete word-for-word record is an important addition to our proceedings.

Finally, if I have missed anybody out that I should have thanked, I shall just blame my bad writing, but I tender our thanks to all. I also thank both of our Co-Chairmen for so gracefully presiding over the Body and its proceedings. On that happy note, I formally move the Adjournment of the Body until it meets in west Cork.

The Co-Chairman (Mr David Winnick MP): Those of you who were not here about 45 minutes ago may have missed the sad news, namely that sadly and tragically John Spellar's wife died suddenly last night, although she had not been unwell. Of course, we express our deepest sympathies to John.

Question, That the Body do now adjourn, put and agreed to.

The Co-Chairman (Mr David Winnick MP): The next plenary meeting will be from 18 to 20 April in the Republic of Ireland. On that note, I thank you for your attendance and declare this plenary duly closed.

Adjourned at 12 noon.

