

FROM: B S MORROW
CENT SEC PLANNING UNIT

DATE: 21 OCTOBER 1993 cc PS/Mr Fell - B
Mr Watkins - B
Mr Gibson, DED
Mr Hamilton, DOE
Mr McCartney, DFP Sols
Mr Bell - B
Mr Brooker - B
Mr Cooke - B
Mr Dodds - B
Mr Canavan - B
Mr Jardine, DFP
Mr McCusker - B
Mr Maxwell - B
Mr Quinn
Mr May - B
Mr West - B
Mr Bramley - B

MRS MILLER - B
SIL

SMYTH EXTRADITION - REBUTTAL OF ALLEGATIONS OF
BERNADETTE McALISKEY

1. I attach for your attention Mr Watkins' sworn deposition in relation to certain allegations made by Mrs McAliskey. I understand that you will be arranging for the deposition to be validated by the US Embassy before it is forwarded to San Fransisco. (You have also kindly agreed, in view of the deposition's bulk, to arrange for it to be copied to London colleagues on the above circulation list.)
2. In dealing with the allegations that individuals and areas are "punished" for the way in which they vote, Mr Watkins, given the nature of his responsibilities, has been able to address the allegations of economic and social "punishment" only. I understand that arrangements are being made for the allegation of military "punishment" to be addressed separately, in oral evidence.

BM/2659/JD

3. Finally, may I take this opportunity to thank all those who contributed to the preparation of the deposition.

[Signed BSM]

B S MORROW

I am an Under Secretary in the Department of Finance and Personnel and the head of Central Secretariat of the Northern Ireland Civil Service. I am one of those responsible for policy co-ordination on economic and social matters relating to the public administration of Northern Ireland.

3. In the course of her evidence on 4 and 5 October 1993, Mrs Bernadette McAliskey made a number of statements in relation to local government, housing, economic matters, employment and certain other matters, which are inaccurate or misleading.

Signed: James James Watkins, Deponent.

Taken before me this 20th day of October 1993 at Belfast in the County Court Division of Belfast, Northern Ireland.

John Patrick Barry

Resident Magistrate, a Justice of the Peace for each and every County Court Division in Northern Ireland

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

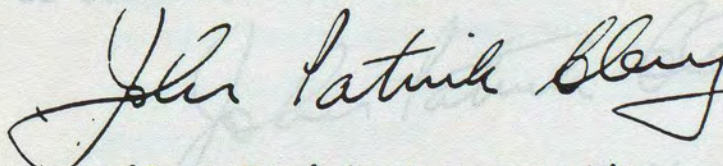
DEPOSITION OF A WITNESS

The Deposition of David James Watkins, care of Central Secretariat, Department of Finance and Personnel, Stormont Castle, Belfast, Northern Ireland BT4 3ST.

1. I, David James Watkins, say on oath that:-
2. I am an Under Secretary in the Department of Finance and Personnel and the head of Central Secretariat of the Northern Ireland Civil Service. I am one of those responsible for policy co-ordination on economic and social matters relating to the public administration of Northern Ireland.
3. In the course of her evidence on 4 and 5 October 1993, Mrs Bernadette McAliskey made a number of statements in relation to local government, housing, economic matters, employment and certain other matters, which are inaccurate or misleading.

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The Deposition of David James Watkins continued:-

4. It is not true that "the powers of local government, because of the manner in which they were abused, have now been reduced to garbage disposal, the first stages of planning permission for private housing and lighter (sic) facilities" and that "people - now that we have a vote on paper, we have our names on the electoral register, we have nothing to vote for" (lines 17 to 23 of page 110 of the transcript of Mrs McAliskey's testimony on 4 October).

5. The present local government system in Northern Ireland was established under the Local Government Act (Northern Ireland) 1972 and has been in operation since 1 October 1973. It consists of 26 district councils based on the main population centres. There are 582 councillors in the 26 districts who are elected for a 4-year term of office

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The Deposition of David James Watkins continued:-

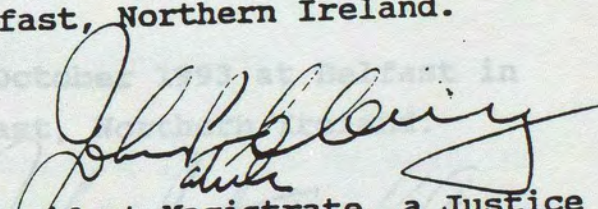
under proportional representation using the single transferable vote system. Voting is by secret ballot, on the basis of universal suffrage. Council elections are contested by all the political parties in Northern Ireland.

6. All district councils have the same range of functions which can be divided into 3 groups, ie:-

Direct Functions - confer powers on councils to give councils responsibility for a wide range of local services including the provision and management of recreational, social, community and cultural library services, health and social services, drainage services, housing and fire protection.

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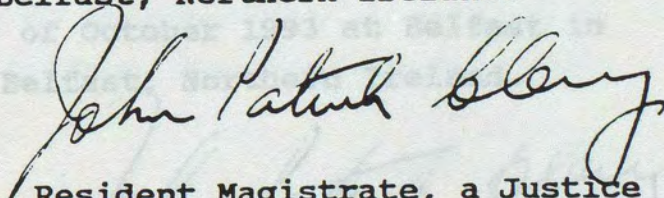
The Deposition of David James Watkins continued:-

facilities; environmental health; refuse collection and disposal; street cleansing; the provision and management of tourist development facilities; certain economic development responsibilities; consumer protection; the enforcement of building regulations; and a number of other licensing functions.

Representative Functions - confer powers on councils to nominate representatives to sit as members of various statutory and advisory bodies established to administer regional and sub-regional functions such as education and library services, health and social services, drainage services, housing and fire protection.

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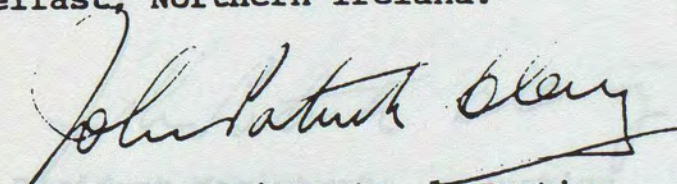
The Deposition of David James Watkins continued:-

Consultative Functions - allow councils to represent the view of the population on the way in which regional functions are operated in its district. This consultative role covers functions such as planning, roads, water and conservation which are administered by central Government and where there is an obligation, either by statute or by voluntary agreement, to consult district councils about proposals affecting their district.

7. It is not true, as Mrs McAliskey states (lines 21 to 23 of page 111 of the transcript of her testimony on 4 October), that "if people elect, for example, members of Sinn Fein, the government doesn't deal, the government doesn't recognise Sinn Fein personnel". Nor is it true that elected Sinn Fein representatives "are rendered useless"

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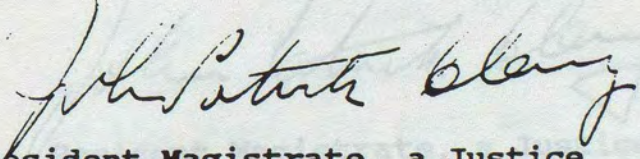
The Deposition of David James Watkins continued:-

in relation to the exercise of their functions as councillors (line 24 of page 17 of the transcript of Mrs McAliskey's testimony on 5 October).

8. There is nothing in law or Government policy to prevent Sinn Fein councillors from exercising within councils their functions as elected representatives. The rights of councillors, regardless of political affiliation, can be and have been enforced through the courts. Similarly, as Sinn Fein councillors have been duly elected, Government Ministers deal in correspondence with genuine local government constituency issues raised by such councillors. But, so long as Sinn Fein refuses to renounce support for violence, Ministers do not treat it like a normal democratic party. Thus Ministers do not

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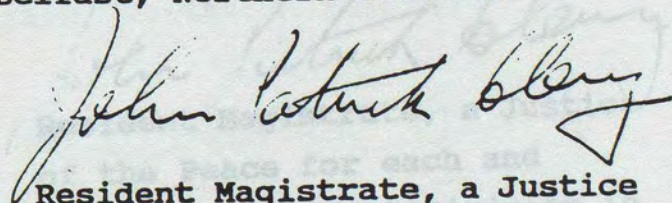
The Deposition of David James Watkins continued:-

receive elected representatives of Sinn Fein either singly or as part of a wider delegation. However, when Ministers visit councils to talk about constituency matters, they are not deterred by a possible Sinn Fein presence, and a number of meetings, at council premises, involving Sinn Fein councillors and Ministers have taken place.

9. It is also not true, as Mrs McAliskey states (lines 22 to 25 of page 107, and line 1 of page 108, of the transcript of her testimony on 4 October) that, although the Derry City Council area has a nationalist voting majority, it is only since 1992, or the most recent Council elections in 1993, that it has had a majority of councillors of the nationalist tradition. There has been such a nationalist majority since the Council was established in October

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The Deposition of David James Watkins continued:-

1973. As a result of the 1981 and 1993 council elections, a single party of the nationalist tradition - the Social Democratic and Labour Party - alone held an overall majority on the council.

10. Mrs McAliskey stated (lines 6 to 8 of page 111 of the transcript of her testimony on 4 October) that "the Nationalist population is represented in Westminster by four members of the social democrats and they constitute four out of some 650 persons in Westminster". On the basis of universal suffrage, Northern Ireland elects a total of 17 Members to the United Kingdom - Westminster - parliament of 651 Members. Of the present 17 Northern Ireland MPs, 4 are of the nationalist tradition.

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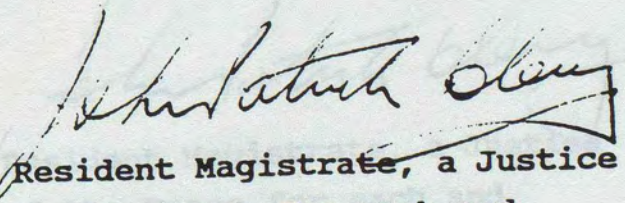
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The Deposition of David James Watkins continued:-

11. During the period of direct rule since 1974 the Order in Council procedure has been used as the principal method of legislating for Northern Ireland in those matters which, if there was a Northern Ireland Assembly, would be devolved to it. The procedure cannot be used for matters such as security and emergency powers, taxation, judicial appointments and elections.
12. It is not true, as Mrs McAliskey contends (lines 12 to 17 of page 111 of the transcript of her testimony on 4 October), that the Order in Council procedure means that "effectively, therefore, Northern Ireland is governed by the Secretary of State and a body around him of people in the Northern Ireland Office", or that "matters pertaining to Northern Ireland very rarely come onto the floor for

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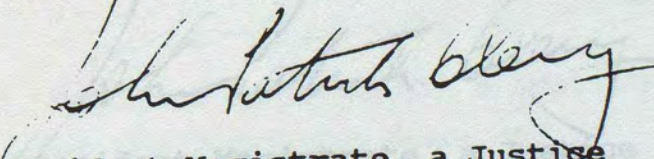
The Deposition of David James Watkins continued:-

democratic discussion even in Westminster". The Order in Council procedure is a parliamentary procedure, subject to parliamentary scrutiny and control.

13. Since June 1992 there have been 22 Orders in Council, 14 of which have been debated. The other 8 could have been debated had Members (including Northern Ireland Members) so requested. While Orders in Council, once laid at Westminster, cannot be amended by resolution of Members, they can be rejected in their totality by either House; if so, the Government must decide whether to abandon the measure, or to reintroduce it, amended or otherwise.
14. As a matter of practice the Government generally publishes proposals for draft Orders in Council, together with an

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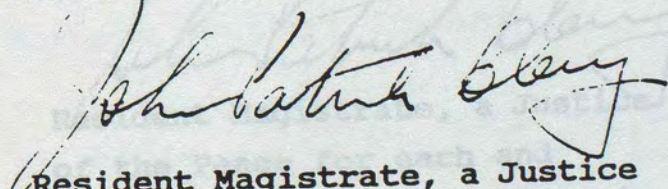
The Deposition of David James Watkins continued:-

explanatory memorandum; these are widely circulated for discussion and comment. This gives an opportunity for consideration and amendment before the draft Order is laid before Parliament. The Order in Council procedure does not therefore mean that Northern Ireland issues are not subjected to Parliamentary scrutiny. Northern Ireland legislation is enacted through the Parliamentary process, and not, as Mrs McAliskey implies in lines 12 to 17 of page 111 of the transcript of her testimony on 4 October, by ministerial direction.

15. In addition to the legislative process, Northern Ireland Office Ministers, like those of all other government departments in the United Kingdom, answer oral questions in the House of Commons at approximately monthly intervals

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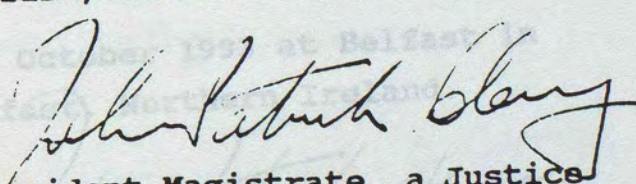
The Deposition of David James Watkins continued:-

when the House is sitting. Members can request adjournment debates, Ministers volunteer statements on important issues, and annual debates must be held to renew direct rule and the emergency provisions. The Prime Minister also answers questions twice weekly in the House of Commons, and these can include issues relating to Northern Ireland.

16. Regarding housing, Mrs McAliskey states that, since the allocation of public housing became the responsibility of the Northern Ireland Housing Executive in 1971, there has been only "minimal improvement" in the basis of housing allocations (lines 9 to 16 of page 5 of the transcript of her testimony on 5 October).

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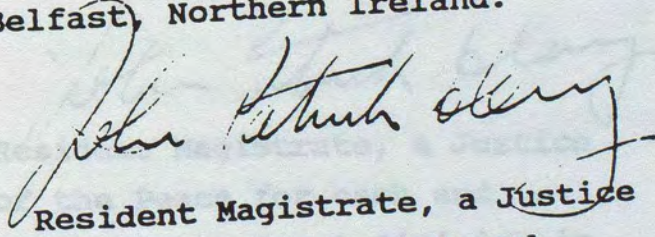
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The Deposition of David James Watkins continued:-

17. The Northern Ireland Housing Executive was established under the Housing Executive Act (Northern Ireland) 1971 as the sole public housing authority in Northern Ireland. The transfer of responsibility for the provision and management of all public sector houses to the Executive in 1971 effectively removed operational housing decisions from the political arena.
18. The Executive, as required by the Housing Executive Act, allocates tenancies in accordance with a Selection Scheme approved by the Department of the Environment for Northern Ireland. The Selection Scheme is based on the principle that priority is given to those in greatest need. Allocation of public housing on the basis of religious belief or political opinion would be unlawful under the Northern Ireland Constitution Act 1973.

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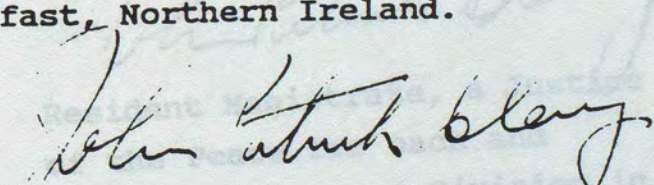
The Deposition of David James Watkins continued:-

19. It is therefore not true that there has been only a "minimal improvement" in housing allocations. Since its inception the Executive has consistently administered housing policies on the basis of people's needs, allocating over 250,000 homes under the Scheme on that basis.

20. The Second Report by the Standing Advisory Commission on Human Rights on religious and political discrimination and equality of opportunity in Northern Ireland (published in June 1990) found that its research had not provided any evidence of discrimination in housing allocations by the Executive. I attach Annex A to this Report as Exhibit 1 to this deposition and on the back of which Exhibit is marked "DJW1" and upon which I now sign my name.

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The Deposition of David James Watkins continued:-

- Paragraphs 8 to 13 of this Annex give the Commission's summary of the research on allocations.
21. Mrs McAliskey contends that, despite the existence of the Executive, "Northern Ireland still has significantly the shortest housing staff (sic) and worse housing conditions of the whole of western Europe" (lines 11 to 13 of page 5 of the transcript of her testimony on 5 October).
22. There is no common European standard for, or definition of, terms such as unfitness or housing need. There is therefore no basis on which Mrs McAliskey's contention can be sustained.

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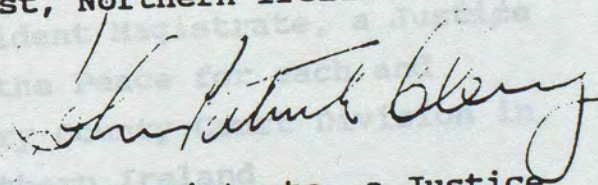
The Deposition of David James Watkins continued:-

23. The Government has provided sustained and substantial financial assistance to the Executive to improve housing conditions and meet housing need, and public expenditure per capita on housing is much greater in Northern Ireland than in the rest of the UK. (For example, in the 1991/92 financial year, per capita Northern Ireland expenditure was 59% higher than the United Kingdom average.) Since its inception over £4,000 million has been spent by the Executive.

24. There have been substantial improvements in housing conditions since the establishment of the Executive. For example, the Executive's 1974 Northern Ireland House Condition Survey indicated that at that time nearly 20% of the total housing stock was classified as unfit. By 1991

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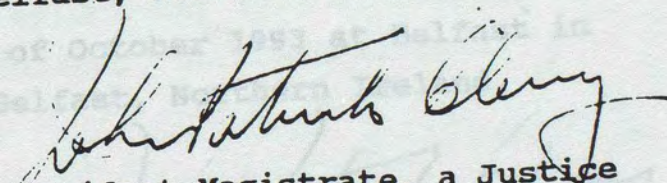
The Deposition of David James Watkins continued:-

the Executive's House Condition Survey for that year indicated that this unfitness rate had reduced to 8.8% even though the definition of what constitutes an unfit dwelling has been made more rigorous. Similarly, information from these 1974 and 1991 Surveys indicates that the proportion of dwellings lacking basic amenities (such as a bath or internal WC) has also fallen considerably, from 26% in 1974 to 3% in 1991.

25. Over the last 20 years some 184,000 new houses have been built in Northern Ireland. This represents nearly one third of the current dwellings stock. Of these new houses

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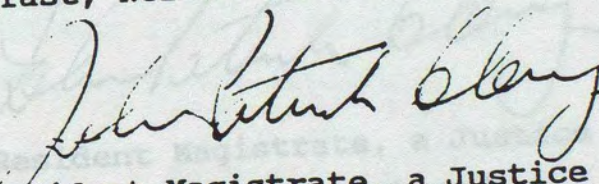
The Deposition of David James Watkins continued:-

some 74,000, or over 40%, have been built by the Executive. The standards of design by the Executive have been recognised by a number of design awards at national level (17 since 1977).

26. It is not true, as Mrs McAliskey states (lines 20 to 22 of page 5 of the transcript of her testimony of 5 October), that "almost every project built has since been demolished on the order of the Government because of its substandard quality". Of the 74,000 houses built by the Executive some 1,600 have been demolished by the Executive because of civil disturbance, vandalism, location and unpopularity of design.

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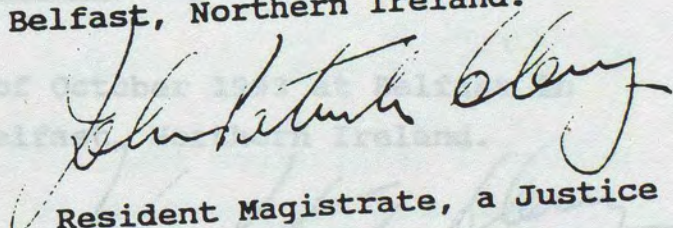
DEPOSITION OF A WITNESS
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The Deposition of David James Watkins continued:-

27. The work of the Executive has changed public attitudes towards housing. The Executive's General Tenant Household Survey of 1989 and Public Attitude Survey of 1990 have shown that there is effectively no difference between Catholic and Protestant perceptions of the Executive and its performance across a broad spectrum of services including the allocation process. The 1991/92 Report on Social Attitudes in Northern Ireland indicated that 85% of Catholics and 88% of Protestants were satisfied with their housing. I attach the relevant table from this Report as Exhibit 2 to this deposition and on the back of which Exhibit is marked "DJW 2" and upon which I now sign my name.

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