

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

The Deposition of David James Watkins continued:-

28. Regarding anti-discrimination measures generally, Section 17(1) of the Northern Ireland Constitution Act 1973 states:

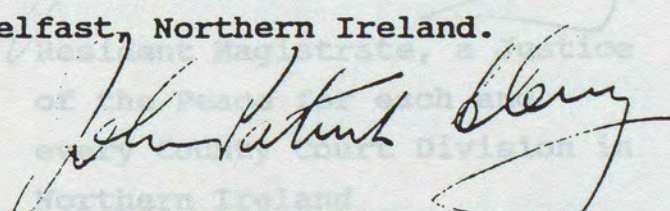
"Any Measure, any Act of the Parliament of Northern Ireland and any relevant subordinate instrument shall, to the extent that it discriminates against any person or class of persons on the ground of religious belief or political opinion, be void."

No legislation has been found to conflict with these anti-discriminatory provisions.

29. The Northern Ireland Constitution Act 1973 also deals with acts of discrimination by central government and local and public authorities. Section 19 of the Act provides:

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the County Court Division of Belfast, Northern Ireland.
Signed: David James Watkins, Deponent

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

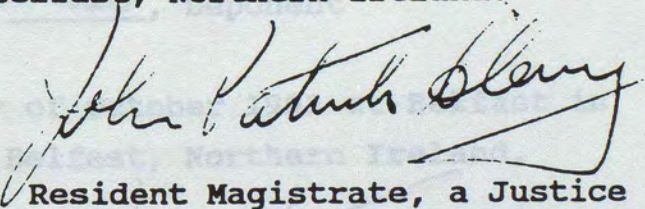
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The Deposition of David James Watkins continued:-

"It shall be unlawful for a Minister of the Crown, a member of the Northern Ireland Executive or other person appointed under section 8 above, the Post office and any authority or body listed in Schedule 2 to the Parliamentary Commissioner Act 1967, Schedule 1 to the Parliamentary Commissioner Act (Northern Ireland) 1969 or Schedule 1 to the Commissioner for Complaints Act (Northern Ireland) 1969 to discriminate, or aid, induce or incite another to discriminate, in the discharge of functions relating to Northern Ireland against any person or class of persons on the ground of religious belief or political opinion".

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DEPOSITION OF A WITNESS

(Continuation Page)

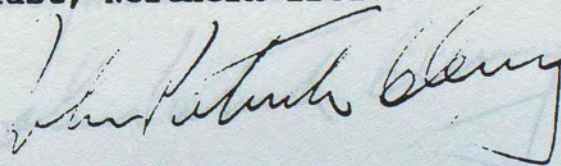
The Deposition of David James Watkins continued:-

The authorities and bodies listed in the schedules to the Acts referred to in that section include all the Northern Ireland government departments, all local authorities, health boards and education and library boards, the Housing Executive and a wide range of other bodies discharging public functions in Northern Ireland. No Minister of the Crown or Northern Ireland government department has been found by the courts in Northern Ireland to have committed an act which is unlawful under this section.

30. The Constitution Act also established the Standing Advisory Commission on Human Rights as an independent body with the function of advising the Secretary of State for Northern Ireland on the adequacy and effectiveness of the

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

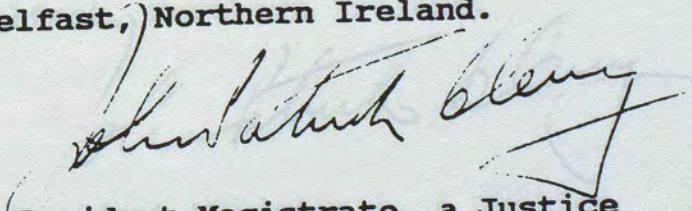
The Deposition of David James Watkins continued:-

law for the time being in force in preventing discrimination on the ground of religious belief or political opinion. legal penalties and economic sanctions. The legislation also provides for a range of remedies for

31. Further progress in promoting equality of opportunity was made under the Fair Employment (Northern Ireland) Act 1976, the provisions of which were considerably
32. strengthened by the Fair Employment (Northern Ireland) Act 1989. These Acts render discrimination in employment on the ground of religious belief or political opinion unlawful and require all employers with more than 10
33. employees to register with the Fair Employment Commission, to monitor the composition of their workforces annually, to review their employment practices every three years and, where necessary, to take affirmative action to

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS
(Continuation Page)

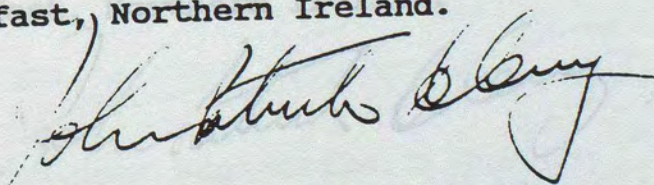
The Deposition of David James Watkins continued:-

correct imbalances in employment. Failure to do any of these things is an offence under the legislation and gives rise to various legal penalties and economic sanctions. The legislation also provides for a range of remedies for victims of discrimination, including the award of compensation of up to £30,000.

32. It is not true, as Mrs McAliskey states (line 13 of page 6 of the transcript of her testimony on 5 October), that "discrimination is rampant" in Northern Ireland.
33. In a recent article in the Belfast Telegraph of 1 October 1993, Mr Robert Cooper, Chairman of the Fair Employment Commission, drawing on data from, inter alia, the Commission's monitoring returns, has written that:

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

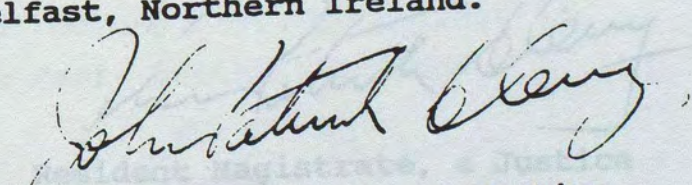
The Deposition of David James Watkins continued:-

"In the public sector as a whole - if one excludes security-related occupations - there is 'no under-representation of Catholics, although there is a diminishing but still substantial under-representation at senior levels in some areas.'" (ibid)

34. The 1992 monitoring returns to the Commission provide evidence for the first time of employment in private sector companies with between 11 and 25 employees. These "show that there is no overall under-representation of Roman Catholics among these companies" (Monitoring Report No 3, Chairman's Foreword). Among monitored companies with between 26 and 50 employees "In 1990 ... Roman Catholics were somewhat under-represented overall whereas by 1992 that under-representation had been eliminated"

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

The Deposition of David James Watkins continued:-

36. (ibid). The overall under-representation of Roman Catholics in the private sector therefore tends to be concentrated among larger employers. "Even here, however, an under-representation of Roman Catholics of 6.5% in 1990 has declined to 5.1% by 1992" (ibid).

37. In terms of change in occupational level over the
35. In terms of overall occupational category, the Commission returns between in 1990 and 1992 have identified "particularly significant" (ibid) increases in the proportion of Roman Catholic males employed in the Managers and Administrators, and Professional Occupations, categories. Indeed, over the period of monitoring, the Commission has found an increase in the Roman Catholic share in every category except the Other Occupations one.

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[Signature]
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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

The Deposition of David James Watkins continued:-

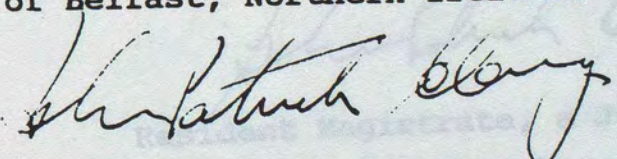
36. I attach a copy of the Chairman's Foreword to the Commission's Monitoring Report No 3 as Exhibit 3 to this deposition and on the back of which Exhibit is marked "DJW 3" and upon which I now sign my name.

37. In terms of change in occupational level over the long-term, Mr Cooper has also referred to "a quite dramatic increase in the Catholic proportion in most of the professions" over the period 1971 to 1991 (Belfast Telegraph article of 1 October 1993), citing the following as examples:

	Catholic Proportion	
	1971	1991
Professional Engineers	15%	31%
Professional Accountants	18%	41%
Architects/Town Planners	16%	33%

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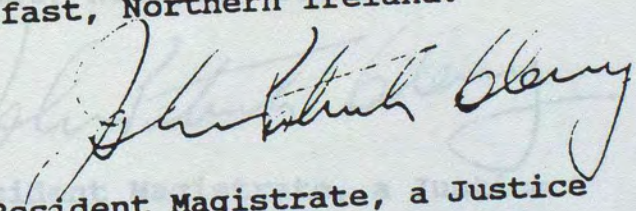
DEPOSITION OF A WITNESS
(Continuation Page)

The Deposition of David James Watkins continued:-

38. It is not true, as Mrs McAliskey contends (lines 23 to 25 of page 109 and lines 2 to 5 of page 110 of the transcript of her testimony on 4 October), that whereas "in 1968, members of the Catholic community were statistically twice as likely to be unemployed as members of the majority community", "at the moment, on the Government's own figures, members of the Nationalist community are now two and a half times less likely to be in employment than their counterparts in the majority community".
39. The unemployment differential between Catholics and Protestants - that is the rate of unemployment among Catholics compared with the rate of unemployment among Protestants - has not in fact increased over the last 20 years. It has decreased. Data for Northern Ireland are

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

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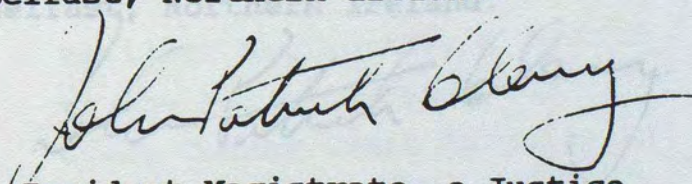
The Deposition of David James Watkins continued:-

41. The industrial development efforts by the Government were not available in relation to 1968 but the Chairman of the Fair Employment Commission has indicated, in his Article in the Belfast Telegraph of 1 October 1993, that between 1971 and 1991 the differential between Catholic and Protestant males decreased from 2.6 to 2.2 to 1.

40. Regarding external investment in Northern Ireland, it is not true, as Mrs McAliskey claims (lines 11 to 13 and 21 to 23 of page 7 of the transcript of her testimony on 5 October), that investors "leave when the tax concessions and the profit margin is no longer in their favour" and that "it is difficult to retain outside investors for longer than seven years, which is the duration of the financial package".

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DEPOSITION OF A WITNESS

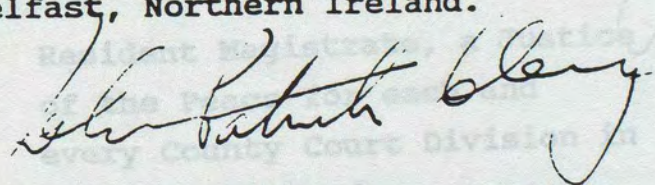
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The Deposition of David James Watkins continued:-

41. The industrial development efforts by the Government seek to ensure a flow of inward investment to Northern Ireland. As a result of normal competitive pressures in the market place some externally-owned firms inevitably close. There is no evidence, however, that such firms systematically close after several years as suggested by Mrs McAliskey. broadly similar to those for the other regions studied, is, over-capacity as a result of external
42. Closures among externally-owned firms were a significant phenomenon in Northern Ireland in the early 1980s. This, however, was part of a widespread shake-out of manufacturing employment which affected both indigenous and externally-owned firms not only in Northern Ireland but elsewhere in the UK. For example, between 1979 and 1983 manufacturing employment in Northern Ireland and

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DEPOSITION OF A WITNESS

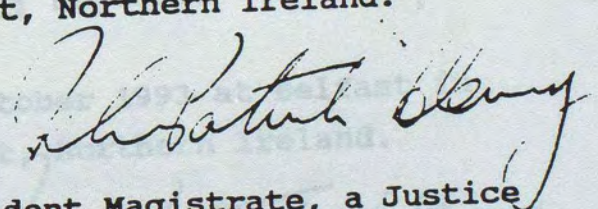
(Continuation Page)

The Deposition of David James Watkins continued:-

44. Great Britain fell by 27% and 24% respectively.
43. A study by the Northern Ireland Economic Research Centre of branch factory closures during the period 1980-1986 in Northern Ireland and three comparator regions in Great Britain concluded that the reasons for closure in Northern Ireland were broadly similar to those for the other regions studied, ie, over-capacity as a result of external change. In Northern Ireland the majority of plants examined had in fact operated for the best part of 20 years suggesting that their location decision was not motivated simply by a desire to exploit grants.

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DEPOSITION OF A WITNESS

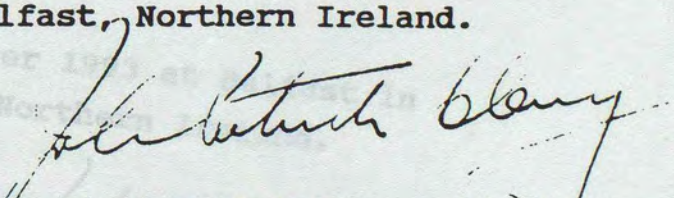
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The Deposition of David James Watkins continued:-

44. Government figures for the current stock of Industrial Development Board-assisted externally-owned projects confirm their longevity. Out of a total of 200 projects some two-thirds have existed more than 7 years. Out of a total employment of 35,000 in such projects, over 80% is in projects of more than 7 years' duration.
45. Companies trading in Northern Ireland do so successfully and profitably. (A study produced by the Northern Ireland Economic Research Centre earlier this year indicated that profitability of both externally and indigenously-owned Northern Ireland manufacturing firms was higher than all UK firms in similar sectors and that the profit advantage over the UK was larger for externally-owned firms.) What is needed is much more industry to reduce the high levels

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

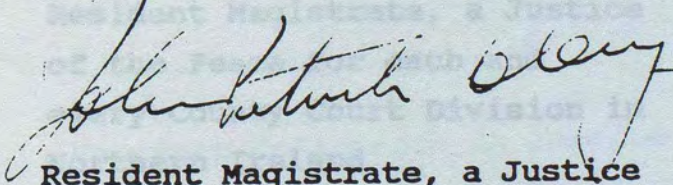
The Deposition of David James Watkins continued:-

of unemployment. It is the clear experience of the Industrial Development Board, the public body charged with winning inward investment, that attracting investment is made more difficult by terrorist violence, from whichever source it comes. This is mainly because of the damage which terrorism has inflicted on the image of Northern Ireland abroad - a handicap not suffered by other regions competing for internationally-mobile investment.

46. It is not true, as Mrs McAliskey contends (lines 23 to 25 of page 110 of the transcript of her testimony on 4 October, and lines 17 to 21 of page 17 and lines 14 and 15 of page 18 of the transcript of her testimony on 5 October), that individuals or areas are being economically or socially punished for the way in which they vote. As

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

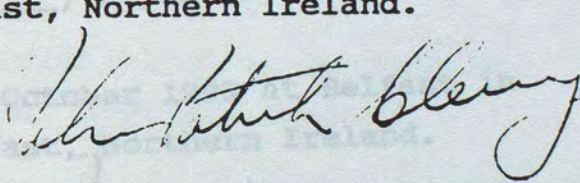
The Deposition of David James Watkins continued:-

elections in Northern Ireland are conducted on the basis of a secret ballot, the voting behaviour of individuals is not known. More generally, the policies of the Government, including its economic and public expenditure policies, are aimed at addressing economic and social needs where they are most acute, irrespective of the voting patterns or political affiliations in particular areas.

47. Work already underway to tackle disadvantage includes:
- provision of additional grammar school places for
 - urban regeneration initiatives targeted on the areas of greatest need in Belfast and Londonderry;

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

The Deposition of David James Watkins continued:-

- an initiative targeted on disadvantaged rural areas;
- higher grant rates for inward investments in relation to disadvantaged areas;
- the Action for Community Employment Programme aimed at the long-term unemployed throughout Northern Ireland;
- the provision of additional grammar school places for Catholic pupils;
- introduction of new, 100%, Government funding arrangements for voluntary schools (mainly under Catholic management).

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

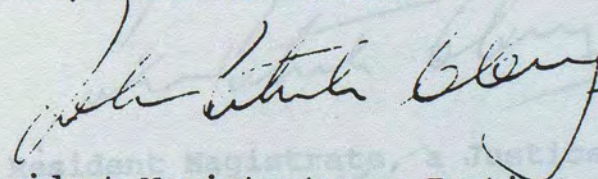
The Deposition of David James Watkins continued:-

Several of these policies flowed from the policy of Targeting Social Need announced in 1991 with the aim of targeting Government policies and programmes generally more sharply on disadvantage.

48. West Belfast, to which Mrs McAliskey specifically refers (lines 14 and 15 of page 18 of the transcript of her testimony on 5 October), has in fact benefited significantly from the Making Belfast Work (MBW) initiative, which was introduced in July 1988 following the earlier introduction of a Belfast Action Team initiative, to tackle disadvantage in the most deprived electoral wards within Belfast. Between 1988 and 1993/94 around £124m has been allocated to the MBW initiative over and above normal Government programme expenditure.

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

The Deposition of David James Watkins continued:-

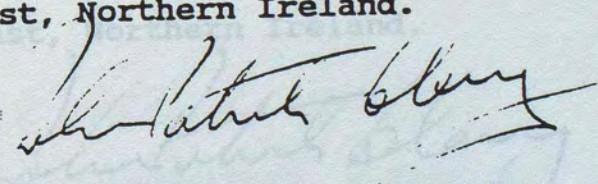
Government estimates, based on an analysis of the first 4 years of MBW expenditure, indicate that around 60% of the resources had been targeted to specific projects and programmes in Catholic West Belfast, which contains around 44% of the total MBW area population, and around 46% of the total unemployed in that area.

49. In this connection I would refer to:

- the 4 major community economic regeneration projects developed in co-operation with the International Fund for Ireland, two of which are in Catholic West Belfast and the others in Catholic areas in other parts of the City;

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

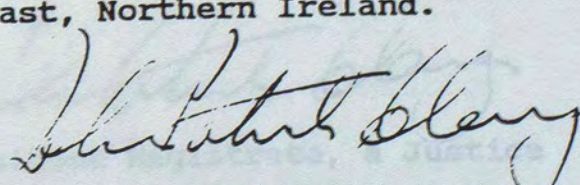
The Deposition of David James Watkins continued:-

- the development of a major Further Education centre in Catholic West Belfast, and the Springvale comprehensive development plan, which is designed to bring significant economic and social benefits to both Catholic and Protestant West Belfast as well as providing much needed housing provision and industrial and commercial developments. (Two immediate developments at Springvale include an advance factory to help in the drive to attract inward investment and a major "centre of excellence" training facility to increase the employability of local people.)

50. The gains secured by the Making Belfast Work initiative include:

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

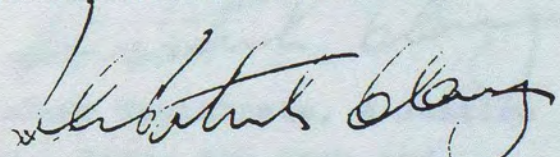
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The Deposition of David James Watkins continued:-

- the Industrial Development Board and the Local Enterprise Development Unit have together promoted over 7,000 jobs in or immediately adjacent to the Making Belfast Work area;
- in addition to the advance factory at Springvale, two others have been built and filled, one each in Catholic and Protestant West Belfast. A 40-acre site in outer Catholic West Belfast is also being developed to attract inward investment;
- 500 additional Action for Community Employment jobs have been made available in the MBW area each year, over and above normal provision;

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

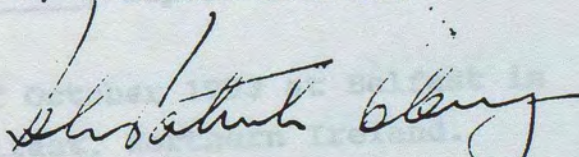
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The Deposition of David James Watkins continued:-

- over 12,000 people have been placed in jobs or training;
- nearly 3,300 students are presently enrolled on 170 different courses at the Further Education centre in Catholic West Belfast and a further 3,000 are enrolled in similar facilities in Protestant West Belfast;
- in 1992/93 almost 40,000 people used the Open Learning facilities now provided throughout the area; and

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DEPOSITION OF A WITNESS

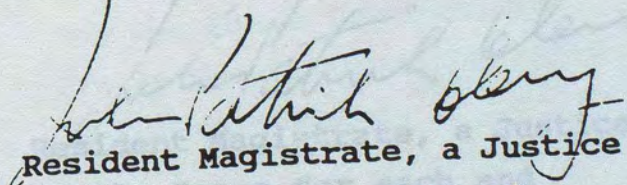
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The Deposition of David James Watkins continued:-

- MBW has also provided a network of computer terminals to allow people to access vocational and educational training opportunities throughout Northern Ireland; 90,000 enquiries were logged last year.
51. These programmes have been undertaken in part to target Government help on, and reduce need in, West Belfast, and are undertaken irrespective of the voting patterns of the area.
52. It is not true, as Mrs McAliskey claims (lines 15 to 19 of page 18 of the transcript of her testimony on 5 October), that "groups like community groups and self-help groups who employ Republican ex-prisoners are politically vetted and more often than not, have their state funding reduced until they are prepared not to employ these people".

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS

(Continuation Page)

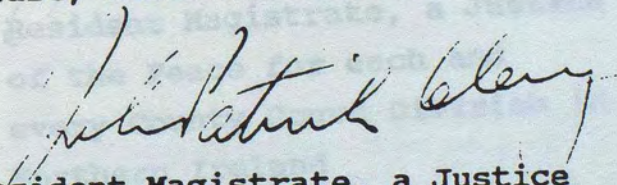
The Deposition of David James Watkins continued:-

53. There is no Government policy of political vetting of such groups. Nor is there any policy of denying or reducing public funds to groups which have in their employment ex-prisoners, whether republican or loyalist. The Government's policy is to encourage voluntary and community-based activity in areas of need, whilst seeking to ensure that Government financial support for such activity is not used to improve the standing or further the aims of a paramilitary organisation either directly or indirectly.

54. Indeed, a major feature of the Making Belfast Work initiative (referred to above) is community participation: there is substantial consultation and dialogue with local community organisations, particularly

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

DEPOSITION OF A WITNESS
(Continuation Page)

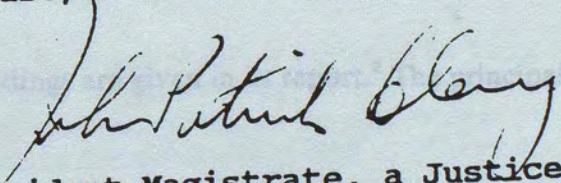
The Deposition of David James Watkins continued:-

through the Belfast Action Team network, which enables resources to be directed to areas of need with a minimum of bureaucracy.

55. In summary, Mrs McAliskey's testimony on the social and economic conditions in Northern Ireland is seriously inconsistent with the factual statistical evidence. Her description of the Government's policies in relation to social and economic matters, and with regard to addressing disadvantage, does not correspond to the actual position. I submit to the court that her testimony on these matters is seriously flawed.

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