Written Evidence submitted by the Community Relations Council for the Northern Ireland Affairs Committee’s inquiry into Devolution and democracy in Northern Ireland – dealing with the deficit (DDD0039)

Introduction

The Community Relations Council (CRC) is an arms-length body of the government of Northern Ireland and a catalyst for good inter-community and inter-cultural community relations work in the region. CRC is responding to the NI Affairs Committee enquiry in the context of its responsibilities ‘to identify and develop effective approaches to peace-building and reconciliation in partnership with local people and organisations, and with central and local government’.

CRC promotes the benefits of good relations policies and practice at regional, local, community and institutional levels; advocating for acknowledgment of our interdependence; challenging sectarianism, racism and all forms of prejudice and violence motivated by hate. The organisation believes that delivery of a peaceful, reconciled and interdependent society will be based on social partnership, the broader engagement of civil society and positive political leadership underpinned by priorities including fairness, equity, openness and diversity, and we continue to believe that it will take a concerted, integrated and collaborative effort to build a just, equal, fair, peaceful and reconciled society.

NI Community Relations Council response

CRC welcomes the opportunity to respond to the Northern Ireland Affairs Committee inquiry into devolution and democracy in Northern Ireland as the organisation has an interest in how society and its structures support and encourage a shared and reconciled society. We recognise that the development and sustainability of good relationships must be considered in the context of this society being one that is emerging from a conflict which continues to impact the lives of many hundreds of people.

All of the issues on which the NIAC is seeking written evidence have an impact on good community relations even though some of the issues are beyond the direct scope of the work of CRC. They are profoundly important for confidence in, and support for, reconciliation work in Northern Ireland as well as the future of the peace process itself. As such, our response will include three sections:

- Context for the Executive and Assembly, its impact on critical issues and on reconciliation;
- The impact on services, business and communities of the lack of an Executive;
- The impact on budgeting and legislative timetables, particularly the budget for the next financial year;
However in response to some of the other areas of interest to the Committee a number of more general points will be made later in this paper based on the CRC experience of working with peace-building organisations across the region over many years.

**Context for the Executive and Assembly, its impact on critical issues and on reconciliation**

The three strands including the provision of local power-sharing devolution, are central to the Good Friday/Belfast Agreement. In the absence of a power-sharing Executive and Assembly, it is important that there is concerted work by the British and Irish governments to sustain confidence across the other parts of the structures and that they continue to work to restore devolution.

It is highly desirable to have a properly functioning and ambitious Executive and Assembly for local accountability and decision-making, to provide political leadership and, relevant to the work of the CRC, to provide confidence in a robust good relations strategy.

In the absence of an Executive, it remains with the civil service, local government, public sector, arm’s length bodies (such as CRC), the voluntary/community sector and contracted agencies to deliver services and sustain confidence.

The Civil Service is working within the parameters set by Ministers before the collapse of the Executive. Within the policy area of direct relevance to CRC the *Together: Building a United Community Strategy* will be five years old in May 2018. Reflection on its impact, renewal and any necessary changes are a normal part of the public policy process that relies on the involvement of Ministers. Northern Ireland still has a long way to go in relation to the peace process including the need for an unambiguously shared vision, transformational policy-making and an integrated approach to building good relations. Local Ministers are an essential component in our overall transformation.

There are many outstanding legacy issues relating, for example, to:

- **Housing** – nearly 50 years after the civil rights movement protested about discrimination in housing, 90% of social housing continues to be segregated into single identity communities.\(^{12}\)

  Additionally, NIHE information shows that between 2012/13 and 2016/17 it spent £6,709,430 buying 57 houses from homeowners forced out of their property as a result of paramilitary, sectarian, racist, sexual orientation and disability related intimidation.\(^{3}\);

- **Paramilitary punishment attacks** - according to PSNI statistics there were there were 139 paramilitary assaults between November 2015 and November 2017.\(^{4}\);

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\(^{2}\) Community Cohesion Strategy 2015-2020 – Northern Ireland Housing Executive

\(^{3}\) Cormac Campbell, Detail Data November 2017
• **Interface barriers** – albeit that good work has been done to deal with interfaces it remains the case that there are more peace walls now than there were before the Good Friday Agreement⁵;

• **Flags & emblems** - the Stormont House Agreement made provision for the establishment of a Commission on Flags, Identity, Culture and Tradition which was reaffirmed in the A Fresh Start Agreement. Details of the membership were formally announced by the First Minister and deputy First Minister in June 2016 and the Commission is now due to report. In the absence of an Executive, who will consider and act upon the Commission’s final report and recommendations on the way forward?

• **Victims & survivors** - In the absence of an Executive on December 2017, Judith Thompson, the Commissioner for Victim and Survivors and members of the Victims and Survivors Forum challenged Secretary of State, James Brokenshire to stick to the commitment to move ahead with consultations on future policy in this area. Ms. Thompson said: “We are at a critical stage and time is running out to meet the parliamentary legislative timetable in 2018. Consultation documents must be issued by the end of this year or an important window of opportunity will be lost. Victims and survivors cannot wait any longer. Next year will be a very busy one for Parliament with Brexit legislation. The consequence for victims and survivors of further delay could mean some of them will die and others will continue to suffer before they get access to effective investigations and information that some of them so desperately need.” These unresolved matters leave a legacy that makes good relations for the future more difficult to secure.

• **Policing** – the Good Friday Agreement provided for the reform of the Royal Ulster Constabulary which led to the establishment of the PSNI and the Policing Board as an oversight body. Public appointments to the Board are approved by the Justice Minister. The Policing Board exercises its functions as set out in the [Police (Northern Ireland) Act 2000](https://www.nipolicingboard.org.uk/). The Policing Board website states that “The Policing Board has a statutory duty to hold eight meetings in public each year”. In another statement on the Policing Board’s website the public is advised that “The Political Members will be appointed to the Northern Ireland Policing Board when the Executive is reformed”. In the absence of its political members, the Board cannot exercise its functions which means that it has not met since February 2017. This risks impacting an important structural element that supports public confidence in the police service.

The impact on services, business and communities of the lack of an Executive

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⁵ NI Assembly Knowledge Exchange Seminar Series Removing Peace Walls and Public Policy Brief (1): the challenge of definition and design, Cathy Gormley-Heenan, Duncan Morrow and Jonny Byrne
The programme of work that was agreed by the NI Civil Service at the beginning of 2017/18 allowed for the continuation of services and policies already approved by Ministers prior to the fall of the Executive. Novel or potentially contentious matters that would normally require Ministerial involvement and approval were left to be taken forward later when Ministers were appointed and the Executive convened again. For the CRC the impact of this decision has fallen most on new or changing areas of its activity.

The Executive Office (TEO) is the sponsoring department of the CRC and in that capacity has undertaken reviews of the organisation’s governance and staffing. The governance review was completed last year and it had been recommended, with the agreement of the CRC Board, that all future appointments to the Board of the CRC would be made by Ministers. Over a year later the process has still not been completed due to the absence of Ministers. We understand that the issue of Board appointments is one that is not unique to the CRC.

As an Arms-Length Body the annual business plan of the CRC is also normally approved by Ministers. So far this year the plan has only been approved by officials in TEO. The day to day business has continued on that basis. However changes expected to follow a review undertaken by TEO of good relations funding delivery mechanisms have not been taken forward. The need to ensure that good relations and peace-building policy and services are effective, linked up and outcome focused is always important. It is all the more so when the resources available for that work, including international funding, are decreasing. In the case of the CRC, on a like for like expenditure basis, funding from The Executive Office has reduced by £1,189,828 or 30% since the 2013/14 financial year.

In preparation for the response to the Northern Ireland Affairs Committee inquiry the Community Relations Council contacted groups it funds to find out their views on the matters raised and we have included some of that feedback below. We would be happy to assist with any further information that the Committee requires in relation to the experience of these groups.

The following comments on the impact of an absence of an Executive were received:

This is a summary of the qualitative and anecdotal evidence from CRC funded groups.

**Operational**

There is a view that the absence of Ministerial and Assembly structures has created a situation whereby funding difficulties cannot be resolved, and current financial realities are affecting work plans e.g. delays in planning and delivery. Others spoke as they come to the end of the financial year of uncertainty about future funding and how this is having a negative impact on some groups and interventions.

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6 Comments and views were received from BCRC, Community Relations Forum, Forthspring, The Vine Centre, Tides Training, Falls Women’s Centre. If required CRC can provide contact information for these groups for further information.
Furthermore representatives from the sector highlighted the lack of opportunity to raise or develop new ideas or strategies to deal with changes needed at operational level. Some highlighted a sense of no one listening to them in government. Some groups highlighted concerns that without the Executive there is no opportunity to influence or action change in policy or focus on need. There was a steady view that everything was ‘ticking over’ and development opportunities are virtually non-existent.

Overall many concluded that political instability has created stagnation in development and the absence of the institutions has increased levels of uncertainty regarding funding and how this has consequences on work delivery i.e. low morale amongst staff and ongoing situation whereby some staff members are faced with protective notice.

**Short-termism**
Other comments emphasised how some projects have become short-term interventions i.e. largely reactive in order to deal with a particular issue at a point in time, rather than the preferred approach of long-term planned proactive interventions that prevent reoccurrences.

**Attitudinal change**
A number of groups pointed to the appearance of new territorial markings as well as a hardening of attitudes between communities. Other remarks drew attention to apathy and a growing sense of general despondence within communities. Others expressed concern about a rise in sectarian and racist attitudes, and how certain groups were now stepping back from engagement.

**Political Support**
Groups reported a lack of support from politics and the absence of a political vision for moving society forward. Other comments focused on the lack of support from elected representatives for the work of their organisation or good relations in general. Lack of political leadership was a frequent issue.

In addition, Community Dialogue\(^7\) provided the following information which may benefit Committee deliberations:

The impact of the combination of on-going power sharing collapse and Brexit has been tracked through around 100 dialogues with over 1,000 participants since April 2017 with diverse participants including practitioners, decision makers and influencers, Nationalist, Unionist, Loyalist, Republican, Urban, Rural, Male, Female, Young Adults, ethnic and other minorities NI-wide. The dialogues, the dialogue records and the evaluations show a clear and disturbing trend toward orange and green entrenchment and increasing intolerance.

Furthermore, Community Dialogue, offered the following general comments regarding the impact of Power Sharing Collapse on Peacebuilding:

\(^7\) Community Dialogue is an organisation committed to a dialogue process to help transform understanding and build trust amongst people who often hold opposing political, social and religious views
The climate of distrust and disrespect fostered by the main political parties and the on-going willful misrepresentation of the issues at stake are being reflected across civic society in a growing mistrust and intolerance between PUL/CNR and renewed entrenchment into Orange and Green. There is considerable confusion over what is really happening. There is growing prejudice towards the other. There is widespread contempt for and distrust of politicians in general and disillusionment with the political process; Finally, there is a growing sense that the peacebuilding work of decades is being unraveled.

In addition to the above an extensive community consultation (2016), engaged between 500-1,000 people, and resulted in a group of community relations practitioners developing a paper entitled “Galvanising the Peace” (Appendix 1). This activity was initially facilitated by the CRC. It reflects the views of groups and individuals working to support conflict transformation and good relations. It reviews those endeavours since the 1998 Agreement to embed peace and build a reconciled society. It highlights key steps still required to consolidate peace building. The document stresses the importance of leadership and recommended that a future strategy and programme of action needed to build on existing commitments in Together Building a United Community and A Fresh Start. Although the consultation preceded the NI Affairs Committee inquiry and was therefore not focussed exclusively on the questions asked, it does shed light on the issues that were concerning those who took part in the exercise and are involved in peace-building work at the local level. It may provide some sense of the importance of local political leadership and structures to the unfinished business of securing peace.

The impact on budgeting and legislative timetables, particularly the budget for the next financial year

At the beginning of the financial year 2017/18, the NI Civil Service (NICS) set cash budgets to allow public bodies to operate in the absence of an overall budget approved by the Executive. This permitted bodies to continue with their activities and the Community Relations Council was able to release grants to the community and voluntary sector. This was particularly important to sustaining peace-building activity at the local level at a time of very open political instability. Public finances in Northern Ireland continued to operate on that basis until the Secretary of State for Northern Ireland brought forward the Northern Ireland Budget Bill on 13 November 2017.

Through its actions at the opening of the financial year 2017/18 the NICS was able to ensure that public services continued to operate and at that time there were varying levels of hope that the Executive would get up and running later in the year.

As mentioned earlier in this paper the budgets that were set allowed for the continuation of services and policies already agreed by Ministers prior to the fall of the Executive. Novel or potentially contentious matters that would normally require

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8 Reference needed.
Ministerial involvement and approval were therefore left to be taken forward later when Ministers were appointed and the Executive convened again. This was a reasonably effective temporary solution but the inability to take the financial decisions that are normally the responsibility of Ministers is having an increasing impact across all sectors as time has moved on.

**BREXIT**

The NI Affairs Committee has asked about the impact of the democratic deficit in the context of Brexit. This is not an area in which the CRC has any direct responsibilities but a number of issues are emerging in the context in which we deliver our services that are exacerbated by the local political instability and lack of input to the negotiations.

“Brexit” has put stress on questions of identity and the issue of the border with the Republic of Ireland. The Good Friday/Belfast Agreement made provision that anyone born in Northern Ireland has the right to be a citizen of the UK or Ireland or both. The fact that both the UK and Republic of Ireland were members of the EU also provided a broader sense of shared identity. The border had physically disappeared in most practical ways. Fears that there will be a physical hardening of the border, a dilution of citizenship and/or identity and a negative impact on the peace process will be mitigated, at least to some extent, by a stable Executive which is able to explore and minimise negative impacts of Brexit. It has been helpful to reducing the level of anxiety that the UK and Irish governments have officially committed to upholding the Good Friday/Belfast Agreement in the Brexit negotiations.

The European Union has provided millions of Euro for peace building in Northern Ireland and the Border counties. The current PEACE IV programme is in operation until 2020 and the recent statement from the EU in relation to protecting the Peace and Reconciliation fund is very welcome. Other European funds that could be affected by Brexit are Interreg and the European Social Fund. It is important to recognise that the EU also contributes to other funds such as International Fund for Ireland.

The potential impact on the economy and peace process on NI was highlighted in a letter to the Prime Minister (August 2016) by the then First Minister and Deputy First Minister, which emphasised:

> EU funds have been hugely important to our economy and the peace process since 1994, for example we have benefitted …€13 billion of funding from Europe and during the period 2014-2020 we would expect to draw down €3.5million.³

In addition the Brexit debate has raised concerns about the protection of human rights. The Good Friday/Belfast Agreement underpins human rights through the “complete incorporation into Northern Ireland law of the European Convention on Human Rights”. How, if at all, will the outcome of the negotiations impact this aspect of the Agreement?

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³ [https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/Letter%20to%20PM%20from%20FM%20%26%20dFM.pdf](https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/execoffice/Letter%20to%20PM%20from%20FM%20%26%20dFM.pdf)
Another question to emerge has also been whether equality and discrimination safeguards derived from EU legislation will be weakened as a consequence of Brexit. In her letter to Donald Tusk, Prime Minister Theresa May stated:

‘Government will bring forward legislation that will repeal the Act of Parliament – the European Communities Act 1972 – that gives effect to EU law in our country. This legislation will, wherever practical and appropriate, in effect convert the body of existing European Union law (the ‘acquis’) into UK law. This means there will be certainty for UK citizens and for anybody from the European Union who does business in the United Kingdom.’

Thereafter the role of the devolved administrations and the distribution of powers within the United Kingdom will be an important internal debate in relation to repatriated powers. In Northern Ireland equality has a particular resonance due to the prominence of the issue in the fall of the Executive. Therefore, how and in what form powers are devolved to Northern Ireland is also of some significance.

Conclusion
The lack of an Executive has led to some decisions not being taken. These impact, for example, new and innovative work and the inability to turnover Board members of important arms-length bodies. Leaving aside its impact on the CRC it is worrying that totemic organisations that developed out of the peace process such as the Policing Board may be unable to deliver strategic, accountability and challenge functions.

Confidence in politics is at a low ebb. The return of an Executive that is stable and ambitious will help to restore confidence. In its absence, a political vacuum, lack of local decision-making and lack of local accountability may risk harming a fundamental tenet of the peace agreements: that politics here can work.

We are now twenty years into the post Agreement era of our peace process. This is a process which some have said may take more than fifty years to embed. These are critical years when the process of reconciliation needs a step change. Properly functioning power-sharing devolution based on the values, principles and structures of the Good Friday/Belfast Agreement (and subsequent Agreements) is one of the ways to build and sustain a truly reconciled Northern Ireland.

2 February 2018

Appendix 1 - Galvanising the Peace Report

Galvanising the Peace Report can be accessed at the following weblink: