

# CCBS – LEGISLATIVE AFFAIRS

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06/03/2015-12/03/2015



Northern Ireland  
Assembly

**Monday 9 March 2015**

**Plenary Chamber**

**EU Emissions Trading System**

## **Summary:**

The Minister of the Environment was asked whether his Department will respond to the consultation on the review of the EU emissions trading system, and whether he had any discussions on the matter with his Southern colleagues under the aegis of the North/South Ministerial Council. The Minister advised that *“Climate change knows no borders, and it is imperative that I engage in discussions not solely with our counterparts in the South, which I do on a regular basis, but with those in other jurisdictions.”*

**Mr McAleer:** *Go raibh maith agat. I thank the Minister for his answer. Has he had any discussions on the matter with his Southern colleagues under the aegis of the North/South Ministerial Council (NSMC)?*

**Mr Durkan:** *I thank the Member for his question and his supplementary question on this extremely important and topical matter. Climate change knows no borders, and it is imperative that I engage in discussions not solely with our counterparts in the South, which I do on a regular basis, but with those in other jurisdictions. This comes up regularly at North/South Ministerial Council meetings, and Alan Kelly, the Minister in the South, is committed to addressing it on a joined-up basis, as was his predecessor Phil Hogan. I am sure that it will be in a prominent place on the agenda of the next NSMC meeting in environmental format also, and I look forward to updating the Assembly on that meeting in due course.*

**Mr A Maginness:** *Climate change should not only be, as he pointed out, on the agenda of the North/South Ministerial Council but on agenda of the British-Irish council as well. Can joint efforts be made across these islands by all the Administrations to tackle climate change?*

Mr Durkan: I thank Mr Maginness for his supplementary question. Yes, there can be, should be, and are, joined-up approaches to tackling climate change. While I have a close working relationship with my counterpart in the South, a lot of what we do on climate change is in partnership with our partners across the water and with DECC. In fact, it is through it that we make our representations in Europe and even further afield on this extremely important subject.

Link: <http://data.niassembly.gov.uk/HansardXml/plenary-09-03-2015.pdf>

**Tuesday 10 March 2015**

**Máiría Cahill: PSNI/PPS Conduct**

**Summary:**

Mr B McCrea asked the Minister of Justice what investigations are under way into the conduct of the PSNI and Public Prosecution Service with regard to the Máiría Cahill case. Minister Ford advised the Member that his department has considered options for wider reviews, however the Minister highlighted the complexities of setting up a cross-border review.

**Minister Ford:** *There are a number of issues in the cases highlighted by Máiría Cahill and others that require individual agencies of the justice system in Northern Ireland and individual agencies of the justice system in the Republic to conduct their inquiries, do their work and carry out their investigations to see whether there are opportunities for prosecution.*

*I have discussed the issue on a number of occasions, most recently in the last week of February, with my colleague Frances Fitzgerald, the Minister for Justice and Equality. **We have looked at the options for wider reviews, but setting up a cross-border review, as has been suggested by some people, would be a very complex issue.** At this stage, the important thing is to allow the relevant agencies to conduct their work and then, after ensuring that there is no interference with the justice system, see that **an appropriate way of examining matters further is looked at, whether that is a specific inquiry in Northern Ireland, a related cross-border inquiry or whatever.** We are open to see what is appropriate at that stage, but, at this stage, we have to allow the work of the ombudsman, the Garda Síochána, the PSNI and the DPP to be carried through.*



**Tuesday, 10 March 2015**

**Thirty-fourth Amendment of the Constitution (Presidential Voting) Bill 2014: Second Stage**

**Summary:**

Sinn Féin TD Michael Colreavy moved a motion for the second reading of a Private Members Bill, which sets out to amend the Constitution to allow the voting age for presidential elections to be lowered to 16 and for the voting franchise in such elections to be extended to citizens in Northern Ireland and to the Irish diaspora throughout the world.

**Michael Colreavy (Sinn Fein):** *This Bill sets out to amend the Constitution to allow the voting age for presidential elections to be lowered to 16 and for the voting franchise in such elections to be extended to citizens in the North of Ireland and to the Irish diaspora throughout the world. These recommendations were put forward by the Constitutional Convention and should now be put before our citizens.*

*Approximately 70 million people around the world claim to be of Irish descent. The Irish influence abroad has been important right down through history. Perhaps the first important impact of Ireland on the world stage was when we sent our learned monks to educate those on the European Continent and further afield during the Dark Ages. Right across Europe, the Irish kept the flame of education and knowledge alive while feudal landlords on the Continent burned down places of learning. When Europeans began arriving on the American Continent, many of those who travelled were of Ulster Scots tradition. Those who made their way across the Atlantic did so to escape penal laws imposed by the British on Ireland which discriminated against dissenting religions such as Presbyterianism. Many of the founding fathers of the United States were of Ulster heritage and it is even believed that some spoke with a distinctive Ulster accent.*

*The next wave of migration from Ireland was spurred on by the disastrous effects of the potato Famine of 1848. From about 1850 onwards, over 1 million people fled Ireland and hunger to find new homes in the United States, Canada, Australia and Britain. Once the floodgates opened, more and more Irish began to leave and it became the cultural norm for all children of a family, except the child who was to inherit the farm, to leave Ireland as soon as they got the opportunity. At one stage New York was a predominantly Irish city, as was Boston and other cities across the United States. To this day, residents in parts of Newfoundland in Canada speak with a distinctly Irish accent. Since the Famine, emigration from Ireland has become part of the fabric of life in many ways. While the early years were dominated by the need to escape hunger and disease, later emigration offered the chance to earn a living and proper wages. Bustling industrial cities around the world were built by Irish labour. The later part of the 20th century saw Irish people emigrate because the opportunities for educated young people were practically non-existent in Ireland. When the economic crash occurred in 2008, the flow from the country returned once again and thousands of our young people have now set up home in Australia, Canada and even the Gulf States.*

*For all the millions of Irish who have emigrated from these shores in the past two centuries, there has never been political representation for them at home. The official policy of the State could be described as "out of sight, out of mind". While at several points throughout our history it has been money sent from abroad which has helped keep our economy afloat, those who were sending the money home were never represented here politically. This Bill offers us an opportunity to change that.*

*At the partition of Ireland, Irish voices North of the Border were silenced. Little opportunity was given to Irish people living in this country to have a voice in the institutions of this State just because they were living north of the Border. The former President of Ireland, Mary McAleese, could not vote in her own election. The impact this had on both parts of this country has been profound. In the North, the Nationalist community was rampantly discriminated against by a Unionist ascendancy. Nationalists could not get equal access to jobs or housing and were effectively ghettoised in their own country. The State south of the Border did little or nothing to help this situation. It effectively*

*ignored those living only a few miles up the road and abandoned them to sectarian rule. The impact of Northern voices being removed from the southern State has been damaging. The Protestant tradition in Ulster had a proud history of enlightenment, spawning important figures in science, engineering and revolutionary politics through the United Irishmen. The hegemonic State which took hold in Ireland post-1922 might not have happened if we had had the dissenting voices of Ulster properly represented in these Chambers. This Bill proposes to extend the voting franchise for the presidential election to the Six Counties. Some people will say that this is the thin end of the wedge and I would unashamedly say, "Yes, it is the thin end of a wedge". I and my party would argue that all Irish people should be represented in this Parliament and in *Áras an Uachtaráin* and representation in *Áras an Uachtaráin* is an important step on that journey.*

*We need to stop paying lip-service to young people and start putting faith in them. The youth of today are very switched on to what is happening not just in their own country, but in the wider world. They have a level of access to information unlike that of any previous generation. Therefore, it is a progressive step to lower the voting age in presidential elections to 16. Voter turnout is something I am sure every politician in this Chamber is concerned about and, unfortunately, some of the lowest turnout levels are among young people. A positive step in encourage voting is to develop a pattern of voting among our young. We can get them registered to vote while they are still in school and this should tie into a wider programme of discussing politics and political activity in schools.*

*In the past three weeks, I received two questionnaires from two secondary schools in County Sligo. I do not know if other Deputies and Senators received those questionnaires but they were drawn up by the students. I met and spoke with the students in one of the schools last year and got a tremendous response from them. They showed a keenness to learn more about politics and the political system. In the questionnaire they sent to me, they asked very simple but quite profound questions. When I thought about it, I did not just fill in the answers to the questions or tick the boxes very quickly. The questions prompted me to question whether I had enough respect for those young people who sent me the questionnaire. It relates to whether we consider young people enough in this Parliament, whether we are really concerned about the younger generation, whether we welcome or fear the voices of younger people being put forward and whether we think young people should have a hand in the process of elections and politics in this country. If we were to answer "Yes" to those questions and if we truly respect those young secondary school students, we would have no hesitation in reducing the voting age to 16 initially for presidential elections and subsequently for general elections.*

**Gerry Adams (Sinn Féin):** *The representation of the diaspora and our citizens in the North is long overdue. The appropriateness of their right to vote in presidential elections has been mentioned and included in the programme for Government of Fine Gael and Labour who talk about being a reforming Government. When the Constitutional Convention was established, the Taoiseach described it as a significant historic event in the political and democratic life of this country which put the people in their proper place at the very heart of the process because it is to them that the Constitution of our country belongs.*

*I attended every session of the convention except for one. It was a very uplifting process even though the convention was set up by the Government and did not go as far as Sinn Féin proposed. It did propose serious constitutional changes, including this one, which is to extend voting rights in*

*presidential elections to Irish citizens in the North and the diaspora and those aged 16. The Government then chose to ignore it. It broke the public commitment it made. Instead, it has chosen to put to citizens a referendum on an issue for which there is no public demand or urgency, namely, reducing the age of eligibility for candidates for the presidency to 21. There is no mad rush about doing that. We have a good President at the moment and long may he live healthily. We have a significant number of people scattered throughout the world and the convention proposed that they should be accorded the vote, as should people in the North.*

*The failure to extend voting rights to citizens in the North, where I am from, is the result of a deeply partitionist mindset. Many people there, some of whom spoke at the convention, will feel very let down at this Government's U-turn on this issue. President Michael D. Higgins and former Presidents Mary Robinson and Mary McAleese spoke and acted as Presidents of all of this island. It is not an accident that when Queen Elizabeth II visited the North, the President was there because he is the President of the island of Ireland, not just the Twenty-six Counties, as in some mindsets. That is how our Presidents are regarded by citizens there, even those from a Unionist background.*

*If former President Mary McAleese had still been living in her native Belfast at the time of her election, she could not have voted for herself. Martin McGuinness could not have voted for himself. When Tyrone was playing Armagh in Croke Park, neither the President nor the players - All-Ireland competitors and All Stars - had a vote. They were as Irish as anyone in any part of the world. It is very irrational and illogical. Sinn Féin is not just looking for voting rights for republicans or Nationalists. If Unionists want to exercise that right and put forward a Unionist candidate for the presidency, they will also have the right to exercise that entitlement.*

*The decision of the Constitutional Convention to extend voting rights was really important emotionally because it recognised that this convention of citizens from this State recognised that people in the North were part of the nation. The nation is not the State. The nation is the nation. It is wider, bigger and arguably more important than any state. There is a unique historic opportunity to end this disenfranchisement of emigrants and to do something concrete about involving citizens in the North in the political life of this State. During the Good Friday Agreement negotiations and afterwards, I and others negotiated with the former Taoiseach, Bertie Ahern, to allow MPs to come in here to speak on dedicated issues. They could not, of course, vote or use anything other than speaking rights, but the Government of the day reneged on that as well.*

*The two biggest failures of successive Dublin Governments are bound up in the failure to deal with emigration and their willingness to embrace it as a policy option for Government and the failure to end partition or even to have a strategy for ending partition. When a strategy has been devised to end partition under the terms of the Good Friday Agreement, we do not even have a Government that is happy to advance that strategy and build upon it. The embracing of emigration has long been the policy of successive Governments because it is a great safety valve. Some 500,000 people out of a tax base of 2.5 million people have been forced to emigrate in eight years; 500,000 potential taxpayers are out of the place. These are bright, committed and mostly young people with significant potential who could be a bulwark against the type of social change and inequality this Government has introduced so it is little wonder it is happy to see young people scattered throughout the world.*

*In 1987, the late Brian Lenihan senior said that we cannot all live on a small island. Why not? It is because Government policy does not allow us all to live on a small island. The argument put forward*

*by successive Governments to account for their failure to deliver on voting rights that citizens abroad do not have sufficient connections with their home country is disgraceful and patently untrue. This is a Government that will say it supports this and the recommendations of the Constitutional Convention and that will travel to the four corners of the world to meet the diaspora to celebrate our national feast day.*

*Most of the people Ministers will meet would never have left these shores had it not been for the economic policies of this Government and those of the Administrations comprising Fianna Fáil, the Progressive Democrats and the Green Party which preceded it.*

*If the Government were serious about bringing our emigrants home, it would give them a stake in the country in the first instance by giving them a vote. There is a new generation of emigrants fighting back. Organisations such as We're Coming Back are actively campaigning for voting rights for the Irish abroad. More than 120 other states have legislated to allow their citizens abroad to cast their votes in elections at home. Once again, we are out of line with the international trend. We all know people who have come here to live and work who vote in elections in their home countries at the appropriate time.*

*The Government launched its diaspora policy last week. Next week, Ministers will be highlighting it in various countries throughout the world. It must be noted, however, that they have completely abdicated any responsibility in respect of these crucial issues. When I previously challenged the Taoiseach to review his decisions, he arrogantly claimed that people would be put off - let us face it, the people are stupid - by too many referendums being held on the same day, that they would not understand what was being placed before them, that they would need more time and that, perhaps, they are not that interested in referendums at all. That is the Taoiseach's attitude to the citizens he is supposed to serve in this House.*

*We favour a reserved Dáil constituency for citizens in the North and for members of the diaspora. Such an approach would allow the Government to deal with voting rights, with limited disruption to the current electoral system. The Government should now drop all of its lame excuses and deliver voting rights in presidential elections for Irish emigrants, citizens in the North and those citizens aged 16 and upwards, as recommended by the Constitutional Convention.*

**Link:** <https://www.kildarestreet.com/debates/?id=2015-03-11a.420&s=border#q421>