House of Commons
Northern Ireland Affairs Committee

Introductory evidence with the Northern Ireland Office

Oral and written evidence

Wednesday 8 September 2010

Rt Hon Owen Paterson, Secretary of State for Northern Ireland

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Oral evidence

Taken before the Northern Ireland Affairs Committee

on Wednesday 8 September 2010

Members present

Mr Laurence Robertson in the Chair

Joe Benton
Oliver Colvile
Lady Sylvia Hermon
Jack Lopresti
Dr Alasdair McDonnell
Ian Paisley
Stephen Pound
David Simpson
Mel Stride
Gavin Williamson

Examination of Witnesses

Witnesses: Rt Hon Owen Paterson MP, Secretary of State for Northern Ireland, gave evidence. Alan Whyssall, Deputy Director, Constitutional Policy and Legislation, Simon Case, Deputy Director, Rights, Elections and Legacy, and Simon Marsh, Deputy Director, Security and Protection, Northern Ireland Office, were in attendance.

Q1 Chair: Right, good morning. Can we begin the public session? I welcome the Secretary of State for Northern Ireland; I congratulate you on your appointment and wish you well in the role. We’re delighted you’re here. What I’d like to do is invite you to introduce your team and then maybe just make an opening statement on the challenges facing Northern Ireland and the role of your Department. But you are very, very welcome; thank you for joining us.

Owen Paterson: Thank you very much for inviting me, and many congratulations to you on your election to this important role, Chairman. I’ve brought Simon Case, on my left, Simon Marsh and Alan Whyssall, who work closely with me and have long experience of matters to do with Northern Ireland. They have been in the Department for some time, and I am very grateful for their advice. I thought I’d begin, Chairman, by making a few opening remarks on where I see myself and the position of the Northern Ireland Office following devolution. I’m very glad to see you as Chairman, with your experience in Northern Ireland, having been a shadow Minister for several years, and I’m delighted to see longstanding as well as new members of your Committee. In opposition, I was always conscious of the helpful and productive work done by the Committee, and the role it played in Northern Ireland affairs—not least under your esteemed predecessor, and my near neighbour, Sir Patrick Cormack. I look forward to developing a positive and constructive relationship with the Committee over the coming months and years. I hope we can talk often, formally and informally, and that we may be able to catch up from time to time when you are in Northern Ireland. I regard myself as very lucky to have become the Secretary of State at this time, and I think Hugo Swire, my Minister of State, David Shutt who speaks for us in the Lords, and Stewart Jackson, my PPS, are also fortunate to take over at this time. It’s an important job and a fascinating one because we’re at a point where I think Northern Ireland can now move on from debates which have dominated recent decades and confront the long-term challenges which will bring Northern Ireland, I hope, into the mainstream, by a steady process of what I would call normalisation. But before we go to the questions, I think I’d briefly touch on the main topics of politics and the current security threat. The politics of Northern Ireland, as we know, has been transformed in recent years. The previous Conservative Government played an important and very courageous role in initiating the progress that led to the Belfast agreement, and I’m very proud of that. But of course, I readily acknowledge the achievement of the last Government in building on the foundations of the Conservative Government, in bringing forward the agreements which we now fully support. So, I now come in at a time of relative stability in Northern Ireland politics, which we haven’t seen for many years. With the devolution of policing and justice complete, the major obstacle to effectively working among the parties has been removed.

So I think I’d make it quite clear that our first priority is to safeguard and enhance that stability. That must be our number one priority, above all. As the Coalition programme for government made clear, we stand firmly behind the agreements and the institutions. We will aim to have close and trusting relations with all the Northern Ireland parties, impartially, and with the Irish and US Administrations, who’ve both made essential contributions to the advances we’ve seen in recent years. And in fairness to myself, when I was shadow Secretary of State I did make a point of getting to know all the main players in all the parties in Northern Ireland, and I went to some trouble to get to know the Government and the Opposition in Dublin, and meet significant figures in the US. I regard those contacts as a very, very important part of my job. There may well be challenges to the new institutions, but I see our role as being here to help, support and see a way through. We now have the opportunity—I think this is the important point—to move on to the real, long-term issues, the mainstream issues, which will require teamwork and a determined strategy. I see ourselves working closely with local politicians,
because so many of the competencies have now been devolved. The first, which everyone knows I’ve made a major feature of our programme, is the economy. There is general agreement right across the piece that the Northern Ireland economy needs to be rebalanced; one figure I have is that Northern Ireland depends, for 77.6% of its GDP, on state spending. I think everybody agrees that that is wholly unsustainable and needs to be worked on.

We need steadily to rebalance the Northern Ireland economy, over years, working closely with local politicians. That is the Executive’s objective and it’s ours. We have to respect that large numbers of competencies remain in their hands, but we can liaise closely with them, I think, on this. I understand, Chairman, that your Committee is preparing an investigation into one aspect of this, in which I have great interest, and that is possibly devolving the competence to decide the rate of corporation tax to the Assembly and the Executive. The Government are currently working on a paper on this, which we will be publishing towards the end of the year. I would be very interested, obviously, in your contributions to that because my mantra in opposition was that we wanted to turn the whole of Northern Ireland into an enterprise zone, and make it the place in western Europe which would attract new business, inward business, but above all, help develop existing business. There are some wonderful businesses in Northern Ireland, absolutely world-class businesses; tragically, there just aren’t enough of them.

In a similar vein, I think we would also want to push forward on the social problems which were highlighted last week when Lain Duncan Smith came over from the Centre for Social Justice, which he started. The important report was published, but again in partnership; the first thing he did was go and see Alex Attwood and Reg Empey, who are the local Ministers who would be responsible. On the institutions, I would hope that we could see more normalisation by the end of this Parliament, towards 2015. We will, again, be discussing that with local parties; we will not be imposing our ideas, but I think on contributions to political parties, donations, the ending of dual mandates and the issue of allowances, we will not be imposing our ideas, but I think the desire to work closely together; we have regular meetings with Fachtna Murphy, the Garda Commissioner, when I was in opposition and since. So there is a very, very strong determination to bear down on the small number of people who wish to pursue their aims by physical violence. But I think, also, I really admire the new Chief Constable’s clearly stated aim to work very closely with local politicians on that to arrive at a consensus. So that, Mr Chairman, sets out a very quick canter through where I think we are. I look forward to hearing your questions, and to working very closely with you in the coming months. Thank you.

Q2 Chair: Thank you very much indeed; very useful. Perhaps I could ask the first question. Obviously, the most recent Department to be devolved was policing and justice. You did touch on that. What do you see as the main challenges for that Department, how can you support that Department, and how will the two work together? How will you, and perhaps the law officers here and the law officers there, all gel together?

Owen Paterson: Well it’s new for us all. We have a new Justice Minister, who has been in the post slightly longer than I have. The arrangements, as you say, are new to everyone. My reaction is the extraordinary desire to work closely together; we have regular meetings between the NIO, which has responsibility for national security, and the local police, the PSNI and the Justice Minister David Ford. And I think we must not underestimate the extraordinary level of cooperation we now have with the authorities in the Republic. I met Dermot Ahern and Micheál Martin within the first week I was in, and had regular meetings with Fachtna Murphy, the Garda Commissioner, when I was in opposition and since. So there is a very, very strong determination to bear down on the small number of people who wish to pursue their aims by physical violence. But I think, also, I really admire the new Chief Constable’s clearly stated aim to work within communities, and to bring his ideas on community policing into place.

Q3 Chair: Are you detecting a change in the attitude, perhaps in certain republican areas, towards the police? Has devolving policing and justice helped to kick that on a bit, because that is extremely important isn’t it?
Owen Paterson: I think that’s a very good point, yes. We can look everyone in Northern Ireland in the eye and say, “You now have a local police force, your Chief Constable was chosen by all four main parties, the overwhelming number of personnel are from Northern Ireland. This is your police force, it’s responsible to you through your MLAs, it’s responsible to you through the Policing Board, it’s probably got the highest level of accountability and regulation of any policing force in the western world, with the Ombudsman and everything else. So this is now yours. Work with it.” And I think we are seeing a change, actually. It hasn’t entirely worked through, but I think what we hoped is beginning to happen, and there is increasing confidence in those communities that, previously, were alienated from the police.

Chair: That’s good, that’s good. David Simpson.

David Simpson: Thank you, Chairman. You’re very welcome Secretary of State and thank you for your opening comments. Some of what you read touched on some of the points I wanted to raise, but we’ll think of something else.

Owen Paterson: Sorry.

Q4 David Simpson: In relation to the dissident republican threat, you didn’t go into fine detail. I understand, because in a public session it’s very difficult for you go into minute security issues, but as you know, in my constituency in Upper Bann, and specifically in the Craigavon area, there is, if not the second, maybe the largest threat anywhere from dissidents in Northern Ireland at this current time. Can you elaborate a wee bit more on that? And in relation to PSNI officers, do you believe there are adequate numbers of PSNI officers to do the job? Recently, there was an announcement that there would be no more recruitment. Could you elaborate on whether there is going to be more recruitment to the PSNI? Then I have another one to back up after that.

Owen Paterson: Well, I think you’re absolutely right to raise this, particularly from your constituents’ perspective, and I know the way you’ve attempted to help the police and to bear down on this problem locally, because you have had a number of really terrible incidents. I think the good news for you is that last year there were 166 arrests. This year, so far, up to today, there have been 161. So I think the actions of police are bearing down on them.

Q5 David Simpson: Sorry for cutting across, Chairman. The difficulty with the recent attack in Lurgan—as you mentioned in your opening comments, two children nearly lost their lives—is, as I understand it, that there were two sets of arrests: three arrested, they were released; three again, and they were released—and I think one was arrested last week, and he was released. So whilst there have been arrests, I think what the general public, obviously, are looking to see is convictions, and these people put away.

Owen Paterson: Yes, the best way of getting the people out of the system is to arrest and convict them, if they have committed the crime. But, of course, the operational independence of the police is sacrosanct—it’s not for us to impose on how they carry out their policing—as is the function of the prosecution service and the judiciary. But you’re absolutely right; the main target should be to put these people away. You mentioned the numbers of police; the numbers of police in Northern Ireland are still significantly higher than anywhere in England and Wales: 4.36 per 1,000 compared to 2.87 elsewhere. And there will always be clamours for more police; I have them in my own patch. We have to respect the fact that we will probably never achieve the numbers that everyone would like.

The answer is to make the police efficient, and to give the police the tools to do the job. So I, very rapidly, ensured that the ANPR money went through when we came in, in May. That had hung over from the previous Government; it was in the process, and we said, “That is a really useful technical tool which will really help bear down on the activities of these people—particularly in remote areas, where you reverse the disadvantage of remote country roads, and you turn it, actually, into an advantage for the police”. So that’s how I see us working.

We can always talk about police numbers, and I get representations to increase them, but funds are finite. I’m sure we’ll get on to the economy and public spending. The trick, I think, is to make sure the police are given the tools they need, and the latest technology. I think there are some gains to be made in technology.

David Simpson: Okay. Can I just finish with one brief question, on more of a thorny issue?

Chair: Sure.

Q6 David Simpson: In recent weeks, the Deputy First Minister caused some furore when he said, publically, that the Government was engaged with dissident republican terrorists. In a number of your interviews, whilst they were good—

Owen Paterson: Thank you. Touched!

David Simpson: They were somewhat coy in a definite response in terms of yes or no. I’m putting you on the spot today, but I’m asking, was the Deputy First Minister correct in his assessment that the Government was engaged with dissident republicans?

Chair: I think you mean talking with dissident republicans don’t you?

David Simpson: Talking. Well, engaged in talking.

Owen Paterson: The Deputy First Minister is privy to many things that go on in Northern Ireland; he’s not privy to my exact movements. I can absolutely, categorically assure you that there have been no meaningful discussions, serious negotiations, with these groups. I’ve said that on the record. I’ll say it to you all, looking you in the eye now. I have had no negotiations with these people.

Q7 Lady Hermon: So, Secretary of State, can we take it from that that there actually have been other people that have had other talks, which you would not particularly describe, maybe, as meaningful, but they have initiated talks on behalf of the British Government?

Owen Paterson: The question is has the Government, or have I, had any meaningful negotiations, serious talks. No.
Q8 Lady Hermon: No, actually, that wasn’t my question, Secretary of State. My question was, has the British Government had talks at any level, informally or otherwise? I wouldn’t for one minute think that you would have initiated the talks yourself, Secretary of State, newly into the post, but have there been talks at a lower level on behalf of the British Government? 

Owen Paterson: There have not been talks. We have not had any negotiations, any discussions, with these people.

Chair: Are you finished?

Q9 Lady Hermon: So the Deputy First Minister is incorrect in his broadcast? He was wrong?

Owen Paterson: I said he’s privy to many things in Northern Ireland, but not my movements.

Q10 David Simpson: So he has to be wrong.

Owen Paterson: I don’t know all about his movements, he doesn’t know all about mine.

Q11 Lady Hermon: Sorry, Secretary of State, that actually wasn’t the question that I asked, but I just, again, repeat the question. Was the Deputy First Minister wrong? He didn’t ask or comment on your movements. Was he wrong to say that there were talks with some elements of dissident republicans?

Owen Paterson: Well, I didn’t actually hear the interview, and I haven’t got the text of what he said in front of me. All I can do is answer the questions put to me, including by you, and say categorically: the British Government has not had any serious meaningful negotiations or discussions with any of these tiny criminal groups.

Chair: Okay, are we finished?

Q12 Ian Paisley: On the security issue. Secretary of State, I reiterate the welcome that all our members have given you. Congratulations. You said the threat is at “severe” level, and that you’re also convinced that the personnel and ability of the PSNI is there to meet the challenge that the security threat poses. I understand the police budget is currently about £32 million in deficit, and I welcome the ANPR money which is an injection of £12 million into policing to put in technological advances, bearing in mind that at the end of the day there is a deficit. Are you going to ring-fence policing money so that police numbers, and their ability and personnel, can continue to meet the challenge?

The second point of my question is, you’ve outlined that you intend to win the hearts and minds of these young people who are causing these problems, with a “shared future” analysis. As a citizen of Northern Ireland, it rings pretty hollow. These people are more than just weeteenagers causing problems. They’re involved in very lucrative, multimillion pound heists; they’re involved in weapons and explosives capability beyond what we’d hoped they had got to; and the security services appear to have limited intelligence on their leaders and their activities.

I understand that public constraints are upon you, but I just think the strategy you’ve outlined about confronting them by way of a “hearts and minds” strategy of a shared future rings pretty hollow today.

We need something more from you, and we need something more from the security experts, to give people confidence, in Northern Ireland, that this stability that has been hard won will be maintained and built upon.

Owen Paterson: If I could take your second question first, I think it’s not a totally accurate reflection of what I said. What I said, very early on, is that we are working extremely closely, at national level, with the devolved police service, with the Garda and the authorities in Dublin, to bear down in an extraordinarily unprecedented manner—co-operating closely—on the small number of armed groups. I then went on later to say that we have to recognise there are long-term social problems in these areas. Stephen Carroll, last year, was shot by a young guy, allegedly, who was 17, and from a fourth-generation-unemployed family. The point I’m making is that we cannot just solve this by politicians and by armed policemen, people in the security services, whatever, working and bearing down at the policing level. There is a long-term social problem here too.

Q13 Ian Paisley: Social deprivation doesn’t make people murderers.

Owen Paterson: Absolutely right; I quite agree. And this doesn’t happen in other parts of the United Kingdom.

Ian Paisley: Or other parts of Northern Ireland.

Owen Paterson: But if you look at some of the experiments that have been carried out, for instance by Co-operation Ireland on the Kilwilkie Estate, where they targeted some of these ringleaders and took them out and showed them that there is another future—they were mentored into media or advertising companies—that shows that there are measures you can take to pick up on some of these misguided young people. I totally agree with you; that can only be part of it. But also, I think, however effective the policing, unless we address these very long-term problems we also won’t solve the problem. I totally agree, long-term deprivation is absolutely no excuse at all.

On the question on policing numbers, we’re bound to get this on public spending; the United Kingdom cannot go on borrowing £300,000 a minute. We cannot go on borrowing one in four pounds we spend. I’m afraid every single public service is going to have to deliver to the public more efficiently, and the public services in Northern Ireland, I am afraid, will be no exception. There was a figure this morning, I think in the Irish News, that the PSNI spent £400,000 on empty police stations. I skimmed that very quickly, just before coming here.

Q14 Ian Paisley: But there is a list of about 19 which are closing.

Owen Paterson: There are areas where we all know—every single one of us knows it in every one of our own patches—that efficiencies can be made. But these are devolved, so these decisions are for the local Minister to liaise with the Executive.

Chair: Okay. Lady Hermon?

Q15 Lady Hermon: Sorry, can I just pick up on one point? Secretary of State, do I take it from that,
We saw that the inquiry into Bloody More public inquiries into the past at all? Northern Ireland. Does this mean that there will be no more public inquiries into the past? Is that what you’re saying?

Owen Paterson: It’s a question of balance. We have to face the economic reality that the country is up against. Now, the Patten report was written under completely different conditions. But I think you have to trust us; we will do the right thing by Northern Ireland.

Q16 Lady Hermon: Sorry, Secretary of State, was that a yes or a no—that the Patten recommendation would be set aside?

Owen Paterson: The numbers will be decided by the Justice Minister and the Chief Constable. We do not run policing in Northern Ireland—that is now devolved, that is for the local Minister. But we will liaise with them closely, and we will do the right thing by Northern Ireland.

Q17 Lady Hermon: So I take that as a yes.

Owen Paterson: It’s for the local Minister. It’s devolution. These guys are in charge now.

Lady Hermon: Excellent, thank you.

Chair: Okay, I think we’d probably do well to move on now as we’ve got a number of topics we do want to cover. Jack Lopresti.

Q18 Jack Lopresti: Secretary of State, the Prime Minister has said that “there will be no more public inquiries into the past” in Northern Ireland. Does this mean that there will be no more public inquiries into the past at all?

Owen Paterson: We saw that the inquiry into Bloody Sunday was originally scheduled, I think, to cost £11 million and take two years; it ended up costing £192 million and took 12 years. We’ve been quite clear; we are not convinced that public inquiries are the best way of addressing the past. So we have said: no more costly and open-ended inquiries. We have some coming through; I’ll be making a statement on Tuesday on the Billy Wright enquiry, which cost £30 million. You can compare that with the original budget of the HET, which was £34 million over six years.

So our view is that it is invidious to pick out a small number of cases, which of course for the families are absolutely fraught, and have probably dominated their adult lives. There are 3,268 deaths being investigated by the HET, in I think a very interesting manner. The level of satisfaction of the families who have so far received reports from the HET is quite extraordinary—it’s around 80% to 90% for thoroughness, professionalism and delivering satisfaction.

This is all leading on to a general discussion of the past; we will be talking to all the local parties. I’ll be very happy to hear further views from you. Your Committee did a report last November or December, I think it was. If you’d like to refresh that, I’d be very interested to receive your ideas, because handling the past is extraordinarily difficult and fraught. We can’t impose. We need to work with local politicians and local people to see how we do come to this. My gut feeling is, these inquiries are very expensive, they do take a very long time, and I’m not sure they’re the most satisfactory way of handling the past.

Q19 Jack Lopresti: Thank you. What has been the response, in Northern Ireland and internationally, to the publication of the Bloody Sunday report, broadly?

Owen Paterson: Well, the first day I arrived in office I was asked, “What are you going to do about Saville?” And I said to the officials, we want to publish Saville as rapidly as we possibly can, but in a sensitive and measured manner, so we have a very serious debate about the issues that emerge from it. I would like to congratulate all my officials, everyone in the Department, who worked extraordinarily hard to make sure that happened. It was a major international event; I think we issued 419 press passes in the square just outside Derry Guildhall. I don’t want to sound like a slime-bag, but I think the Prime Minister did a remarkable job in delivering his statement, and I think it did have real international resonance. Now, you asked directly: I’ve been back to see the families two or three weeks afterwards and I think there could be a pattern we see right through on the past. There were two ladies there who had suffered terribly in recent years, and I think they really were satisfied by the Prime Minister’s very full and frank apology and the manner in which we handled the publication of the report and the statement, which took long and intense preparation.

But, sadly, there were a couple of people there who were quite unmoved, totally unsatisfied, and are still very unhappy. I think this is the awful reality we have to face; whatever we do on the past, some people are not going to be satisfied. What I would hope is that together, working with local politicians, we could work through some arrangements which will give broad satisfaction to a number of people.

Oliver Colvile: Just—

Chair: Sorry, can I take people as they indicate to me please? Alasdair?

Q20 Dr McDonnell: I think it would be remiss of me to let it go, and not put on the record, the view of many in Northern Ireland about the extremely honourable way that the Prime Minister handled the outcomes of the Saville report. I think I echo what you’re saying. Secretary of State—he dealt with it extremely well and indeed the process of presenting it that you yourself handled was very good.

But surely the lesson in all this, and we’ve chewed over it here at this Committee in the past, is not what Saville cost, not how long it lasted, but that serious mistakes—disastrous mistakes—were made in an effort to cover up, all those years ago. The first inquiry, the Widgery inquiry, was a whitewash job that was a blunder, and the deception or dishonesty or, to call it as it is, lies that were told at that stage created the whole situation where Saville had to be held to clear away some of that stuff.

Oliver Colvile: Just—

Chair: [Alasdair’s]
That’s the lesson that we must learn from Saville, rather than the detail or the process or the costs or anything else. Costs are a big issue, but in future, surely, we have to try and deal with people’s grief and people’s difficulties in a reasonable and measured way, rather than conceal it, as happened at the time.

Owen Paterson: I entirely agree with that. Thank you very much for your generous comments on the Prime Minister.

Dr McDonnell: And yourself.

Owen Paterson: Thank you very much. It was team effort; we worked very closely, obviously, directly with the Prime Minister, and he had a major impact on the statement, but a lot of us were involved. I hope we did achieve some good by the manner in which we did that. The problem is we simply can’t—it is just not realistic, tragically—have a Saville on the 3,268 deaths. Honestly, it’s just not a reality. I think you’re quite right; in that particular case, I think Saville did completely lance the boil of Widgery, and the sense of injustice.

But I’ve said it frequently, and the Prime Minister did say it at the time of Saville, that the main show in town is the Historical Enquiries Team, which is working its way through in a very methodical manner, and is giving real satisfaction. Look at the figures that it has published recently on the reactions of the families who’ve received reports. Of course, not much of this is public, because quite a lot of families choose just to receive the report. Some of them don’t accept the total report immediately, they go back for more questions, but by the time they’ve got their final report that level of satisfaction is extraordinarily high. That is the one show in town that we’ve got at the moment that is working.

I’ve talked to the families, obviously. I went down to meet the families a couple of times before we did publish Saville. You comments reflect it completely; for them, expense is just irrelevant. They are just being driven; as I say, their adult lives are being dominated by this terrible burden. It is very, very hard to look people in the eye and say, “I’m frightfully sorry, we cannot have a Saville on every single one of those 3,268 deaths.”

Then there is the other view. If you look at Brian Feeney’s article in the Irish News this morning, there is a view out there which has been put to me that the past is dominating the present, the past is overwhelming current policing, and it should come to a grinding full stop. I don’t personally think we can do that, but there are strong views across the board, which I think is the work of the HET, which I think can be incremental. The Prime Minister and I think the HET works very well and they are about half way through. It isn’t just us. We will be working with you, and we will be working with local politicians.

Lady Hermon: Secretary of State—

Chair: Sorry, I have people queuing up. Oliver?

Q21 Oliver Colville: Secretary of State, thank you for that. I also feel that the Prime Minister did a very good job when did his report of the Saville inquiry.

And you’re quite right to say that there are issues that will continue to feature in the news, and we read about them on a very regular basis. Do you think there are lessons, though, which we can actually learn, or Northern Ireland can actually learn, from what happened in South Africa, where they had the Truth and Reconciliation Commission? I understand that may be very expensive, and it would go on for a very long time, but we have got to, somehow or another, make sure that we try and stop a permanent drip, drip, drip kind of activity which is taking place on a whole series of things which have happened in the past.

Owen Paterson: Yes, I think your last point is a good one; part of the problem is that they do give a very asymmetrical pattern. These fraught cases pop up from time to time, and I think it would be better to have a process. Eames-Bradley did propose a legacy commission, and we published the responses to Eames-Bradley, and there was absolutely no consensus at all. That is the problem we face: there is no agreement on a truth and reconciliation commission, which was never going to work in Northern Ireland anyway? Is your personal preference simply to go with the HET?

Owen Paterson: Well, when I say it’s the only show in town, I mean it is the only show in town that is working at the moment because some of the other elements that were proposed by Eames-Bradley didn’t exist. There is, though, a core of a legacy commission which I think is the work of the HET, which I think is working well, and they are about half way through. I am going just on my experience of talking to some of the families who received reports; they are delivering some satisfaction—a very high percentage, actually—to many of the families.

Whether we build on that, as I have said to Mr Colville, is really something that will emerge from our discussions over the coming months. I think the timetable, Chairman, is that there are three more reports. We have Wright, Hamill, Nelson—they’re going to come up. They will probably all be finished, I would suspect, by the new year. I think the last two will probably be Christmas and the new year. So we have some time; I think it would probably be appropriate to come forward in the new year with our ideas and we have time to talk. But when I say “the only show in town”, I mean the only show in town at
the moment. Whether we build on that, whether we pick some of the ideas that get broader agreement from Eames-Bradley, that is another possibility. We did publish the responses and there just was not agreement.  
**Chair:** There are one or two more questions on inquiries. Alasdair.

**Q23 Dr McDonnell:** Yes, thank you, Chair. Coming in on that, you touched there on the consultative group on the past. There is a sense out there, Secretary of State, that there is an underlying ambition on the part of your Government to bury as much of the past as possible. Can I take from you that that is not the case, from what you are saying here, and that there will be a sensitive, rational approach to sorting out those glaring problems in the past and the victims?

**Owen Paterson:** Well, I think I said don’t listen to what I say, but look at what I’ve done. In the opening day on Saville, there were all sorts of rumours flying around. I had been to see the families several times in opposition, but despite that, there were real worries with what we were doing. We said emphatically, “We will publish as rapidly as we can, in a measured manner.” It was a major effort by the Department—the last couple of weeks we were probably meeting twice a day on Saville, thinking of every possible contingency that could go wrong, to ensure that it went smoothly. We really put a huge effort into that. If you look, we then published our responses. The last Government received those responses to Eames-Bradley, but did not actually publish them. We put them straight out there; we had the Ombudsman’s report on Claudy. I don’t know what your reaction to it was, but I thought I made as rapid and as full a statement of the Government’s position as possible. I said we were profoundly sorry that Father Chesney did not go through the process of justice. I could not have been more open about that—and rapidly. We have the Wright inquiry coming up; I am not going to underestimate it.

**Q24 Dr McDonnell:** Thank you. Can you give us any update on Pat Finucane or Omagh?

**Owen Paterson:** I have written to the Finucane family and I think it is appropriate that I really discuss their request with them before I go further. So, I am waiting for them to come back to me.

**Dr McDonnell:** I accept that. What about Omagh?

**Owen Paterson:** Omagh similarly. I am happy to meet the representatives. My gut feeling on Omagh is it has been through a lengthy judicial process. It’s a bit like the request for a Claudy inquiry last week; I am just not sure what there is new to bring out. That is a terrible, terrible fact we have to face—some of these events we will never get to the bottom of, and that is absolutely dreadful for the people involved. I don’t underestimate it.

**Dr McDonnell:** But some people are very hurt out there and that’s how we—

**Owen Paterson:** I have met them.

**Dr McDonnell:** There was a suggestion that your—

**Chair:** Sorry, did you want to come in on Omagh or Finucane?

**Mel Stride:** No.

**Chair:** No? Sorry, Alasdair, please carry on.

**Q25 Dr McDonnell:** Sorry. Your predecessor suggested he would not respond to our previous report on Eames-Bradley until after Saville—I mean when Saville published his Bloody Sunday report. Do you intend to come back to us with further detail on that?

**Owen Paterson:** On your report that you published last December?

**Dr McDonnell:** Yes.

**Owen Paterson:** I’m open to doing that. I did suggest earlier in a quick comment that it might be appropriate—it is certainly not for me to suggest what you do—for you to update that report and come forward with a fresh Committee’s ideas. I am very happy to reply to that one, but I think it was last November-December. I just wondered if it might be more appropriate if you freshened it up following the recent reaction to Saville and Claudy—and you will have Billy Wright next week.

**Q26 Dr McDonnell:** Sure. If I could digress for a moment, please, on the economy, because we are concentrating on security matters here. You mentioned on the economy the corporation tax, and I welcome your—

**Chair:** We’re not going to go too wide, are we?

**Dr McDonnell:** No. I’m not going too wide. I am very heartened that you recognise that there are serious social problems that we have to deal with. Would you encourage, or do you see circumstances whereby—not only in the sense of corporation tax—the Northern Ireland Executive could issue their own financial bonds of some sort to create the finances necessary for building schools, for instance? We have a massive schools backlog. Is that a possibility?

**Chair:** We’re not quite finished on inquiries yet, so briefly, if we can. Very briefly, if you don’t mind.

**Owen Paterson:** I am concentrating my main efforts at the moment on working with the Treasury and with local Ministers. I had a meeting with Sammy Wilson and Arlene Foster a couple of weeks ago on the ideas we put into this Treasury paper on growing the private sector. I am more conscious than anyone of Northern Ireland’s dependence on public spending and if that is going to be reduced along with the rest of the United Kingdom, I said it is irresponsible to do nothing, but it’s irresponsible to do anything too quickly. We need to rapidly help private business fill the hole.

**Q27 Mel Stride:** Secretary of State, welcome and thank you for coming to see us. Just on the Saville report, where it is believed that some witnesses may have knowingly given false evidence, and given that the inquiry was at times sitting in London, there then comes the issue as to whose jurisdiction—the DPP in Northern Ireland or the CPS in London—any action that might follow would fall under. I would just...
welcome your comments on that particular aspect and as to whether there had now been consultation between the DPP in Northern Ireland and the CPS in London on that matter.

Owen Paterson: No, this is within the Northern Ireland jurisdiction, so this is an issue entirely for the DPP.

Mel Stride: Where the inquiry was sitting in London at that time that—

Owen Paterson: No, because it’s the events. The events happened in Northern Ireland and this is now entirely devolved, so any decisions on prosecution are entirely down to the local authorities.1

Q28 Ian Paisley: Are you sure about that? I understand there is an allegation a witness might have perjured himself whilst evidence was being taken here in London and that there might be a conflict in respect of whether the Crown Prosecution Service has responsibility.

Lady Hermon: Secretary of State, perhaps that is a question to be delegated.

Mel Stride: To the inquiry, when it was sitting in London.

Owen Paterson: Your question is about whether that should be prosecuted in London or Northern Ireland.

Mel Stride: Where the inquiry was sitting in London at the time.

Owen Paterson: Right. I do not know the answer to that. I will come back to you.

Q29 Lady Hermon: Thank you, Mr Chairman. You have mentioned on a number of occasions that next week you will at long last—I thank you for it—be publishing the report into the Billy Wright inquiry. Could I just double-check that you will actually see the Wright family—David Wright, who has fought so courageously on behalf of his son—before the publication of that report? Will you be able to take time and will they actually see the report in advance of its being published and your statement in the House of Commons? Is that the procedure?

Owen Paterson: Absolutely. I saw him in Belfast about three weeks ago and with his lawyers we have come to an agreement with Mr Speaker and Lord Maclean on the arrangements. They are actually quite similar to Saville; the lawyers are going to get six hours, the family five hours—

Lady Hermon: Before publication.

Owen Paterson: Any MPs or peers get four hours and the press one hour.

Q30 Lady Hermon: Yes. And likewise, when we do come to the publication of the Rosemary Nelson report, her family will see the report beforehand and likewise the Hamill case?

Owen Paterson: I think so.

Lady Hermon: Yes. It’s very sensitive; that would be much better.

Owen Paterson: I had a quick word with Mr Speaker last night about this and I warned him that we have had Saville and we now have Wright under very similar arrangements. I have warned him that there are two more, and he has been extremely co-operative. All the normal rules on reporting to Parliament have been suspended.

Lady Hermon: Yes, but in the circumstances, this is a very sensitive issue that—

Owen Paterson: We all agree these are very, very exceptional and I think everyone is working very hard to be as careful as possible. I cannot stress to you enough how much work went in to handling families on Saville, time that NIO officials were down working with them and we know how very fraught these cases are. We will try to make it as easy as possible for everyone.

Q31 Lady Hermon: Can I come to the thorny issue of the cost? How much has the Billy Wright inquiry actually cost?

Owen Paterson: £30 million.

Lady Hermon: £30 million. And where are we on the expenditure at present on the Rosemary Nelson inquiry and the Hamill inquiry?

Owen Paterson: Off the top of my head, we are about £100 million to £110 million on them all.

Lady Hermon: On them all, so—

Owen Paterson: If you let me look quickly through my notes, I can probably—[Interruption.] I am helpfully told that if I turn to page 76, I’ll be able to give you the exact fact.

Lady Hermon: It’s fine; I would rather we got it right.

Owen Paterson: Wright, as I said, is £30 million. Hamill is £32 million on the current estimate and Nelson is £43 million. So, the three core inquiries come to £110 million.

Lady Hermon: Yes. And you did say a little bit earlier that you hoped that the other two inquiries—the Hamill and the Rosemary Nelson inquiries—would both be published sometime around Christmas. Could you be a little bit more specific about when you are expecting them to be published?

Owen Paterson: Yes. Without hanging me on this, I think Hamill is likely to be around Christmas and Nelson the new year.

Lady Hermon: Thank you.

Q32 Ian Paisley: I must say, those figures are staggering. When you add that to Bloody Sunday and others, we are approaching half a billion pounds in inquiries; it’s breathtaking.

Lady Hermon: It is with that in mind that I want to look at Claudy, Secretary of State. You very gallantly apologised. You said you were profoundly sorry for what had happened in terms of how evidence

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had not been properly investigated and how the prime suspect had not been properly examined.

However, there is the issue of getting the balance right with the Claudy victims. They feel that it is good to hear a Secretary of State coming to that point, but a few weeks ago they heard our Prime Minister standing on his feet in front of the Dispatch Box in the British Parliament apologising for Bloody Sunday. Is that approach going to be used for the Claudy victims? Are they going to hear our Prime Minister saying that he is profoundly sorry for what happened to them and, more importantly, profoundly sorry that evidence and a prime suspect were not properly pursued by the state?

Owen Paterson: Well, there are two slight differences—major differences—between Saville and Claudy. Saville was a report to Parliament and it was commissioned by a previous Prime Minister. It was a huge case and it was, I think, appropriate the Prime Minister did handle it. You have kindly said he did well. Claudy was a report by the Ombudsman in Northern Ireland and I think I came out very quickly and as clearly as I could, speaking on behalf of the British Government. There is again the profound difference of the fact that this man who allegedly committed these hideous crimes did not go through the due process of justice.

With this Government, we are not going to have every single case ending up on the sofa in Downing street; if I apologise on behalf of the British Government, I have apologised on behalf of everyone. Should this be raised in questions or an opportunity when the Prime Minister is there? I am very confident he will repeat my profound apology on behalf of the Government. However, he was away at the time, Parliament was not sitting; as the timing fell, I thought it was right for me to come straight out and make a very clear statement, which was on the wire within half an hour.

Then I think I gave something like 16 interviews repeating those comments.

Q33 Ian Paisley: I welcome that because I think what you are saying between the lines, if I am correct, is that if someone is called at Prime Minister’s questions—perhaps today—and asks the question, they will hear a repeat of what you said on 24 August. They will hear that, on behalf of the Government, the Prime Minister is profoundly sorry that Father Chesney was not properly investigated for suspected involvement in the hideous crime, and that the victims and their families have been denied justice.

In terms of getting the balance right, do not underestimate the nuances in all this. If a victim sees that happening for one other victim in Northern Ireland, their expectation is, “Well, my loved one died, and they didn’t get justice. Am I going to be accorded the same honour?” Some of them see it as an honour that at least someone has had the courage to stand up and apologise, even if the responsibility was not with the individual who is apologising. They see it as something that draws a line under things. If you are telling me that that is a possibility—

Owen Paterson: Without breaching a confidence, I have talked to Gregory Campbell about this. He has taken interest in this case, and there is an opportunity in a couple of hours’ time. But I think you flag up the real trauma these cases pose on the people involved. Claudy was a terrible, terrible event—those families; the brother of the little girl who was washing the window. This has just dominated their adult lives and I absolutely do not underestimate how awful it is for them. We were shocked in some ways by some of the interviews afterwards. They thought we had held back. We made everything available to the Ombudsman; he had a free rein to look at the NIO records, police records and No. 10 records. The dreadful facts are, as I think I said a few minutes ago, that we will never get to the bottom of some of these cases.

Ian Paisley: You are heading down a road that will actually require similar responses perhaps again and again. Once you open the door—I appreciate it was not this Prime Minister; the previous Prime Minister started this issue of apologising in the House—but when you open that door, it is a very long journey before you get to the end of the passageway.

Owen Paterson: Absolutely, but I think the critical thing to remember is what the Prime Minister said in his statement—that it is for the state to set the very highest standards. So, if there is a case where the state was at fault, however long ago, the attitude of our Government is that we should be up front and apologise. Don’t forget the balance of the deaths: the state was responsible for 10% of the deaths; republican paramilitaries were responsible for 60%; and loyalists were responsible for 30%. The danger in all this, and I think it is probably what you are hinting at, is that constant focus on misdemeanours, accidents and wrongdoing by the state. That, sadly, is a burden we have to bear. We have to set the very highest standards, and with Saville we did. I can’t think of any state in the western world where...

Ian Paisley: The state is accountable. All these other groups aren’t. Thank you.

Owen Paterson: We represent law and order and civilisation.

Chair: Thank you, Stephen Pound.

Q34 Stephen Pound: Thank you very much indeed. Chairman, and welcome, Secretary of State and, of course, Stewart Jackson, my old friend who is sitting behind you there. Can I just associate myself and my colleagues from the Opposition with the comments made by Dr McDonnell earlier regarding the Prime Minister’s statement on the day of the publication of Saville? I was actually moved to write him a letter of congratulation—something which I never did in the case of either of his predecessors, but you need draw nothing from that.

On the issue of parading, the Parades Commission is soon to be no more. It is to be replaced with two separate bodies—one, obviously, a secretariat and one with an adjudication body. Secretary of State, may I ask you whether you have any role in the new structure of legislation on parading?

Owen Paterson: No. Thank you for your comments first of all. Perhaps you have been out book buying earlier, as you went back to Ealing with my colleague.

Stephen Pound: The Ealing economy thanks you.
Owen Paterson: I think you have touched on a very important point which I am very happy to make public. The Hillsborough agreement set out a programme leading to legislation in the Assembly in September. We have said absolutely consistently, in opposition and in government, that we are quite relaxed about the Parades Commission being replaced. It is down to local politicians to come up with the new arrangements. What for us is absolutely unacceptable is to have a vacuum. We cannot go back to the status a few years ago where the police were getting embroiled in deciding the routes of contentious parades. The police’s role is to police agreed routes, agreed arrangements—flags, numbers of people, bands, the streets, etc. The police come in with an agreed plan. We cannot have the police going and getting embroiled in vicious arguments between small groups of very partisan people. We are quite clear that should the new arrangements not be in place, we will set in train the process to reappoint a new Parades Commission. I think I should tell the Committee that that is quite soon. We would have to start looking at that separately at the end of September and launch the process in October if we were to reappoint by late December, in time for the new year.

So, I am absolutely black and white about this. It is not an option, given the amount of time we need to plan for parades, to go into the new year with a vacuum. We either have the new arrangements as agreed by local politicians, which is absolutely fine—how they work it out is entirely their decision—but if they have not come to an agreement in time, we will be working closely with them to tell them we will be reappointing the Parades Commission.

Q35 Stephen Pound: I appreciate that that is a contingency, Secretary of State, and obviously it is a sensible and serious thing to do, but can I infer from your comments that you have some doubts as to whether the present legislative timetable can actually be met?

Owen Paterson: Well, the Assembly is only just back. It is not for me to comment on the arrangements within the Assembly. There is an accelerated process. I had a meeting with Mr Speaker this week—on other stuff, actually. I think it is not for me to comment. We believe in devolution. It is for local politicians in the Assembly to run their own Assembly, but on the issue of the status of an institution that decides parades, we are quite clear that that cannot fall back into a hole and be left to the police.

Q36 Stephen Pound: Right. The 12th this year was not a good one. Whereas the scale of violence has been declining, we went beyond recreational rioting, particularly in the Ardoyne, on the days after the 12th—and a lot of the young people involved had spent their whole lives post the Good Friday Agreement. We are clearly in a worrying area here. What role can the NIO play in actually supporting the Assembly in addressing specifically the issue of juvenile rioting?

Owen Paterson: I think, just on parades, let’s get the whole thing in perspective. There are about 3,800 parades this year. The vast majority of them went off very peacefully and were enjoyed by all those who participated and who were watching. I think it really important to say that. About a couple of hundred were called in by the Parades Commission and had to be re-routed, and often with quite minor modifications; of course, some of them were repeat applications, so that number is probably exaggerated as well. There are a tiny number, probably about half a dozen, where there are real troubles, but I also do not want to underestimate the damage those pictures of flames, armoured Land Rovers and police fully kitted-up in riot gear caused to the image of Northern Ireland.

It was a tiny number of people and I think the participants on all sides should really think of the value of that very small number of parades and the value they bring in advancing a small number of people up a small number of streets. On the other side, there are the objections that are put up against them. If we really do believe in a shared future, these issues really need to be resolved at a local level. This gets right back to my comments to Mr Paisley: there is a real, long-term programme here on trying to work together at all levels—NIO, local ministers, MLAs, councillors and local workers—on a shared future. That is a really long-term project.  

Q37 Stephen Pound: Can I ask you to flesh out the word “value” on that? To some of the boarders and lodgers, the value is beyond price, despite the fact that there may well be inconveniences. What exactly do you mean by “value” in that context?

Owen Paterson: Well, the value is very simple. If you saw the film, if those rioters had managed to get the door of the Land Rover whose engine had broken down open, we might have had an horrific event where the policeman inside could have been very badly injured, even killed. The policewoman who had a coping stone dropped on her head was seriously injured. So when I talk about value, we have to set those possibilities against the gain of walking a small number of people up a street. Against that, we have to also take into account the objections of those who did not want them to walk up the street. Both sides need to look at what they are possibly leading on to.

Chair: David, on this point.

Q38 David Simpson: This is more of a comment than anything else. The Secretary of State will know that in my own constituency again we have the focus on the Drumcree Parade. That has been ongoing now for a large number of years. I think the Secretary of State is correct; we have to try and get this whole issue of parades resolved.

I think it was the Culture Minister and the Orange Order themselves—and I declare an interest as a member of that institution—that made very clear some time ago the tourism potential for one of the largest festivals anywhere in the world, given the number of people in demonstrations: the 12 July celebrations. So, there’s a lot of good things and positive things that can come out. We saw that in Londonderry with the apprentice squads, where they now are walking. Sometimes there’s a protest, but there was no violence.
at all this year. That brings a lot of tourism into the walls of Derry and all the rest of it.

So, there are a lot of issues, but the new system that Stephen Pound has raised is a matter for the Orange Order. As political parties, we were asked by the Orange Order along with others to deal with certain aspects of the parades. We did that with our Opposition and with the Government ourselves, and it is a matter for them to resolve that. I hope it can be resolved because long term we do not want to see the violence that we saw in the Ardoyne or whatever. I think the guy who dropped the slab on top of the policewoman actually was from Spain, according to the press, so he was not even from Northern Ireland. They have come a long way to get some recreational violence and get insulted.

So, I think we want to see a positive outcome from this. Again, I emphasise it is now up to the Orange institution to decide whether it goes ahead or not. However, I am concerned by the comments of the Secretary of State that if this is not agreed then the Government will move to reinstate the Parades Commission, which has been a fundamental disaster over the past number of years.

Chair: Would you not like to comment briefly before we move on?

Owen Paterson: Well, I would agree in part. I think you have echoed my comments: don’t forget the 3,800 parades. The vast majority went off very peacefully and, as you say, the apprentice squads in Derry went off well and it almost certainly brings in tourism; it’s an attraction. Mr Pound has come in on values. I think those who organise it must remember that there is this tiny number who probably totally distort the world view of what happened, and they just need to think about that. Is it really worth it—those small number parades—to have the whole image of parading distorted on world television and in the world’s newspapers? I do not agree with Mr Simpson on the Parades Commission. I think it is a good thing.

David Simpson: I didn’t think you would.

Dr McDonnell: An astounding success.

Owen Paterson: Well, we have not agreed privately, and we are now going not to agree publicly, but we will do it in a friendly way. I think the Parades Commission has done a good job; I get back to my first point. It took away the difficulty of embroiling the police with difficult decisions to do with routes and it has resolved that the vast majority are not contentious parades. Of the 200 parades that are called in, the vast majority are settled. It is absolutely not an option to leave a hole. I very much hope local politicians in the Assembly, working with the Orange Order, will come up with new arrangements that everyone is content with, but if they don’t, we will have to set in train actions that will reappoint the Parades Commission by January next year.

Chair: Okay. There are still one or two very important issues yet to cover. Oliver Colville.

Q39 Oliver Colville: Before the election, the Prime Minister—and you repeated this as well—said that you want to see an end to dual mandates. What impact do you think that is going to have on Northern Ireland, what progress has been made and can you try and encourage that to actually happen? Where do you think we are on the whole story?

Owen Paterson: We are very clear. We would like to see dual mandates ended. We were quite clear about this for months leading up to the election and since, but we would like to see it done—ideally, voluntarily—as we have done in Wales and in Scotland. So, for instance, Alun Cairns, who is currently MP for Glamorgan, has dropped his salary for the Assembly and he will stand down in the next election of the Assembly.

So, what we have said is we would like to negotiate this with local parties and hopefully come to a consensus, rather than legislate. You have some parties—the UUP have already committed to this and the DUP are well on the way. Without wanting him to get red in the face, I think we have a screaming example of the benefits of getting rid of the dual mandates. Mr Paisley has made a real impact here. He is here the whole time. Some of my colleagues have commented on the noises he is making in the Chamber.

Ian Paisley: Thanks very much.

David Simpson: Like father, like son.

Ian Paisley: They are healthy noises.

Owen Paterson: Seriously, he could not have done that if he was doing an equally important job in the Assembly. So, I am absolutely clear about this. We do want to work to ending dual mandates, but we would much prefer to do it by negotiation and I can see ourselves setting a target of normalisation by 2015. That is where I think we are, and we are completely strapped for parliamentary space in the next couple of years. We have an incredibly full programme, so we have time to talk this through. I am absolutely convinced—and we have been absolutely clear about this endlessly, on and off the record—that we would likely to bring dual mandates to an end so we have full-time, committed, MLAs in the Assembly and full-time MPs sticking up for Northern Ireland here.

Q40 Oliver Colville: So we reckon that it will be finished by 2015?

Owen Paterson: Yes, I think we should have made it through by then. That is what I have in my head.

Q41 David Simpson: Secretary of State, you said that you would like to have an agreed outcome to the mandates, but in the notes and quotes that I have in front of me today, it says that if that does not happen, if necessary, the Government will legislate.

Owen Paterson: Sorry, I thought I just said that, actually.

David Simpson: Oh, sorry—my apologies. I didn’t hear that.

Owen Paterson: Yes, we would like to come to a voluntary arrangement if we can, but if necessary we would legislate.

Q42 Mel Stride: Secretary of State, just to turn to proposed potential changes to the electoral system in our Westminster Parliament, were you consulted at all on the issue of the coincidence of the dates for the Assembly elections and the referendum on AV, currently proposed to be May next year? If you were,
what was your view and have you had any representations of concern about that coincidence at all?

Owen Paterson: Well, yes, obviously I have been in the thick of this. The intention is to have the AV referendum on a day. We also have the commitment to have an Assembly election, and, following the non-resolution of the issue of councils, we are going to have council elections as well for the 26 councils. It is up for discussion whether you have all three on the same day and have a “big bang” democracy day, which personally I quite like because I think you would maximise turnout, or whether you split one off of them. Now, I think probably the referendum is fixed. That is going to be across the UK. So, the question is do you move the Assembly election or do you move the council elections, and that is up for discussion.

I have written to the party leaders; I will be talking to them in the coming weeks and there are differing views. It is a question of balance. My personal feeling is we would maximise turnout, maximise interest and I think people in Northern Ireland are absolutely competent to vote in three different elections on the same day. There are others who think that this would not work and it would be better either to delay one of the elections or bring one of them forward. Some parties said to me they definitely do not want to bring either of the local elections forward because that would mean canvassing in the winter or the fag end of winter and early spring. There are views either way. My worry about that is you just would not have people turning up. So I would be very interested in the Committee’s views. We need to make a decision on this reasonably soon.

Q43 Mel Stride: Are you concerned at all, Secretary of State, about the issue of disproportionate turnouts for, say, areas like Northern Ireland and Scotland—and indeed parts of England—where there are other elections at the local level, and those areas where there are not elections on that particular day? Is that an issue?

Owen Paterson: Well, that is a national issue. Mel Stride: It broadens it out a bit.

Owen Paterson: Happily, it is not one of my responsibilities. I concern myself with elections in Northern Ireland.

Q44 Mel Stride: Okay. I ask another question, which is if we end up with AV, what would be your assessment of the impact of that in terms of the representation of Northern Ireland here in Westminster?

Owen Paterson: I haven’t looked at it. That is something that we will look at in time. But we might wait to see who wins the referendum before we spend Department time on that.

Chair: Okay? Gavin Williamson.

Q45 Gavin Williamson: Thank you. Thank you, Secretary of State, for coming along. You touched on the need to save money and at present, in my view, we seem to be wasting money by paying allowances to representatives of Sinn Fein. What is being done to encourage them to take part in the work of the House of Commons or have those allowances withdrawn?

Owen Paterson: Well, I have had discussions with Sinn Fein in opposition, discussions with the Deputy First Minister, and I made it absolutely clear that we would like to see them turn up. As far as we are concerned, the constitutional issue was settled by monster majorities—94% in the south, 71% in the north—which settled the constitutional status of Northern Ireland, subject to the will of the people of Northern Ireland. The only people that can change the constitutional status now are the people in Northern Ireland. So I said to them, “You have a completely respectable, legitimate aspiration; we all know that for decades you’ve wanted to achieve a united Ireland. Come and tell us about it in the House of Commons, come and explain to us. Come and convince people.” Sinn Fein do a job, as you can see from their election results—successful on the ground, getting popular support as representatives, local representatives, their MLAs. They originally had an abstention in the councils and then the Dáil and then Stormont. They dropped all that. Those were long-term Sinn Fein shibboleths, and one by one they dropped them; they participated in the political process.

So the final step would be to come here and represent the views of those who vote for them. So, that is the ideal. Now, you might say this is wishful thinking. They have offices here; there is nothing to stop them coming. Now we have talked about the oath. I would be open to suggestions on the oath if they came forward and I have left that their side of the court; they could come back with a variation on the oath, if that is a barrier. As I see it, there is no reason for them to stay away, because the role of Westminster, the competencies of Westminster, are huge and have a very direct daily impact on every one of their constituencies. Taxation, pensions, defence, security, foreign—all that they campaigned for very successfully and got a tremendous result for, and remain within the competencies of Westminster.

Q46 Gavin Williamson: But, Chairman, are we going to set a date? Is this an open-ended agreement—“when they decide to turn up, that will be great!”—or are we going to set a date—“you have to reach a decision,” or ‘you are going to put proposals by December this year”? Alternatively, are we going to close down this argument? Because I think every constituent right across the United Kingdom is having to make sacrifices, in terms of what will be spending cuts and so much else, yet we are, in my view, wasting money in terms of people not willing to contribute and play a part in the Palace of Westminster.

Owen Paterson: I think your view is—

Gavin Williamson: It is my view.

Owen Paterson: No, no, it’s not your personal view. I think that is representative right across the piece. I think you would find people in Mr Pound’s party and certainly in our party and the Liberal Democrat party, who feel this strongly. At a time when—

Gavin Williamson: You need a date to actually force the issue.

Owen Paterson: Well, I just think a date sets up all sort of pressures and dramas. I would like to do this...
by consensus and by talking it through. And I think you see from the pattern of what I have said all along. There is no need to rush any of this stuff. It is much better to get it right and talk it through, and come to an agreement than do something helter-skelter and do anything that is destabilising. But we are quite clear; we would like them to turn up and we do not think it is right that people receive allowances for not turning up. We have been quite clear about that.

Chair: Okay. On this point, Ian Paisley.

Q47 Ian Paisley: Sinn Fein are an abstentionist party and they are elected on an abstentionist ticket. And they aren’t coming here. That is the bottom line and I think we need to face up to that reality. They are taking the mickey and they are taking the cash. And they are laughing at everyone here—at the fact that we are prepared to play cricket while they play GAA on our heads. I just think we need to recognise that there are two completely different games being played here. I agree entirely with the point that Gavin Williamson has made to you. Nothing focuses the mind like a hanging. And if they know that that is the cut-off date, that this largesse stops unless they play their role here, then so be it. I think we have to come to a very firm position on that. Are you able to confirm whether those who are dually mandated get their salary from both here and the Assembly? Do they get double expenses from both the Assembly and here at the present time?

Owen Paterson: Well, they are not taking their salaries from here. As I understand it they have given up their accommodation so they are travelling here now, so that is quite a serious reduction. There was the small Bill at the end of the last Parliament, which did also make amendments, but did allow them to carry on taking both sets of allowances, so that is the main thing they are getting—allowances. I would love to have a quick black and white snap solution to this.

Q48 Chair: Sorry, on that point, Secretary of State, they still draw the full salary from the Assembly. I think, don’t they?

Owen Paterson: So—yes, they get their allowances. There was a compromise. The Bill didn’t go quite as far as we would have liked. But we agreed with Paul Goggins, who was then responsible for the compromise Bill. So if they are dual mandates, they get their local salary and they get both sets of allowances. But I am fully aware of the opinions of both of you and they are widely represented across the House of Commons and also I think feeling on this will get stronger as the spending pressures bear down on all of our constituents as we try to pay off the debt we have inherited from the last Government. So I think it will not just be those who are interested in Northern Ireland; there will be people right across the piece, right across the United Kingdom, who will be unhappy about this. And it needs to be resolved. But I think you have seen that I’m not going to go crashing into this; we have only been in government a bit over a hundred days. I think we are better trying to talk this through than set arbitrary deadlines and destabilise things.

Q49 Ian Paisley: So the only other point I will come back to you on is this. I mean, it does affect the operation of this house. I will give you an example. Any Member who cares can walk past Westminster Hall and they will find a suite of the most luxurious offices, reserved for certain Members who do not turn up. There is a suite of offices that had a lift installed to assist those Members in getting up the tower to those offices. And maybe they should be in a different tower, so far as some of us would be concerned. The fact of the matter is that there is a suite of offices there. I know Members sitting at this table who work out of a broom cupboard in this place. So there are practical arrangements and we could start to put the squeeze on—“If you are not prepared to come to this House, the facilities of this House will made available to Members who do come to this House and do work in this House”.

Owen Paterson: Well, the issue of offices is entirely for the House of Commons, so if your party wants to take it up with those that allocate offices, I suggest you crack on and do so.

Chair: Okay. We have two more questions—two more issues to come to yet. Did you want a final word?

Gavin Williamson: No, no.

Chair: Okay, we are alright. Can we move to Sylvia, please?

Q50 Lady Hermon: Just before I come to 50:50 recruitment to the PSNI, could I just seek clarification on one point that you have just raised, Secretary of State? Even though you have been in office for just over 100 days, as you have pointed out, did I understand you correctly as saying that in fact you have already offered to Sinn Fein changes on the oath? Could you clarify what those changes would be?

Owen Paterson: No, I said, “If the oath is an obstacle, come to me with an alternative text. We already have an alternative oath for those who are not Christians. So come to me with an alternative oath and we will have a look at it.” And so far they have not.

Lady Hermon: Right, so you are calling their bluff, are you, Secretary of State?

Owen Paterson: I am putting the ball in their court.

Q51 Lady Hermon: 50:50 recruitment, Secretary of State—we shall move on. As you know, I find the whole recruitment procedure morally repugnant. But could I just ascertain whether, if the 30% target set in the Patten report—and we established earlier today that you will cherry-pick through the Patten report at various points—in’t actually reached by March 2011, you will abandon this horrible recruitment procedure? It is morally repugnant.

Owen Paterson: To be really technical, Patten actually said 29% to 33%. And as of today, we are on 29.33%. So we have achieved Patten, in my eyes, as we speak.

Lady Hermon: Excellent. So it could be removed tomorrow, Secretary of State?

Owen Paterson: When Paul Goggins came to see me in February about renewing the order one more year, in the teeth of objections from prominent members of the Conservative Party who at the time took an
interest and had a role in Northern Ireland, I said, “We will do it for one more year.”

Lady Hermon: And you really meant it? So it will go in March of next year?

Owen Paterson: We will negotiate—again, this is all for discussion.

Lady Hermon: Secretary of State—

Owen Paterson: No, we will negotiate and discuss this with the local Justice Minister, David Ford, nearer the time. But at the moment, as far as I am concerned, we have achieved Patten at 29.33%.

Chair: As was alluded to in your reply, Secretary of State, the guarantee from the then Minister was that once 30% was reached the recruitment policy would end.

Lady Hermon: Yes, that was the—

Q52 Chair: Have you changed that policy? Well, it wasn’t your policy, but are you following a different policy?

Owen Paterson: No, I would like to stick with that because it is part of normalisation and I am not in favour, if we can, of these artificial mechanisms. But in fairness, it has worked; it has got the proportion of Catholics up from about 8%. So it has served a purpose. But I hope that people will join the police because it is a really interesting career and there are good conditions. We have some tremendous Catholic policemen. We are recruiting from all over; people are coming from southern Ireland, Scotland and Wales. So I think that is really good.

Q53 Lady Hermon: To sum up then, Secretary of State, and let me get this absolutely clear, you have announced today that in fact the Patten target has actually been achieved and therefore there will be no continuation, past March of next year, of the 50:50 recruitment procedure. That was the obligation.

Owen Paterson: That is what we said last February in opposition, when we backed the then Government. We said we would give it one more year, and I was totally conscious of the urgency of getting this sorted. They will not be able to pay their funeral fees. I am fully aware of the acutely difficult circumstances many of those who are members of PMS are in. They are having trouble paying their nursing home fees; some are worried that they will not be able to pay their funeral fees. I am totally conscious of the urgency of getting this sorted. And in fairness to us, we said we would try to arrive at a just and fair solution.

Q54 Lady Hermon: And you are confirming that you are sticking to that target?

Owen Paterson: I would like to stick to that, but it is a matter for negotiation. Everyone has to wake up to devolution. These matters are now devolved. We need to do this in negotiation with local Ministers.

Lady Hermon: Right.

Q55 Chair: But you wouldn’t introduce primary legislation here, which I think would be required, if it were not 30%?

Owen Paterson: No. I think that is really most unlikely.

Chair: Okay. Right. Finally—[Interruption.] Sorry, yes, Mr Simpson. Certainly. We have one more issue to cover yet, but, please go ahead.

David Simpson: I appreciate that, Chairman. I trust that it will be stopped, as Lady Sylvia has said, in March next year. As we saw, Secretary of State, the dissident republicans target specifically young Roman Catholic officers, to stop them from joining or get them to leave the force. If that was to continue and if that did happen, then the percentage would fall and the Government might look at the issue again. So we cannot be held responsible for that. A date had been given and I believe it should be what Lady Sylvia has said—March next year. The issue is discriminatory and I think it needs to go.

Owen Paterson: Yes, I would just hope; we have got to over 29% and we are within the criteria demanded by Patten. I hope we now have a momentum and that it is now seen to be a respectable and a worthwhile career for Catholics to participate in and do well in. That’s what I hope; it will develop its own momentum, naturally. My mantra is normalisation. I would hope that it would develop that way.

Chair: We are almost out of time. I am sorry to rush what is a very important issue. We move on to the final issue. Ian Paisley.

Q56 Ian Paisley: Thank you, Mr Robertson. I appreciate your longevity in the Chair today, through this marathon. However, there is a very important issue regarding the Presbyterian Mutual Society. I know that you, Secretary of State, are chairing a meeting, a working group, on that. I understand there is perhaps a meeting even today, or this week, about it. Can you give the savers an indication of a timeline as to when this nightmare for them will come to a conclusion? You will know the plight of some of these savers; you will have heard of it first hand.

I take the view that many of the competing institutions with the PMS actually precipitated the run on cash that the PMS held. So these savers cannot be blamed at all for what has occurred. But they need a solution, and they need it urgently. They have gone through 18 or 19 months now without access to their money. Many of them are pensioners; they need this money to live on. They need this money to put children and grandchildren through university. They need this money, some of them, to pay for care homes. And it is painful now. We need an urgent identification of when you are going to come to a conclusion on how we reach a solution to resolving this plight.

Owen Paterson: I am fully aware of the acutely difficult circumstances many of those who are members of PMS are in. They are having trouble paying their nursing home fees; some are worried that they will not be able to pay their funeral fees. I am totally conscious of the urgency of getting this sorted. And in fairness to us, we said we would try to arrive at a just and fair solution.

We have set up a working group. I chaired the first meeting, I suppose, about six weeks ago. I will chair the next meeting this afternoon at 4 pm. And I had a meeting yesterday with Mark Hoban, who is the relevant Treasury Minister. I can assure you this is being taken extremely seriously. The Prime Minister made some very clear commitments in opposition and in government, and we are determined to try to arrive at a solution. But please do not underestimate the difficulty of it. This is not an easy one to resolve.

On timing, I think you all appreciate we have the spending review going on at the moment. There will be a report to Parliament on 20 October and I think
we really have to get it wrapped up—or we have to get a clear destination settled—in the next few weeks.

**Lady Hermon:** For the savers?

**Owen Paterson:** Yes, I cannot give you an exact date, but this is all going to be part of a negotiation between us, the Treasury and devolved Ministers. The First Minister is coming over this afternoon. We have to all work on this together. But I would just like to get across that we really are working on this. My officials have been working on this weekly right through August, with meetings with the Treasury and with local officials, but it isn’t easy to find a quick solution. Just to tell you where we are going, we inherited a plan which we call Plan B, which was publicised by the last Government and was in the Treasury. It does have its own problems. We are pursuing that and we are going through that in detail. But there is also, I think, a correct choice on our part to pursue a Plan A, which is to see if there is a commercial solution and if we could find a commercial entity who would take on PMS.

So we are pursuing two parallel routes—each, I hope, equally valid. And all I can say on timing is that I would hope we are going to get this done in weeks. Now, it may not be finalised, because there may be detailed due diligence and stuff to go through. There was a KPMG report published to the administrator this week, and he said he did not have enough time to go into all the detail of even that. That report actually calls for a further review, because there are so many different properties and so many different people to be analysed.

**Q57 Lady Hermon:** Can I just interrupt and ask something on behalf of the many, many, constituents who have come to me and cried in my office over this particular issue? As Secretary of State for Northern Ireland, are you sitting in the discussions with the Treasury Ministers fighting for the people in Northern Ireland who are savers—savers, I emphasise—with the PMS, to ensure that they get all their savings back again? Is that the way you are approaching the PMS, to ensure that they get all their savings back? Is that the tone of your discussions with the Treasury?

**Owen Paterson:** This is an absolute priority. We said that before and after the election, and that was confirmed by the Prime Minister. We have set up the working group. I am chairing the working group. You talk about Treasury ministers—I had Mark Hoban in my office yesterday afternoon. And he is coming to the working group this afternoon.

**Q58 Lady Hermon:** Sorry to repeat myself, but I need to be absolutely clear. Is your attitude as Secretary of State for Northern Ireland one of fighting for the PMS savers in Northern Ireland, so that they get full recovery of their savings? Is that the tone of your discussions with the Treasury?

**Owen Paterson:** We are committed to a just and fair solution.

**Q59 Lady Hermon:** I have no idea what those words mean, nor do my constituents, Secretary of State. The pledges were made before the election. I need you to translate that today. What does that actually mean for the savers with PMS? What does it mean? Are we talking about 100% of their savings or not, Secretary of State? Just give me a straight yes or no, please.

**Owen Paterson:** It means that the coalition Government will honour its commitment to arrive at a solution. We inherited this; this was an unresolved matter, which was left for us to try to sort out. The previous working group had not met since last October. I cannot give you today exact details on what the resolution will be. It may be a commercial solution. It may be a version of the proposal which we inherited from the last Government. These are all for negotiation.

I would love to look you in the eye and say, “We are going to pay every single person out 100%,” but I cannot give you a categorical promise on how this is going to be resolved. That was the ideal; yes, it would be. But I cannot—

**Q60 Lady Hermon:** But Secretary of State, are you the champion? Are you the champion going into these meetings, seeking 100% repayment of the savings for the PMS people?

**Owen Paterson:** What more can I do than set up a working group, chair regular meetings, get everyone involved, talk to the key Minister on a regular basis and organise the meeting this afternoon? Obviously, the ideal solution is that everybody gets out clear, but I would be wrong to give you a black and white promise on that.

**Q61 Chair:** Okay. When do you feel it will be concluded, Secretary of State?

**Owen Paterson:** I think within weeks. We have the spending round on 20 October; we have to resolve it soon.

**Chair:** Right. Very briefly, Mr Paisley.

**Q62 Ian Paisley:** You were saying that it is going to be resolved in weeks. I hope that Plan B is not a downplay on what would be paid back. I understand at the moment that the PMS, as an ongoing concern, is making money and is actually doing quite well. Now it may not be as commercially attractive to certain banking institutions for purchase at the present time because of the banking climate, but as a financial institution it is doing reasonably well and making a profit. I hope that you can ensure that the savers will get a fair and equitable solution. If this was in any other part of GB, I believe that there would be full access, 100% access, to their savings.

**Owen Paterson:** Well, that is exactly what we are trying to achieve and I hope we will make progress this afternoon at four o’clock.

**Ian Paisley:** Good. I welcome that. Thank you, Secretary of State.

**Chair:** Secretary of State, can I thank you very, very much for the time and answers you have given us today? I do not know whether you have the time to remain for a few more minutes or whether you have to rush off, privately.
Owen Paterson: Well, a question might be asked which I would quite like to hear. Yes, I feel very happy to stay for a few minutes, yes.

Chair: Okay, can I then ask the press and members of the public to leave the room? Thank you very much for attending.

Supplementary written evidence from Rt Hon Owen Paterson MP, Secretary of State for Northern Ireland

At the hearing on 8 September, I promised to write to the Committee following up on Mr Stride’s question about potential prosecutions for perjury relating to the Saville Inquiry.

I would like to remind the Committee that decisions relating to prosecutions are a matter for the independent prosecution system. However, having made enquiries, I understand that any prosecutions for perjury arising from evidence given before the Inquiry whilst sitting in London would fall to the Crown Prosecution Service to conduct as the alleged offence would have been committed within the jurisdiction of England and Wales.

I further understand that as a general rule, if an individual were to face prosecution for more serious offences such as murder, manslaughter or causing grievous bodily harm with intent, the prosecuting authorities would have to give careful consideration to whether the public interest also required the prosecution of the same individual for lesser offences—such as perjury.

I will write to you again shortly in response to the other issues you have raised in your letter of 15 September.

21 September 2010

Further supplementary written evidence from Rt Hon Owen Paterson MP, Secretary of State for Northern Ireland

Thank you for your letter of 15 September.

I very much share the Committee’s desire to develop a positive and constructive relationship and look forward to further evidence sessions with the Committee in due course.

Turning to the various follow up questions that the Committee has asked in relation to the evidence session on the 8 September, I should like to deal with these in the order in which they were raised in your letter.

Bloody Sunday Inquiry

Q. In the follow up to Mr Stride’s question on the Bloody Sunday inquiry, the Director of Public Prosecutions for NI has said that he will consult with the CPS in London as to where the jurisdiction lies where a witness to the Saville Inquiry gave evidence that was knowingly untrue when the Inquiry was sitting in London. Do you know if they have consulted yet, and if they have come to a conclusion on where jurisdiction lies?

A. My letter to you of 21 September addresses both the matters that you raised.

Parading and the Riots 12–14 July 2010

Q. In the follow up to Mr Pound’s questions on parading, given the recent involvement of young children in the Belfast riots, what role can the Northern Ireland Office play in supporting the Assembly in addressing the problem?

Q. What is the future of Government strategies such as PREVENT and Connecting Communities in being able to assist the Assembly in dealing with extremism?

A. The Northern Ireland Executive is of course dealing with such issues through the Programme for Cohesion, Sharing and Integration and the NIO are fully supportive of this initiative. The NIO would encourage all those in NI with an interest or influence on such matters to engage fully with the ongoing public consultation process.

NIO Ministers meet with the Justice Minister on a regular basis to discuss a wide range of issues, including matters such as this. Everyone in Northern Ireland has a role to play in preventing young people becoming involved in public disorder or more serious crimes.

The NIO remains of the opinion that it is in the interest of all of the people in NI to find a locally agreed solution to parading that is acceptable to everyone. The violence that we witnessed on 12 July this year is not a true reflection of the considerable progress that has been made in Northern Ireland or of the many thousands of peaceful parades that take place each year.
At a time when we are working hard to encourage investment in Northern Ireland, there is a responsibility on everyone to help ensure that such scenes, which seriously damage the international image of Northern Ireland, cannot happen again. The absence of consensus means that the Government is left with no alternative but to press on with making new appointments to the Parades Commission in time for next year’s marching season.

**Reform of the House of Commons**

Q. What would the impact of the Government’s plans to downsize the House of Commons be on the representation of Northern Ireland within Westminster?

A. In relation to the reform of the House of Commons, the reduction in the number of MPs should apply in Northern Ireland as it does in the rest of the UK. We cannot be certain of the impact on the number of Northern Ireland MPs until the Boundary Commission has undertaken its review and much will depend on the size of the electorate when the review commences. However, it seems likely that the number of Westminster constituencies in Northern Ireland will reduce from 18 to 15.

Q. If boundaries are to be changed in NI what will be the impact on the agreed terms of the Belfast Agreement and the Assembly elections?

A. Clearly, any reduction in the number of Westminster constituencies may have an effect on the size of the Assembly. Section 33 of the Northern Ireland Act 1998 states that six MLAs shall be returned from each Westminster constituency. The Government has no intention of dictating the size of a future Assembly, that is a matter for the Assembly to consider. Since the Assembly has not had time to do so, the Parliamentary Voting System and Constituencies Bill will not make specific provision in relation to the Northern Ireland Assembly. However, once the Assembly has considered the question of its size, the Government is ready to bring forward further legislation during this Parliament to give effect to any changes recommended by the Assembly. If the Assembly were not to seek changes, the reduction in parliamentary constituencies would lead to a reduction in the size of the Assembly.

Q. Will the Government consult with the Irish Government on any proposed changes to the boundaries?

A. Given the link with the Belfast Agreement we will be discussing the impact of any changes on the Assembly with the Irish government. Changes to the boundaries themselves will result from recommendations of the Boundary Commission (who will themselves consult on proposed changes).

**Bill of Rights for Northern Ireland**

Q. When will the Government publish a summary of responses to the consultation on a Bill of Rights for Northern Ireland?

A. We will publish all of the responses to the previous Government’s consultation on a Bill of Rights for Northern Ireland (with the exception of those received as part of the postcard campaign) later this year. NIO officials recently wrote to all respondents to the consultation to inform them of our intention to publish later this year and to seek their views on our proposed approach to publication. We are provisionally aiming to publish in late October/early November; however, I would want to ensure that any concerns raised by respondents are properly addressed before publication, so it is possible that publication may be delayed for this reason.

Q. To what extent will these responses shape the work of the Commission on a British Bill of Rights? When will this Commission be established and what will be its terms of reference? Who will the members of the Commission be and who will appoint them?

A. The Ministry of Justice Structural Reform Plan commits to establishing the Commission to investigate the creation of a Bill of Rights during 2011. Civil liberties and human rights are central to our programme for government. The Commission would be guided by three central principles:

- any Bill should incorporate and build on our obligations under the European Convention on Human Rights;
- the Convention rights should continue to be enshrined in law; and
- it should protect and extend our liberties.

Decisions on the terms of reference and membership of the Commission will be made in due course but the Government would expect the Commission may wish to consider other relevant information and experiences.

Q. How will the seemingly opposing views of the UK and Irish Governments on a Bill of Rights be reconciled?

A. From my discussions with the Irish Government, I am not aware of opposing views. Recent meetings on this issue have been constructive. I am confident that further discussions can lead to a way forward on this issue.
Q. Has the Government ruled out a stand-alone Bill of Rights for Northern Ireland?

A. The key obstacle to further progress on securing additional rights protections for Northern Ireland remains the lack of consensus on a way forward. Once we have consensus on the way forward, we can look at possible legislative vehicles to give effect to this.

Q. Have you met with the Northern Ireland Human Rights Commission since taking office, if not, have you plans to do so?

A. The Minister of State, Hugo Swire MP, who has responsibility for human rights policy, has met with the Chief Commissioner to discuss a range of issues ranging from funding to next steps on a Bill of Rights.

**FUNDING OF NI HUMAN RIGHTS COMMISSION**

Q. How will the recently reported spending cuts of 25% for the NI Human Rights Commission affect the work of the Commission?

A. In common with all parts of the public sector, the Human Rights Commission is subject to the Government wide spending review. Whilst the exact level of savings expected of each department is still to be finalised by Treasury, the Human Rights Commission will be expected to play its part in generating efficiencies. It is the Government’s view that the Commission will be able to fulfil its statutory functions despite any reduction in its budget—i.e. the Commission has operated with a budget well below its current level of £1.7 million. The core work of the Commission will continue, although like all such public bodies, the Commission will need to consider carefully which aspects of its work are essential and which are merely desirable, and prioritise its activities accordingly.

Q. Why did the Government argue that the proposed funding for the Commission from Atlantic Philanthropies could not happen because it was outside the organisation’s core business?

A. The management statement between the Commission and the Northern Ireland Office states that any additional funding must be used for “additional work consistent with its statutory function, which would not otherwise have been funded from grant-in-aid.” Grants can only be used for discrete projects approved by the NIO. In considering this matter, the Minister of State and I were of the opinion that not all of the projects for which money was sought fell within the Commission’s statutory functions. There was also concern that the amount of money eventually offered by The Atlantic Philanthropies would be extremely large, and, if accepted, could have risked compromising the independence of the Commission. Such decisions are taken on a case by case basis. Correspondence between the Human Rights Commission and the Northern Ireland Office in relation to this matter was deposited in the House of Lords (Reference DEP2010–1623) on 10 August 2010.

**NON-JURY TRIALS**

Q. The previous Minister of State, Paul Goggins MP, said in March this year that there would be a review of the non-jury trial system and a full public consultation before the powers are renewed in July 2011. Do you intend to honour that timetable? Are you content with the current powers the DPP for NI has to issue a certificate for a non-jury trial?

A. The non-jury trial system in Northern Ireland will expire on 31 July 2011 unless a decision is taken to renew it. This Government places great importance on hearing the views of the public on important policy issues before taking decisions. I will be looking at all the evidence on the issue of non-jury trial this autumn, and intend to consult fully before taking a final decision on the way forward.

**REVIEW OF COUNTER-TERRORISM AND SECURITY**

Q. How will the Northern Ireland Office and PSNI contribute to the review of counter terrorism and security powers to be conducted by the Home Office? The Home Secretary said that she had invited Liberty to take part in the Review. What will the Secretary of State do to ensure that the views from Northern Ireland bodies are put forward?

**STOP AND SEARCH**

Q. The Home Secretary said that you had been consulting in Northern Ireland on the impact of her statement on stop and search powers. Did your consultations include the PSNI and the Justice Minister?

A. I have been working closely with the Home Secretary, the devolved Justice Minister and the PSNI on the review of counter-terrorism and security powers, including issues around counter-terrorism stop and search powers. We all agree that it is critical that decisions take account of the threat from Irish-related terrorism so that we can ensure that the police continue to have the tools they need to tackle the threat. A public event was held in Northern Ireland on 23 September 2010 to enable practitioners, NGOs and the political parties to give their views on these important issues directly to those responsible for carrying out the review.
NORTHERN IRELAND OFFICE FUNDING

Q. What are the exact amounts that will transfer to the NI Block Grant as a result of devolution of policing and justice?

A. The Department is in the process of completing the Winter Supplementary Estimates (WSE) for 2010–11. The WSE will action the transfer of amounts to the NI Block Grant as a result of devolution of policing and justice. This has yet to be finalised. Once it has been completed, details will be included in the Estimates Memorandum to the Committee.

Q. Will the amounts transferred be in line with the current allocations in the 2010–11 Main Estimate?

A. The amounts transferred will be in line with the current allocations in the 2010–11 Main Estimate which relate to policing and justice functions to be devolved. Again, once it has been completed, details will be included in the Estimates Memorandum to the Committee.

Q. Why did the NIO draw down the vast majority of the Resource EYF in 2009–10?

A. The NIO’s CSR07 funding strategy included the use of end year flexibility, mainly in 2008–09 and 2009–10, to supplement baselines. The EYF drawdown in 2009–10 was consistent with this strategy and included the use of EYF both to supplement baselines as originally planned and to fund programmes which had slipped from earlier years. All EYF drawn was with the agreement of HM Treasury.

Q. What will be the NIO’s share of departmental savings? Could you provide the Committee with a breakdown of how these savings will be delivered?

A. The Department is currently negotiating its baseline settlement for the period of the Spending Review with HM Treasury, and seeks to reduce expenditure on administration and back office functions whilst preserving frontline services.

As well as reducing staffing and travel costs, the Department intends to reduce the Department’s accommodation footprint as well as bearing down on costs such as legal services and IT.

These negotiations are due to be completed in the coming weeks ahead of publication by HM Treasury of the Spending Review outcomes on 20 October 2010. Once there is agreement around Spending Review savings, a further note can be provided to the Committee.

NATIONAL LOTTERY

Q. Rosemary Kelly, Chairman of the Arts Council for Northern Ireland, expressed grave concerns regarding the transfer of Lottery funding to the Olympics over the 2008–12 period and the damaging effect that would have on the development of arts in Northern Ireland. Have you assessed the adverse impact of the significant drain that the contribution to the Olympics has had on Northern Ireland?

A. I understand that in March 2007 the Secretary of State for Culture, Media & Sport in the last Government announced that £675 million in lottery funds was to be diverted from the good causes to cover the costs of the Olympics, to take effect over five years from 2009.

The effect of all this appears to have been a reduction of £4.57 million to the arts in Northern Ireland but decisions on how much to allocate to arts funding from the Block Grant within Northern Ireland are, of course, matters for Executive Ministers to decide upon and not for me.

PREVIOUS NIAC REPORTS

The position on the four Reports highlighted in your letter is as follows:

1. Forensic Science in Northern Ireland
   Forensic Science is now a devolved matter and therefore a matter for the Northern Ireland Executive.

2. Consultative Group on the Past
   As I said in my evidence to the Committee, I am very willing to respond to this report, but I do wonder whether in the light of developments since its publication in December, the newly constituted Committee might wish to refresh the report in advance of my response.

3. Progress towards devolution in Northern Ireland during the 2005 Parliament
   The recommendations and conclusions in this Report relate either to responsibilities that have now been devolved or matters for others to take forward. I would like to take this opportunity to thank the Committee for the constructive role it has played over the years in bringing about devolution in Northern Ireland.
4. The Omagh Bombing

I have met the Omagh families and will now be considering carefully the questions and issues they have raised. In the light of the comments in paragraph 8 of the previous Committee’s report of 8 April, similarly I wonder whether the Committee wishes to refresh the terms of its report before I submit a formal response.

8 October 2010