

From: J Mapstone  
IPL  
21 August 1997

Mr Steele  
Mr Leach  
Mr Watkins  
Mr Maccabe  
Mr Hill  
Mr Ray  
Mr Brooker  
Mr Woods  
Mr Perry  
Ms Bharucha

Mr Stephens

**Confidence Building Measures: Trimble list**

At a meeting with the Secretary of State on 31 July, Mr Trimble presented her with a checklist of "measures to build confidence within the pro-Union community".

2. There was no discussion of the list at the meeting, but as Mr Hill noted in his minute of 31 July, the implication was that a positive response on the items by early September would make it easier for the UUP to support the Government's approach.

3. This note brings together summaries of the current position on these issues, drafted, where possible, from the point of view of positive things we can present. Fuller statements on each position are available from the original material submitted by Departments.

3. How the information is to be deployed by the Secretary of State is not yet clear; she will wish to have the material to hand for her meeting with the Prime Minister on 28 August, but whether it is drawn on selectively to assist Mr Trimble in managing his party through the period of the decision and the possible entry of Sinn Fein to talks, or as part of measures which may come into play in the three strands, or to form a long term programme for Government in parallel with the talks is yet to be determined. This will need to be raised in the covering minute to the Secretary of State and could be discussed at the ceasefire monitoring group on Friday.

signed

Julie Mapstone  
0236

## CONFIDENCE BUILDING MEASURES FOR UNIONISTS: Part II

### **1. Greater openness and transparency with regard to the operation of the Intergovernmental Conference and the Secretariat.**

Proposals on promoting greater openness and transparency - submitted by Mr Bell - have been put to the Secretary of State. A Ministerial discussion on these proposals is awaited.

The drive for progress in this area could usefully be set within the Government's general policy for greater openness in Government.

### **2. More co-operation with the Forum by NIO and facilitation of its restructuring with more committee work and Forum Plenaries limited to receipt of committee reports and general debates say once a month.**

The proposals reflect a degree of ambivalence on the part of the UUP, on the one hand wishing to have the Forum taken seriously by the NIO and Ministers, and on the other, wishing to scale down the plenary meetings of the Forum, presumably in order to reduce the opportunities for the DUP and the UKUP to bring pressure to bear on the UUP leadership.

Guidance on Departments' contact with the Forum emphasises that Ministers and their Departments are accountable only to Parliament, and are not directly or indirectly accountable to the Forum. The Secretary of State has confirmed that, subject to this qualification, Ministers and officials will continue to co-operate with the Forum to the degree that is appropriate in each case. This includes continuing the established practice of meeting delegations from the Forum to receive reports and take note of concerns on matters within the Forum's remit.

On the second issue raised, changes in the pattern of Forum business are a matter for the Forum itself.

It is difficult to see how much further we can go on this, except perhaps to express more enthusiasm for the Forum. It might of course be useful to remind Unionists that if the talks as constituted in the legislation collapse, then so does the Forum.

### **3. Local Government**

- (i) implementation of Lord Dubs' suggestion of giving Councils a power of general competence and enhancement of their economic development role;**
- (ii) a more co-operative attitude by DoE to minor functions for councils eg over car parking in towns**

- The proposal to give District Councils a power of general competence stems from the concept that Councils have an important role to play in representing their districts which extends beyond the sum of their present statutory functions. The

Secretary of State referred to each Council's civic responsibilities in her speech to the Chief Executive's Forum Conference in May 1997 and Lord Dubs subsequently mentioned that consideration was being given to the possibility of introducing such a power during his address to the SOLACE Conference the following month. The proposal is also closely linked to the Government's manifesto commitment to give local authorities a duty to promote the economic, social and environmental well-being of their areas. The Department of the Environment, Transport and the Regions is planning to publish a paper on that proposal in the autumn.

John Prescott has now ruled out the possibility of giving local authorities in GB "a power of general competence". It is difficult to see therefore it being likely in Northern Ireland. In any case, new legislation would be required and there is no possibility of such a power being introduced in advance of the outcome of the talks process.

On their economic development role, there may be weaknesses in the current legislation which empowers Councils to spend up to 5p on the RV of the District on local economic development activity, relating mainly to the Council's ability to undertake specific action in spending this money. We will be consulting on this matter, and it might be possible to look at whether the 5p ceiling might be raised. It is generally acknowledged that Councils have acted responsibly and sensibly and on a cross-party basis in carrying out their local economic development role.

(ii) Ministers might indicate that they would seriously consider any measures which would better equip Councils to carry out their civic leadership responsibilities and assist them in promoting the economic, social and environmental well-being of their district. (It has been suggested for example that, following precedents in England and Wales, responsibility for traffic wardens might be transferred from the Royal Ulster Constabulary to district councils.) It could be suggested to the UUP that they meet Lord Dubs to put to him any specific proposals they might have.

#### **4. Community and Cultural development**

**It is clear that the protestant community is disadvantaged with regard to developments in the above areas. This is partly due to a reluctance to apply, a lack of information concerning the various schemes and of sophistication in framing proposals to meet them, and a belief that these schemes are (designedly?) framed and operated to benefit others.**

**A more proactive approach by the NIO is needed to ensure fairness and parity of funding, particularly on heritage matters where the generous provision for Irish language and culture is in stark contrast to the lack of recognition of Ulster-Scots heritage and culture. Note the disgrace that Northern Ireland cannot find £15,000 per annum to fund adequately its national war memorial at Thiepval. It should be open to the public as it was designed to be and was until the mid 1970s.**

### Community Development

There is a reluctance among Protestant communities to become involved in community development, and they have less developed skills in preparing proposals and carrying them forward. There are many instances of Departments and Agencies trying to redress these problems through capacity building in Protestant areas and through proactively encouraging applications from such areas. Examples include the IFI's Community Leadership Programme; and Making Belfast Work's support for the Belfast Churches Urban Development Committee. The UUP, however, is itself not comfortable with the community development ethos and it has less contact with Protestant CD organisations than the PUP or UDP. There may be an unwillingness to accept the deprivation data which conclusively demonstrate the scale of Catholic disadvantage. But policy has to be targeted on addressing need, objectively defined, wherever it is found. The purpose of the steps which Departments and Agencies have taken is to ensure that disadvantaged Protestant communities avail of funding to which they are entitled as readily as their Catholic counterparts.

### Cultural Development

Government assesses all applications for cultural funding on their merits and does not operate a policy of favour towards any particular cultural tradition. The Ulster-Scots language movement is a very recent development and it is unrealistic to expect funding for it and the Irish language to be at parity (just as we reject the claim of the Irish language movement for similar levels of funding as those for Celtic languages in Scotland and Wales). However, levels of support to Ulster-Scots are increasing. Beyond that, considerable support has been given to the Somme Association, Ulster Society and Ulster American Folk Park, all of which have particular relevance to Protestant cultural traditions. Mr Trimble is also aware of the exceptional assistance which has been granted by CCRU and DENI this summer to the Somme Heritage Centre in County Down to help it in its continuing acute financial difficulties.

On the specific point about Thiepval Tower, Government remains committed to the proper upkeep of the Tower and reimburses the Commonwealth War Graves Commission for regular maintenance; in addition £25,000 was paid to the Commission last year for structural work, including £7,000 for health and safety work which would permit visitor access to the roof. Separately, on several occasions in recent years, Government has made substantial contributions to meeting the operating deficit of the Somme Association's visitor centre at the Tower.

## 5. Implementation of the Coopers and Lybrand report on school funding

Unionist MPs have been unhappy for some time about the TSN aspects of the Local Management of Schools funding arrangements. These arrangements mean that some 5% of the school's budget is top sliced. That 5% of the budget is allocated to schools mainly based on the free schoolmeal entitlement of individual schools,

although other factors are also used. That methodology clearly favours maintained schools - of the £37m allocated under TSN in 1996/97 £14m (38%) went to controlled schools and £23m (62%) to maintained schools. It is this distribution which has attracted the criticism of controlled schools and Unionist politicians. In response, the Department has held the line that the differential allocation of TSN resources simply reflects the relative incidence of need.

The whole issue was highlighted in a recent report from Coopers and Lybrand, primarily concerned with achieving greater commonality across the funding formulae of the 5 Boards. The attraction for Unionists is that it suggested less reliance should be placed on social deprivation as measured by free school meals, and more reliance on indicators of special education need - baseline testing or key stage assessments.

There is general agreement on a number of the C & L recommendations and it is planned that these will be implemented in 1998/99. There will be no wavering on the Government's commitment to TSN principles but DENI will be consulting widely on the most appropriate methodology to ensure that TSN funds are targeted at those schools facing the greatest problems of educational and social disadvantage.

## 6. Quangos

**To reduce the democratic deficit, more public representatives should be appointed so that at least half the members of those quangos that are discharging a governmental function are elected representatives. Those appointed should be cross-party/cross community in proportion to electoral strength and the individual should be appointed after consultation with the relevant leader.**

- **Note:** Lord Dubs' press release of 17 June (attached to Mr Hill's submission of 31 July) refers to "other initiatives announced" including "proposals to achieve greater representation of Councillors on public bodies". This development apparently followed a meeting between the Secretary of State and Lord Dubs.

Three reasons have historically been held to militate against similar proposals:

- district councils are themselves the object of scant public confidence, and so greater councillor numbers on other bodies would at best be unlikely to increase confidence in them;
- proportionality would inevitably involve appointing Sinn Fein councillors - one objection which we hope can now diminish;
- Councillors nominated by councils have been overwhelmingly Unionist and male, so balancing the boards of public bodies is more difficult. This is exacerbated by some legislation (eg Fire Authority, Housing Council) which gives ALANI (in practice completely Unionist controlled) direct nominating rights: their nominations have been almost exclusively Unionist.

- We now also have to take into account the current emphasis on appointment on merit for the job embodied in the principles enunciated by the Commissioner for Public Appointments and endorsed by the Government. The two methods of public appointment (political nominations and open procedures) can co-exist, but not without difficulty (and Mr Trimble's wish to have more than 50% representation exacerbates this).

The general move to transparent and accountable policy in public appointments, after the Nolan Commission, means that appointment is now open, with competence-based selection. The best way in the long-term to tackle the democratic deficit is to reach agreement at talks and achieve a devolved administration.

The consultation document (November/December) on reform of the Police Authority will suggest making a proportion of the Authority seats available to local elected representatives, nominated by their parties in proportion to their votes in the last local elections. This is in keeping with practice in Police Authorities in England and Wales where 51% of the seats are allocated by the local authorities to elected representatives on the basis of party strength.

**7. Greater openness and fairness in the review of Fair Employment legislation. SACHR is not balanced in community/political terms - see the unfair treatment of Dermot Nesbitt and his dissenting report.**

SACHR reported in June on the five years experience of the 1989 fair employment legislation. One member of the Commission, Dermot Nesbitt (a UUP member of the Forum) added a dissenting note to the Report, revealing strong differences between him and the other members. Consultation is currently being held with a number of organisations representing interests directly affected by SACHR's recommendations. Mr Worthington proposes to publish an article on Government's consideration of this report in September. Later in the year, a coordinated response to all of SACHR's recommendations will be finalised, with the probability of a Green/White Paper in early 1998.

Line:-

On the membership and balance of SACHR, we are moving to a new system of appointment based on Nolan principles. The aim is to create a fair and more transparent system of appointments leading, if possible, to a more broadly based Commission. On fair employment itself, it is difficult to appease the Unionists, who have never reconciled themselves to the 1989 legislation, without alienating the extensive interests who expect the Government to respond positively to SACHR's Report.

What could be stressed is the Government's willingness to take account of the views of business in considering the Report. Additional legal and bureaucratic impositions on employers in the name of fair employment carries an efficiency penalty. If it reaches the point where job creation and inward investment are actually discouraged, efforts to reduce the level of unemployment (one of SACHR's main

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considerations) may be hindered. This is an argument to which Unionists will be receptive, but it is based on economic, rather than political, considerations.