

# CCBS – LEGISLATIVE AFFAIRS

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18/09/2015 - 25/09/2015



Northern Ireland  
Assembly

Monday 21 September 2015

## Ministerial Statements - North/South Ministerial Council: Inland Waterways

**Summary:** During this session DCAL Minister Ní Chuilín provided a statement to the house on the NSMC's Inland Waterways meeting in June 2015. According to the statement, the Council received a progress report from Waterways Ireland. Ministers considered the action plan for the Grand Canal Dock and Spencer Dock and agreed that Waterways Ireland proceed with its implementation, subject to available resources.

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** With your permission, Mr Speaker, and in compliance with section 52 of the NI Act 1998, I wish to make a statement regarding the North/South Ministerial Council inland waterways meeting that was held in Belfast on 10 June 2015.

The Executive were represented by me as Minister of Culture, Arts and Leisure and by the former junior Minister Michelle McIlveen from the Office of the First Minister and deputy First Minister. The Irish Government were represented by lead Minister Heather Humphreys TD, Minister for Arts, Heritage and the Gaeltacht, and Minister Joe McHugh TD, Minister of State with special responsibility for Gaeltacht Affairs. The statement has been agreed with former junior Minister McIlveen and I am making it on behalf of us both.

The meeting dealt with issues relating to inland waterways and the constituent agency, Waterways Ireland. At the meeting, the Council received a progress report from Dawn Livingstone, chief executive of Waterways Ireland on the activities of Waterways Ireland, including the continued management and maintenance of waterways, with over 99% of the waterways remaining open for navigation; capital expenditure focused on major infrastructure repairs, with replacement lock gates installed at Tarmonbarry on the Shannon and bridge repairs on the Grand canal completed and progress on the installation of floating moorings at Galloon and Knockninny on Lough Erne. The Shannon Blueway won the Lakelands and Inland Waterways Sport Tourism Innovation Award at the Shannon Airport Sport Tourism European Summit. In addition, 63 kilometres of canoe trail, with

associated cycleways, will be completed by the summer on the Shannon-Erne waterway, and 106 events have been offered support under the 2015 sponsorship programme.

Ministers considered the action plan for the Grand canal dock and Spencer dock and agreed that Waterways Ireland proceed with its implementation, subject to available resources.

The Council noted the progress to date on the restoration of the Ulster canal from Upper Lough Erne to Castle Saunderson in County Cavan. Ministers approved a proposal to facilitate the development of a greenway along the route/linear corridor of the Ulster canal from Castle Saunderson to Charlemont, County Armagh. The Council also agreed to Waterways Ireland undertaking the role of lead partner on that project with the support of relevant councils and other stakeholders.

Ministers noted the update on Waterways Ireland's work to maximise the benefit of EU funding opportunities. The Council approved Waterways Ireland making an order to amend Lough Erne by-laws in order to enhance its ability to manage the navigation effectively and ensure a safer waterway for all users.

Ministers noted that the Waterways Ireland annual report and accounts 2013 were laid before the Assembly and the Houses of the Oireachtas on 11 March 2015. Waterways Ireland's annual report and draft accounts 2014 have been submitted to the Comptrollers and Auditors General, and, following certification, will be laid before the Assembly and the Houses of the Oireachtas.

The Council consented to a number of property disposals. It agreed to meet again in inland waterways sectoral format in November 2015.

**Source:** <http://data.niassembly.gov.uk/HansardXml/plenary-21-09-2015.pdf>

#### **Ministerial Statements - North/South Ministerial Council: Language Body**

**Summary:** During this plenary session Minister Ní Chuilín proved a statement to the house on the NSMC's language body meeting in June 2015. Progress reports from Foras na Gaelige and the UlsterScots Agency were received and the Council considered recent developments within the language sector.

**Ms Ní Chuilín (The Minister of Culture, Arts and Leisure):** With your permission and in compliance with section 52 of the NI Act 1998, I wish to make a statement regarding the North/South Ministerial Council language body meetings, which were held in the Ulster-Scots Agency office in Belfast on 10 June 2015.

The Executive were represented by me as Minister of Culture, Arts and Leisure and by former junior Minister Michelle McIlveen from the Office of the First Minister and deputy First Minister. The Irish Government were represented by lead Minister Joe McHugh TD, Minister of State with special responsibility for Gaeltacht affairs, and Heather Humphreys TD, the Minister for Arts, Heritage and the Gaeltacht. This statement has been agreed with former junior Minister McIlveen, and I am making it on behalf of both of us.

The meeting dealt with issues relating to the language body and its two constituent agencies. Ministers noted progress reports from the chairpersons and the chief executive officers of Foras na Gaeilge and the UlsterScots Agency, which include the following achievements relating to the period November 2014 to May 2015.

Foras na Gaeilge reported on continuing progress on the new funding arrangements, including 12 meetings to date of the partnership forum and three meetings to date of the language development forum, the recruitment of staff and the establishment of offices by the six lead organisations in Belfast, Newry, Dublin, Ráth Chairn, Athenry, Casla, and Dungarvan. It also reported success in securing European funding under the Creative Europe programme, in partnership with four other organisations, to foster creative writing in minority languages; further progress with the new English-Irish dictionary and the design of the app specification, which will be available for the academic year beginning September 2015; and the publication of new guidelines for best practice in serving the Irish language community, which were issued to the new super-councils at a conference that was held in Armagh on 25 March 2015.

The Ulster-Scots Agency reported on the organisation of the Burns Night concert, in partnership with the Ulster Orchestra, in the Belfast Waterfront Hall in January, which was subsequently broadcast on BBC Two. It also reported on the launch of the new Ulster-Scots web portal for visitors, which includes an everexpanding range of visitor attractions, including Bushmills Distillery, First Derry Presbyterian Church and St Anne's Cathedral, Belfast; the new Ulster-Scots gallery at the North Down Museum, Bangor, which was funded by the agency and opened on 14 May 2015; and the funding provided for the delivery of Ulster-Scots music and dance tuition in 42 primary schools, in addition to the delivery of 24 Ulster-Scots after-school clubs and 11 Ulster-Scots school workshops.

Ministers also noted progress on collaboration between Foras na Gaeilge and the Ulster-Scots Agency: the safeguarding policy and code of practice for funded bodies has been reviewed and updated by external advisors; and, under the joint project for integrated schools, six workshops were delivered to Priory Integrated College in Holywood, County Down during November/December 2014, providing 25 year-8 students with an insight into the Irish language and the Ulster-Scots culture and language. The roll-out of the programme continued with Shimna Integrated College, Ballymena in May/June 2015, and plans are under way for other schools.

The Council noted that the 2013 consolidated language body annual report and accounts were laid in the Houses of the Oireachtas and in the Assembly on 5 June 2015. The Council also noted that the field audits for the 2014 accounts have been completed for the UlsterScots Agency and will commence for Foras na Gaeilge in June/July 2015. Ministers noted that the agencies of the language body are continuing to engage in the identification of possible opportunities to maximise the benefits of EU funding.

The Council noted the Ulster-Scots Agency's exploratory discussions with a number of interested parties about the potential for a project relating to entrepreneurship with young people in isolated communities under the Northern Periphery and Arctic programme. Possible partners include Mourne and East Donegal linking with the Scottish Highlands and Norway. The agency is liaising with the transnational/interregional programmes regional contact point at the Special EU Programmes Body (SEUPB) regarding potential funding for the project.

Ministers noted Foras na Gaeilge's success in securing EU funding under the Creative Europe programme for a literary project entitled Other Words, in cooperation with Spain, Slovenia, the Former Yugoslav Republic of Macedonia and Sweden. The project will be launched in July, and it will raise the profile of minority language literature throughout Europe, in the original language and in translation.

The Council welcomed the fact that collaboration between agencies and officials in both jurisdictions can continue to maximise drawdown of EU funding and encouraged officials to continue to seek new opportunities for potential projects that can attract such EU funding.

Ian Crozier, the CEO of the Ulster-Scots Agency, delivered a short presentation outlining the work being progressed by the agency in building capacity and supporting community development through its community impact programme. The programme involves supporting a small number of full-time development posts in an effort to provide more targeted and sustained support to community groups.

The Council approved, within the existing budget, a revised timetable for the English-Irish dictionary project to ensure the provision of a more comprehensive end product, including a choice of print, online and app formats. The Council noted the updated targets, comprising publication of 120,000 sense units in 2015, publication of a further 10,000 sense units in 2016, with particular emphasis on the primary and secondary curricula in both jurisdictions, and the publication of the print version of the dictionary for the start of the academic year in 2017.

The Council agreed to meet again in language body sectoral format in November 2015.

**Source:** <http://data.niassembly.gov.uk/HansardXml/plenary-21-09-2015.pdf>

**Tuesday 22 September 2015**

#### **Ministerial Questions: Environmental Protection**

**Summary:** During questions to the Minister of Environment, Mr Eastwood asked the Minister if he agreed that any independent environmental protection agency should operate on an all-island basis. Minister Durkan advised the member of his view that "Ireland's environment knows no borders, therefore I believe that we should ensure that, at this time of great change, our environmental governance arrangements are well aligned with arrangements in the South."

**Mr Eastwood:** I thank the Minister for his answer. Does he agree with me that any independent body — any independent environmental protection agency — should be on an all-Ireland basis if we want to protect the environment in the places that it is needed?

**Mr Durkan:** I thank the Member for that supplementary. Ireland's environment knows no borders, therefore I believe that we should ensure that, at this time of great change, our environmental governance arrangements are well aligned with arrangements in the South. In that way, we would be well positioned to build on the collaborative work already carried out under the auspices of the NSMC. In my view, an independent, all-island environment protection agency is the best way forward to allow us to develop collaboration and pool resources. I recognise that officials, North and

South, have not yet fully considered the implications of an all-island environmental protection agency, and so, as a first step, I am opening up the debate in the Assembly and in the Executive about an independent body in the North.



**Wednesday, 23 September 2015**

**Northern Ireland Issues: Motion**

**Summary:** During a Seanad Éireann motion, the Minister of Foreign Affairs and Trade was called upon to outline the Government's position on the current political situation in Northern Ireland. Among the many areas discussed (as seen below), Minister Flanagan reiterated the importance to complete the work started by the Stormont House Agreement.

**Charles Flanagan (Minister, Department of Foreign Affairs and Trade; Laois-Offaly, Fine Gael):** I welcome the opportunity to attend the Seanad. The significance of the Seanad's interest in this matter is not in doubt, particularly having regard to the fact that this is probably the first substantive debate in the Seanad this session. I concur with Senator Ó Murchú when he says that perhaps this is an issue that might be the subject of more frequent debate. I assure the Senator and the House that any time the Seanad wishes to debate this issue, as long as I am Minister for Foreign Affairs, I will be anxious to oblige and be present. I remarked to myself at the Ploughing Championships yesterday that two years ago the political narrative was about the future of the Seanad and whether it would remain in place. I have been pleased to seek to accommodate the House on all occasions that I have been invited to address it during the past 14 months.

I welcome this debate and I thank the proposer, Senator Cummins, and the House for the opportunity to outline the position of the Government on the current political situation in Northern Ireland. I speak to the House following the resumption, on Monday, 21 September, of round-table talks involving the five main parties in Northern Ireland. Those talks remain ongoing. Getting to this point has not been easy. The past few weeks have been difficult and challenging. The Minister of State, Deputy Sherlock, and I worked closely with the Secretary of State for Northern Ireland, Theresa Villiers, meeting bilaterally and trilaterally with the parties, in an effort to ensure that everybody was not only around the table but around the table at the same time. I am pleased that we achieved this and I am hopeful that the collective and committed engagement will lead to a successful outcome to the talks. However, by no means do I underestimate the challenge that lies ahead. A collapse of the institutions in Northern Ireland remains a real possibility and, therefore, it is incumbent on all of the five main parties in Northern Ireland, with the support of the two Governments, to seize what is a narrow window of opportunity and work hard to achieve what can

be a positive outcome. A positive outcome is not only essential for politics in Northern Ireland but, first and foremost, for its people, who really deserve a functioning government.

My focus will continue to be on facilitating constructive talks and ensuring I do all I can to see to the implementation of the Good Friday Agreement, particularly in the context of the various institutions. I will also seek to ensure that the agreement and subsequent agreements are respected and protected. The key objective now is to make progress in intensive, focused negotiation on the key issues that the Taoiseach and Prime Minister Cameron set out, namely, the full implementation of the Stormont House Agreement and tackling the legacy of paramilitarism. The parties have already begun to address these issues in the resumed sessions of the talks that began last Monday. These opening exchanges were somewhat general in nature but I am under no illusion about the hard work that will be required in the detailed sessions scheduled for this week and next. It is my assessment that all of the parties were broadly constructive in the discussions which took place on Monday in seeking to outline what they see as the direction of travel towards resolving these difficult and challenging issues.

The issue of the impact legacy of paramilitarism and associated organised crime and criminality are clearly concerns that must be addressed in a robust way if these talks are to be successful. The aim must be to create the circumstances where, in the not-too-distant future, we have a generation in Northern Ireland that has not known sectarianism or the vestigial shadow of paramilitarism. In order to facilitate the resumption of round-table talks, the Secretary of State announced on Friday, 18 September, a British Government assessment of the current profile of paramilitarism in Northern Ireland. This is a once-off assessment which will be completed in the coming weeks. It does not pre-empt the discussion on the paramilitary issues in the talks. I expect that this assessment group, made up of Lord Carlile, Rosalie Flanagan and Stephen Shaw, QC, will report in a few weeks. I have made clear in my remarks, and I wish to bolster it here this evening in the Seanad, that the issue in the talks on the matter of paramilitarism cannot be delayed until the outcome of this British Government assessment is known. While the assessment may be of assistance to the Northern Ireland parties as they consider how best to tackle the impact and legacy of paramilitarism, it does not replace the need to begin focused work on how the continuing shadow of paramilitarism over communities in Northern Ireland can be eradicated for ever.

The work on tackling the legacy of paramilitarism may involve several aspects. It may, for example, include some form of future monitoring arrangement, perhaps modelled on the former Independent Monitoring Commission. There is a crucial need to set out a vision for a Northern Ireland beyond the shadow of paramilitary activity and its associated criminality and a plan for how to best realise it. This is one major focus of the talks. The Irish Government, together with its British counterpart, will actively contribute to finding a way forward on these issues but, ultimately, it is essential that the parties agree a shared vision and a common plan to move society in Northern Ireland to full normalisation. I add, for the sake of clarity, that the British Government assessment is a separate matter from the request made by the Minister for Justice and Equality, Frances Fitzgerald, to the Garda Commissioner. The Garda focus is on the circumstances in this jurisdiction. The Garda authorities work very closely with their counterparts in the PSNI on an ongoing basis in respect of the security threat and across the range of other policing challenges facing the two services in our respective jurisdictions.

In light of recent developments with regard to the murder of Kevin McGuigan, the Minister for Justice and Equality asked the Garda Commissioner to maintain that liaison with the PSNI in respect of its investigation and to give her a fresh assessment in light of any evidence emerging from the investigation. It is essential that the PSNI be allowed to carry on its investigation into the murder of Mr. McGuigan without fear or favour. That investigation is a matter of evidence and solely a matter of evidence.

to the matter of organised crime, and racketeering and criminality and smuggling of a type that this House debated some time ago. On the question of cross-Border crime, there is already very strong North-South co-operation involving the police and other relevant agencies from both jurisdictions. Next week the Minister for Justice and Equality, Deputy Frances Fitzgerald, and the Northern Ireland Minister of Justice, Mr. David Ford, will host a conference on organised crime in Sligo, which will be attended by representatives of An Garda Síochána, the PSNI, the customs services and the asset recovery agencies. Organised crime, whatever its nature and whoever is carrying it out, inflicts great damage on our communities and there continues to be a shared determination to tackle it effectively. I am pleased that the talks in Northern Ireland have enabled us to highlight the solid work we are doing to combat this scourge on society and to refocus on the indispensable need for North-South co-operation in this area. I welcome the contribution of Seanadóirí in the debate in the past and, in particular, in recent months. Many Senators are actively involved in other fora of the British-Irish parliamentary tier.

Of equal importance in the talks is the need to fully implement the Stormont House Agreement. This agreement, concluded on 23 December 2014, offers a blueprint to overcoming current difficulties in the Northern Ireland Executive, especially around financing, welfare reform and dealing with the legacy of the past. While financing and welfare reform is an internal issue for Northern Ireland, I have continually encouraged the parties to resolve their difference for the sake of Northern Ireland's economic stability and the sustainability of public services throughout Northern Ireland. That is not only vitally important for the people of Northern Ireland but also for developing and creating an all-island economy which benefits all citizens.

It is also crucial that we complete the work started by the Stormont House Agreement on setting up institutions to deal with the legacy of the past so that justice and truth can bring what healing is possible to victims and survivors of the Troubles and their families, friends and communities. My officials and I are working intensively with the Secretary of State and the Northern Ireland Office to ensure the rapid establishment of the institutions, including the independent commission for information retrieval, the historical investigations unit and the implementation and reconciliation group. An international treaty between the British and Irish Governments is required in order to set up the independent commission for information retrieval. Throughout these negotiations, which are well under way, the Government has focused on the need to underpin the independence of the commission and to put the families of the victims and survivors at the centre of everything the commission will do.

When it comes to the historical investigations unit, I have repeated Ireland's strong commitment, as set out in the Stormont House Agreement, to ensure that Irish authorities co-operate fully with the historical investigations unit. That will require legislation within this jurisdiction, which will be brought forward by my colleague, the Minister for Justice and Equality in the coming months.

I wish to clarify one point. Some media coverage in the past week has suggested that the institutions for dealing with the past agreed at Stormont House would somehow convey an amnesty. That is not true. There will be no amnesty. The new institutions, as agreed, provide for different ways of dealing with the past. The new historical investigations unit provides for police investigation and, where there is an evidential basis, the prospect of justice.

The independent commission for information retrieval, to be established by the two Governments, is intended to allow individuals to seek information about Troubles-related deaths where there is no realistic prospect of prosecution; and information provided to the commission for this purpose would not be admissible in a court of law. However, the Stormont House Agreement makes it clear that no individual who provides information to this body will be immune from prosecution for any crime committed should the required evidential test be satisfied by other means and this will be reflected in the agreement establishing the body. In addition, an oral history archive will be established. These bodies will be overseen by an implementation and reconciliation group, with a mandate to promote reconciliation, a better understanding of the past and to reduce sectarianism. I believe that taken together, those four mechanisms provide an opportunity to deal with the legacy of the Troubles in a way which upholds the rule of law and facilitates justice, acknowledges and addresses the needs of victims and survivors, is human rights compliant and, above all, promotes reconciliation.

Recent weeks have demonstrated once again that the Good Friday Agreement of 1998 was by no means the end of the journey but it was a seismic moment when we forged a new shared path for how we would address the different aspirations and identities on this island. It requires constant care and attention and my focus in the course of the coming weeks will be to ensure that the Good Friday Agreement can be fully implemented and all its institutions can operate effectively.

I assure Senators, especially an Seanadóir Ó Murchú, of the involvement of the Taoiseach. He is directly involved. In the past ten days he has spoken to Prime Minister Cameron. I talk to the Taoiseach almost daily about what is happening in Northern Ireland. For the benefit of Members of this House, hardly a talks session concludes without me receiving a call from the Taoiseach, who is updated on a daily basis and whose involvement can only be described as engaged fully and directly involved.

An Seanadóir Ó Murchú referred to electioneering. There is no election here. That matter was referred to in the Lower House yesterday. There is no election on here and if there were, Senators would be busily engaged in their own pursuits. Senators can be assured that nothing that has been said on the matter of Northern Ireland will in any way be referenced or related to any other campaign anywhere.

I am not sure how much more time I have but I am almost ready to conclude. A key component of the Good Friday Agreement remains North-South co-operation. It is important that this co-operation is allowed to continue, despite the difficult political situation in Stormont. North-South co-operation is vitally important not just for police co-operation but also in the areas of tourism, transport and trade. I know several Members of this House also have direct experience of the useful co-operation that takes place in the North-South Inter-Parliamentary Association.

I have spoken in recent weeks to the leadership of all the Executive parties. I have heard very clearly the frustration they all feel. But underneath that, I have discerned a deep and steely resolve to ensure that the power-sharing institutions are preserved and maintained. Every party is up for talks because, whether they articulate it or not, every party knows what is at stake: the very survival of the power-sharing institutions themselves. There is undoubtedly a realisation that the consequences of failure would constitute a serious set-back for the people of Northern Ireland and the people of our island.

If, despite our best efforts, the institutions fall, then under the legislation elections would immediately follow. Regrettably, such early elections would take place in a divisive context and the issues of contention would remain to be resolved in their aftermath. While everybody welcomes elections and at all times the people are sovereign and will cast their vote on the issues of the day, elections in Northern Ireland would not immediately resolve the problems because issues relating to finance, welfare, the Stormont House Agreement and the Good Friday Agreement will still remain and need to be resolved in the aftermath of any fresh elections. It is, therefore, far better to resolve the outstanding issues now. All the parties, with the support of the two Governments, must seize the current opportunity, engage constructively and in a spirit of mutual respect and seek to resolve the current difficulties for the benefit of the people they represent. Of course, it is right that this House should debate the matter of Northern Ireland at every opportunity.

I acknowledge the decision earlier today of a Member of this House to announce his retirement, namely, a colleague of mine, Senator Jimmy Harte. I have had a close association with the Harte family for many years. I concur with the Leader of the House who acknowledged the very important role played by Senator Jimmy Harte, the Harte family and, in particular, the former Deputy, Paddy Harte, on matters not only relating to Donegal and Northern Ireland but nationally. Paddy Harte was one of the few politicians who took risks for peace. That was, no doubt, acknowledged in the context of the historic coming together of parties to sign the Good Friday Agreement. I know that, in this regard, my fellow politicians in Northern Ireland have invested too much in this project of transformation to allow it to fail. Therefore, all of us have an obligation to go forward in a spirit of positivity, knowing that both compromises and courage will be required from all the participants involved, because it will not work otherwise. In conclusion, I know I can count on the support of all in this House as we seek to bring the current talks to a successful conclusion.

**Source:** <https://www.kildarestreet.com/sendebates/?id=2015-09-23a.216&s=cross-border#g232>