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Sitting*

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Kor
23/11/16*

THE JOINT COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY
REPORT ON THE COMMITTEE VISIT TO NORTHERN IRELAND IN THE UK,
BETWEEN 5TH AND 12TH DECEMBER, 2015

CLERK'S CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

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ABBREVIATIONS

NI	–	Northern Ireland
PSNI	–	Police Superintendent Northern Ireland
CYPSP	-	The Children and Young People Strategic Partnership
ECNI	–	Equality Commission Northern Ireland
UK	–	United Kingdom
AMISOM	–	African Union Mission to Somalia
KDF	–	Kenya Defence Forces
OFMDFM	-	Office of the First Minister and Deputy First Minister
NSMC	–	North South Ministerial Council
PCSPs	-	Policing and Community Safety Partnerships
CRC	-	Community Relations Council
TBUC	-	Together Building a united Community
HM	-	Her Majesty
CDSA	-	Children with Disabilities Strategic Alliance
IRA	-	Irish Republican Army
NLPFP	-	National Land Policy Formulation Process
TJRC	-	Truth Justice and Reconciliation Commission
NCIC	-	National Cohesion and Equal Opportunity
BA	-	Belfast Agreement
CP	-	Community Policing
UVF	-	Ulster Volunteer Force
UDA	-	Ulster Defence Association
RUC	-	Royal Ulster Constabulary
NIFCRO	-	Northern Ireland Focus on Conflict Resolution Office
AIA	-	Anglo Irish Agreement
JD	-	Joint Declaration
MPT	-	Multy Party Talks
GFA	-	Good Friday Agreement
UAH	-	United Against Hate
TBUC	-	Together Building a United Community
DCYP	-	Department of Children and Young People

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PREFACE

Mr. Speaker Sir,

Establishment of the Committee

The Joint Committee on National Cohesion and Equal Opportunity is established under standing orders 214 and 217 of the National Assembly and the Senate Standing Orders respectively in order to, among others:

- (a) monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;*
- (b) investigate, inquire into and report on all matters relating to inter-community cohesion;*
- (c) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground; and*
- (d) investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph (c); and examine the activities and administration of all Ministries, departments and statutory bodies in so far as they relate to the rights and welfare of the groups referred to under paragraph (c).*

Mr. Speaker Sir,

Membership of the Committee

The Committee is comprised of the following members:

1. Hon. Johnson Sakaja, MP – **Chairman**
2. Sen. Hargura Godana, – **Vice Chairperson**
3. Hon. Francis Mwangangi, MP
4. Hon. George Omondi Mallan, MP
5. Hon. Grace Kipchoim, MP
6. Hon. Kimani Ngunjiri, MP
7. Hon. Maison Leshoomo, MP
8. Hon. Peris Tobiko, MP

9. Hon. Rose Museo Mumo, MP
10. Hon. Zipporah Jesang, MP
11. Hon. Mohamed Elmi, MP
12. Hon. James Gordon Rege, MP
13. Hon. Mohamed Diriye Abdullahi, MP
14. Hon. Moses Injendi, MP
15. Hon. Roba Duba, MP
16. Hon. Elijah Memusi, MP
17. Sen. Abdirahaman Hassan, MP
18. Sen. Agnes Zani, MP
19. Sen. Christopher Obure, MP
20. Sen. Emma G. Mbura, MP
21. Sen. Isaac Melly, MP
22. Sen. Muriuki Karue, MP
23. Sen. Mike Mbuvi Sonko, MP
24. Sen. Peter Mositet, MP
25. Sen. Stephen Sang, MP
26. Sen. Ali Abdi Bulle, MP
27. Sen. Beatrice Elachi, MP
28. Sen. Godliver Omondi, MP
29. Sen. Henry Tiolo Ndiema, MP
30. Sen. Moses Otieno Kajwang, MP

In line with its work plan for the financial year 2015/2016, the Committee undertook a benchmarking study visit to Northern Ireland between 5th and 12th December 2016. The delegation comprised of the following Members: -

1. Hon. Sakaja, Johnson, M.P. **Chairperson, Leader of the delegation**
2. Hon. Maison Leshoomo, MP
3. Hon. Mohamed Diriye, MP
4. Hon. Elijah Memusi Kanchory MP
5. Sen. Moses Kajwang' MP
6. Ms. Hellen Kina, Clerk Assistant/Secretary to the delegation

OBJECTIVES OF THE VISIT

Pursuant to its mandate, the Committee visit was intended to, among other things;

- A. Study and learn mechanisms put in place by the government of Northern Ireland to protect the rights of indigenous groups and ensure equal distribution of resources to all sections of the society;*
- B. Learn and study ways of promoting representation of marginalized groups especially with regards to the obligation of Parliament in ensuring passage of laws that promote equitable representation;*
- C. Study the legislative measures put in place to promote harmonious co-existence across all section of the society;*
- D. Learn and study the role of other non-governmental agencies that complement the work of the state in fostering inclusivity in the society;*
- E. Scrutinize conflict management and resolution strategies, healing and reconciliation processes and role modelling in promoting a cohesive nation and;*
- F. Hold meetings with the counterpart Committee of Parliament that deals with matters pertaining to indigenous Affairs, National Cohesion, Equal Opportunity and Human Rights.*

ACKNOWLEDGEMENT

Mr. Speaker Sir,

On behalf of the Committee, I wish to sincerely thank the offices of the Speakers and the Clerks of Parliament for the support accorded to it in the execution of its mandate and the opportunity afforded to its members to undertake the study visit to Northern Ireland and subsequently, in the production of this report.

The Committee further extends its appreciation to the Parliament of Northern Ireland, the Chief Superintendent of Police Mr. Peter Farrar and his team, the Northern Ireland Office of Focus on Conflict Resolution, the North South Ministerial Council, the Northern Ireland Equality Commission and all the other organizations and groups that graciously held meetings with the delegation and provided invaluable insights into their operations.

Finally Mr. Speaker Sir, I would like to express my gratitude to the Honourable Members of the Joint Committee who undertook the study visit and participated in the writing of this

report and the Kenya High Commission in the UK for securing and facilitating appointments with various government agencies.

Mr. Speaker Sir,

It is my pleasant duty and privilege pursuant to Standing Order 203 and ----of the Senate and National Assembly respectively to present the Report of the Joint Committee on National Cohesion and Equal Opportunity on the study visit to the Northern Ireland for consideration and adoption by the House.

Thank you.

HON. JOHNSON SAKAJA, MP

Chairperson

Joint Parliamentary Committee on National Cohesion and Equal Opportunity.

SEN. HARGURA GODANA

Vice-Chairperson

Joint Parliamentary Committee on National Cohesion and Equal Opportunity.

EXECUTIVE SUMMARY

Improving equality and equity in resource allocation, employment opportunities and other natural resources among the people of Kenya, creating wealth and reducing poverty are central to meeting the challenges of achieving national cohesion and equal opportunities for the growing population. Concerted efforts have to be made in addressing the country's vulnerability to conflicts and disputes arising from its diversity in traditions, cultural practices and resource allocation among the communities.

National Cohesion and matters concerning equal opportunity have been elusive in Kenya since independence and perhaps even before then. The divisions in the country, lack of equality and equity led to serious violence in 2008, when the election outcome was given as the reason for violence which had erupted along ethnic lines. This provided a big mirror for Kenya to look into itself and assess its unity as a country as envisaged in the wise words and prayer in the national anthem and the Constitution.

Kenya had made numerous efforts to correct its historic injustices through the Ndungu Land Report, The Truth, Justice and Reconciliation Commission and many others. The country is faced with landlessness on a large scale and recurrent land disputes among individuals and between communities. The Government has initiated a National Land Policy Formulation Process to try to sort out these underlying problems, including those highlighted by the Ndungu Commission. The TJRC was formulated to address the cause and effects of historical injustices and gross violations of human rights. The Commission was intended to contribute towards national unity, reconciliation, and healing which gave rise to the establishment of the National Cohesion and Integration Commission. Faced with all the challenges, the Committee is committed to the implementation of any initiatives geared towards National Cohesion and Equal Opportunity.

The Committee undertook the study tour to Northern Ireland due to the resemblance of its conflict with the violence witnessed in Kenya severally during and after many subsequent elections.

The Good Friday Agreement, also known as the Belfast Agreement, was signed in April 1998, and was approved by people in both the Republic of Ireland and Northern Ireland, in a referendum held in May 1998.

The Agreement was recognition that:

- i. The majority of the population of Northern Ireland wanted to remain a part of the United Kingdom.
- ii. A substantial section of the population of Northern Ireland and the majority of the people of the island of Ireland, wanted to bring about a united Ireland.

The agreement acknowledged that both these viewpoints were equally legitimate. Northern Ireland was to remain part of the United Kingdom unless or until a majority of the population of Northern Ireland or the Republic of Ireland wanted the status of Northern Ireland to change. If this ever came about, then both the British and Irish governments were under a binding obligation to change the status of Northern Ireland and presumably, bring about a united Ireland.

INTRODUCTION

This report emanates from a study visit to the Parliament of Northern Ireland by the Parliamentary Joint Committee on National Cohesion and Equal Opportunity between 5th and 12th December 2015. The visit was part of capacity building initiatives aimed at exposing Members of the Committee so that they can learn from the workings of Committees of other Parliaments and especially those with similar mandates.

The Committee held several meetings with various institutions and the deliberations were centered on conflict resolution, cross border initiatives, security and terrorism, community relations, as well the disabled, children and young people.

During the deliberations, the delegation was keen to know the history of Northern Ireland and the implementation of the Belfast Agreement, Community Policing, and Challenges in cross border relations and more importantly, the mechanisms put in place to formulate and implement policies geared towards national cohesion and equality.

The report also gives a brief overview of the bilateral relations between Kenya and the United Kingdom, the decades of conflict in Ireland and the Belfast Peace Agreement, and the post conflict initiatives, among others. It also provides highlights on the findings of the delegation as well as Committee's observations and recommendations arising from the discussions held during the visit.

General Overview of the bilateral relations between Kenya and the UK

Kenya and the United Kingdom established diplomatic relations soon after independence in 1963 with representation in Nairobi and London respectively. The two countries have good working relations in international fora as exemplified by the UK's support of UN Resolution 2036 in New York, giving the African Union Mission to Somalia (AMISOM) extra troops, including the support for Kenya Defence Forces (KDF) to join AMISOM. The two countries also enjoy extensive bilateral relations in sectors covering trade, investments, tourism, and cooperation in areas of defense and security, anti-piracy, counter-terrorism and climate change, among others.

The Implementation Plan is established for a period of four (4) years and will be subject to mutual review, adjustment and improvement during that period. The Parties adopted the Joint

Implementation Plan to further strengthen the comprehensive cooperation for the benefit of both parties, especially with a view to contributing towards the realization of Africa's Agenda 2063 and the Post 2015 Development Agenda.

Northern Ireland

As a result of the partition of a formerly British colonial territory in 1920, Northern Ireland is constitutionally a part of the United Kingdom, yet geographically it is located on the island of Ireland. Consisting of six counties, its population is just over 1.5million. Since the partition, a conflict has existed between one section of Northern Ireland's population, which has sought the restoration of a united Ireland, and another section aiming to secure the status of Northern Ireland as part of the United Kingdom. This conflict about fundamentally different political aspirations has been exacerbated by inequalities between the two communities, the wounds inflicted through violence and also by increasing intra-communal diversity.

In the words of Jim Dewar, Gosford, NSW, Australia, "*a country is the land occupied by a people under one jurisdiction; a nation is the people of a land under one government.*"

The study of Ireland's cohesion policy and its effective implementation has led to a significant role in the development and revival of Ireland's economy. Borrowing from Ireland's best practices in handling the issue of cohesion and equality, the Joint Committee will assist the relevant institutions in Kenya in effecting and perfecting the practice.

Other than the obvious benefit of a peaceful coexistence with the neighbors, resolution of existing border disputes would go a long way in helping Kenya resolve long standing and emerging security issues such as cattle rustling, human trafficking, arms trade as well as terrorism.

1.1 MEETINGS

1.1.1 Meeting with PSNI, Chief Superintendent Peter Farra Inspector Gaby Moran The delegation met with the Chief Superintendent who informed it that Policing with the Community is about understanding and responding to the human impact of policing. It is about creating real participation between the police and the community, a partnership in which policing reflects and responds to the community's needs and in which the community plays an active part in delivering solutions.

Based on the Good Friday Agreement, the policing mechanism was to be enforced under the following guidelines:

i. Decommissioning of Terrorist Arms

- a) All paramilitary organisations, in particular the IRA, UVF and UDA who were represented at the talks, must hand all their arms to an independent body within two (2) years of the implementation of the agreement (by May 2000).
- b) The progress will be monitored by an independent Commission

ii. Security

- a) A return as soon as possible to normal peacetime security arrangements for Northern Ireland and removal of the Emergency Power acts.
- b) Removal of security installations, which are deemed unnecessary, plus a reduction in the British Army presence in the province.
- c) Enforcement of the UK-wide ban on handguns introduced on 2nd April 1998, but not enforced in Northern Ireland.

iii. Policing

- a) The RUC police force is to be made cross-communities to reflect the makeup of the people of Northern Ireland.
- b) An independent Commission will be set up to recommend future arrangements for the RUC to ensure that it operates within the bounds of human rights and equal opportunity and has the confidence of the public.
- c) An independent Commission will be set up to recommend reforms of Northern Ireland's Criminal Justice system.
- d) The UK government will review the justice system in Northern Ireland.

iv. Prisoners

- The release of prisoners convicted of terrorist offences is to be accelerated.
- Prisoners belonging to groups who are not on complete ceasefire will not be released.

- While account will be taken of the seriousness of offences, prisoners should all be released within two (2) years of the enactment of the agreement (by May 2000).
- Facilities will be provided for re-integration of prisoners into society.
- The UK Government has clarified that prisoners who re-offend or whose organisations return to violence will lose the release right and will be re-interred for their sentences.

1.1.2 Meeting with Northern Ireland Focus on Conflict Resolution Office

The delegation was informed that the Northern Ireland peace process brought about an end to decades of conflict and the Irish Government played a central role in this process. Political divisions in Ireland, which have their origins in the various plantations by English and Scottish settlers, and particularly the Plantations of Ulster, was consolidated geographically with the Anglo-Irish Treaty, which was signed in 1921. This divided the island of Ireland into two separate entities, with Northern Ireland remaining a part of the United Kingdom.

From 1921 to 1972, Northern Ireland had its own devolved Government, separate from the Parliament in Westminster. However, the Unionist majority in Northern Ireland controlled this Government and Nationalists suffered discrimination, both politically, through the gerrymandering of electoral districts, and also in the job market and the allocation of public housing. In 1969, heavy-handed policing of peaceful civil rights campaigners led to civil unrest and a revival of paramilitary organizations. The Northern Ireland peace process resulted to the Anglo-Irish Agreement, Joint Declaration and Multi-Party Talks that occasioned the signing of Good Friday Agreement.

The following are the policies that the British Government employed over a thirty year period to manage the conflict in Northern Ireland.

1. Conflict- management approaches aimed at containment (deployment of the army,
2. Internment, Dip lock courts, intelligence and security policy,
3. Criminalization of politically motivated terrorism
4. Punctual measures aimed at economic and social development) and at resolving the conflict

5. The Constitutional convention, "rolling" devolution
6. The Anglo-Irish Agreement, and finally the peace process leading up to the 1998 Good Friday Agreement.

1.1.3 Briefing by the North South Ministerial Council on Cross Border Initiatives

The delegation was informed that the North South Ministerial Council (NSMC) was established under the Belfast/Good Friday Agreement (1998), to develop consultations, co-operation and action within the island of Ireland, including through implementation on an all-island and cross-border basis - on matters of mutual interest and within the competence of the Administrations, North and South. The NSMC, therefore, comprises Ministers of the Northern Ireland Executive and the Irish Government, working together to enhance co-operation between both parts of the island for mutual benefit. The NSMC functions and structure are as indicated below;

- Develop consultations, co-operation and action within the island of Ireland on matters of mutual interest with decisions made by agreement, North and South.
- The Council has identified six areas for co-operation through existing bodies in each jurisdiction and six matters for co-operation through implementation bodies operating on a cross-border or all-island level.
- The Council is supported by a Joint Secretariat, based in Armagh and staffed by civil servants from Northern Ireland and the Irish Government Civil Service.

There are four levels of meetings held by the NSMC

- i) Institutional Meetings
- ii) Plenary Meetings
- iii) Sectoral Meetings
- iv) Officials' Meetings

The NSMC Plenary meetings are an important element of the work of the Council and provide an opportunity for Executive Ministers to meet with their counterparts in the Irish government.

1.1.4 Meeting with the Equality Commission

The delegation was informed that the Equality Commission for Northern Ireland was a non-departmental public body, established by the Northern Ireland Act 1998. Its powers and duties derive from a number of statutes, which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation. The Commission also has responsibilities arising from the Northern Ireland Act 1998 in respect of the statutory equality and good relations, duties which apply to public authorities, sponsored by the Office of the First and Deputy First Minister which carries out responsibilities for equality, policy and legislation in the Northern Ireland Executive.

Based on the following rights as stipulated in the Good Friday Agreement:

- Northern Ireland will be governed based on mutual respect and recognition of the European Convention on Human Rights, particularly freedom of political thought, religion, place of residence and the rights of democratic government, peaceful constitutional change, absence of sectarianism and equal opportunity regardless of religion, politics, gender, race, disability, age, marital status, dependents or sexual orientation.
- Public bodies must demonstrate cross-community and other equal opportunities.
- A Northern Ireland Human Rights Commission is to be established to protect minorities in Northern Ireland and to ensure that business is conducted without discrimination.
- The Republic of Ireland will consider incorporating the European Convention on Human Rights into its constitution.
- Recognition of the suffering caused by the violence in Northern Ireland's recent past and the establishment of the Northern Ireland Victims Commission to both promote reconciliation and preserve the memory of the 3,600 people who were killed since 1969.
- The British government will sign the Council of Europe Charter for Regional or Minority Languages and help to preserve the Irish language for those who wish to use it. This may mean installation of Irish language translations of public writings and notices.

The Good Friday Agreement brought to an end the 30 years of sectarian conflict in Northern Ireland known as 'The Troubles' and was ratified in a referendum in May 1998. The agreement set up a power-sharing assembly to govern Northern Ireland by cross-community consent. The deal proved difficult to implement and was amended by the St Andrew's Agreement in 2006. This agreement played a significant role in the peace process and in bringing an end to the "troubles". The Good Friday Agreement came into force in December 1998 when Northern Ireland's politicians took their seats at the assembly in Stormont and sanity was restored with only a few contentious issues yet to be settled.

1.1.5 Meeting with The Community Relations Council

The Committee heard that the Community Relations Council was formed in January 1990 as an independent company and registered charity. It originated in 1986 as a proposal of a research report commissioned by the Northern Ireland Standing Advisory Committee on Human Rights. The Community Relations Council was set up to promote better community relations between Protestants and Catholics in Northern Ireland and equally, to promote recognition of cultural diversity.

Its strategic aim is to promote a peaceful and fair society based on reconciliation and mutual trust by;

- Providing financial support, advice and information for local groups and organizations.
- Developing opportunities for cross-community understanding.
- Increasing public awareness of community relations' work.
- Encouraging constructive debate throughout Northern Ireland.

The Community Relation Council used the methodology of building a United Community on seven sectors with specific departmental responsibilities as indicated below:

- i. Establishing ten new shared education campuses(Department of Education)
- ii. Getting 10,000 young people, not in education, employment or training, a place on the new United Youth volunteering programme(The Department for Employment and Learning);
- iii. Establishing ten new shared housing schemes (Department for Social Development);
- iv. Developing four urban village schemes (Department for Social Development);

- v. Developing a significant programme of cross - community sporting events (Department of Culture, Arts and Leisure);
- vi. Removing interface barriers by 2023(Department of Justice); and
- vii. Pilot 100 shared summer schools by 2015(OFMdFM)

1.1.6 Meeting with The United Against Hate - UAH

Hate crime is any incident perceived to have been committed against any person or property on the grounds of a particular person's ethnicity, sexual orientation, gender identity, religion, political opinion or disability.

In response to the local manifestations of hate crime, the UAH, Centre for Democracy and Peace Building <http://democracyandpeace.org/> in partnership with Victim Support NI took an initiative to re-launch the United Against Hate campaign, with the aims of raising awareness of hate crime among the general public, addressing the issue of under-reporting of hate crime and promoting the benefits of diversity among people in Northern Ireland. Reporting a hate crime or incident helps Police to stop it from occurring.

Unite Against Hate would create a 'hub', to enable various stakeholders to report on projects relating to hate crime, as well as to share research, information and good practices. The key roles of UAH are purposely to stimulate, coordinate and communicate any hate crime among the citizens.

The Race equality unit is committed to building a society in which racial equality and diversity is supported, understood, valued and respected. The Racial Equality Strategies aim to redress inequalities in employment, education, housing, health and welfare.

In the context of a perceived competition for scarce resources such as jobs and housing, this may provide fertile ground for racism. Therefore, the media, political parties, politicians and even neighbours or work colleagues can fuel negative and incorrect perceptions about migrants. When these ideas take root, they can create an atmosphere of ethnic intolerance, resentment and hostility, often resulting in hate crimes.

The main objective of UAH is to challenge prejudices and continue to debunk myths about migrants. It is no coincidence that racist hate crimes tend to occur in areas of multiple deprivations where foreign nationals are blamed for economic and social ills. These are

communities in Northern Ireland who have not felt the economic benefits of the 'peace process.'

1.1.7 Meeting with the Together Building a United Community- TBUC

The delegation was informed that building a united community and improving community relations is a clear commitment within the programme for Government and the public consultations, a commitment that is shared across societies. The Together: Building a United Community Strategy outlines a vision of "*a united community, based on equality of opportunity, the desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced and where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance.*"

The Strategy reflects the Executive's commitment to improving community relations and continuing the journey towards a more united and shared society. It represents a major change in the way that good relations will be delivered across government departments expected to work together to ensure that outcomes are delivered on the ground. The funding is directed in the most appropriate manner through the most appropriate bodies on the basis of the themes in this strategy.

A key action of the strategy therefore establishes an independent and statutorily - based organisation to provide advice to government and to challenge all levels of government in terms of its performance in improving good relations. The Equality Commission already fulfils a similar role in terms of monitoring public authorities against the statutory duties in Section 75 of the NI Act 1998. Establishment of an Equality and Good Relations Commission is therefore meant to change the roles and responsibilities to include good relations, incorporating the existing role and new good relations role, the significant functions currently under Community Relations Council on a statutory basis.

The change has the potential for significant impact on the Community Relations Council. In order to tackle issues of inequality, TBUC would have to improve equality of opportunity for all with the aim of making positive strides to address better community relations. Likewise, by tackling sectarianism, prejudice and hate, the TBUC can contribute positively to removing and reducing the motivation for discrimination.

The underpinning Principles that drive the implementation of the TBUC principles at both the central and local Government level are:

- i. Cohesion
- ii. Diversity
- iii. Fairness
- iv. Inclusion
- v. Integration
- vi. Interdependence
- vii. Respect
- viii. Responsibilities
- ix. Rights
- x. Sharing
- xi. Tolerance

Key Priorities

The Strategy further outlines how all the stakeholders would work together to build a united community and achieve change against the following key priorities:

- i. Children and young people;
- ii. Shared community;
- iii. Safe community; and
- iv. Cultural expression

Each of these four key priorities will be supported by the following shared aims:

“To continue to improve attitudes amongst our young people and to build a community where they can play a full and active role in building good relations.”

1.1.8 Meeting with the Department of Children and Young People - DCYP

The department of children and young people is under the office of the First Minister and deputy First Minister; it is responsible for policy development affecting children and young

people through integrated planning and commissioning. The branch brings together a range of agencies, including voluntary and community sector organizations that aim to improve the lives of children and young people in Northern Ireland.

In the past, despite best efforts, everyone who worked with children and young people provided services separately which only created problems for children and young people, and their families and wasted resources. The aims of CYPSP is to plan and provide services for children and young people more efficiently by making joint decisions about the services needed, and funding them together.

The CYPSP emphasizes a rights-based approach to its work by planning services that uphold children's rights and encouraging children, young people and their parents to participate in the process:

Integrated commissioning policy is a plan towards identifying services and service providers to achieve outcomes. It involves two or more agencies taking joint responsibility for translating strategy into action.

The CYPSP has an Integrated Commissioning Sub Group, which puts forward the two themes, 'Integration of Planning' and 'Optimising Resources'. In terms of ensuring that integrated commissioning works, the CYPSP agrees on a framework, which includes processes that ensure that appropriate arrangements are in place to govern the usage of funding from different sources. The framework takes account of best practices elsewhere and previous integrated commissioning that has taken place in Northern Ireland.

1.1.9. Courtesy call on the Speaker of the Parliament of Northern Ireland, Hon. McLaughlin Mitchel.

The Northern Ireland Assembly is the devolved legislature for Northern Ireland. It is responsible for making laws on transferred matters in Northern Ireland and for scrutinizing the work of Ministers and Government Departments.

The Parliament was established by the Government of Ireland Act 1920, a piece of legislation that was intended to establish a partition of Ireland and create two devolved Parliaments within the United Kingdom. However, the institutions of the Parliament of Southern Ireland

were not operational: none of the seats in the Southern Ireland House of Commons were contested and Sinn Féin won all the territorial constituencies. Eventually, the establishment of the Irish Free State superseded the provisions of the Act, and this also rendered the proposed Council of Ireland ineffective.

The Parliament of Northern Ireland was bicameral: alongside the directly elected House of Commons was the Senate of twenty-six members. The House of Commons using the single transferable vote elected twenty-four Senators; the other two seats were the *ex officio* by the Lord Mayors of Belfast and Londonderry. Since the Senate had the same party balance as the House of Commons and was dependent on it for election, it had virtually no impact.

Later, Parliament built its new Headquarter building at Stormont on the outskirts of Belfast, which was completed in 1932. The House of Commons, the Headquarter of the Cabinet and the Speakers residence are housed in the same Parliamentary estate.

The delegation was received and hosted for lunch by the Speaker.

1.1.10 Briefing on Devolution-Mr. Neil Jackson

The delegation was informed that devolved institutions in Northern Ireland are constituted under the Northern Ireland Act 1998, with several institutional reforms having taken place since then. The Assembly term which ended in 2011 were the first since devolution in 1998 to run its full course without any suspension or collapse, emphasizing the increasing political stability of recent years.

Northern Ireland ministers are chosen from the Northern Ireland Assembly in proportion to party strengths using the D'Hondt formula. A First Minister and a Deputy First Minister, who has equal status and must act jointly, head the Executive.

The Northern Ireland devolution settlement gives legislative control over certain matters (known as 'transferred matters') to the Assembly. These are the main economic and social fields. The Assembly may also in principle legislate in respect of 'reserved' category matters subject to various consents, but has not yet done so to any significant degree.

Matters of national importance, which, in the normal course of events it is expected will remain the responsibility of HM's government and Westminster, are known as 'excepted matters,' and the NI Assembly does not have competence to legislate on these. Many UK-wide issues such as broadcasting and genetic research are known as 'reserved matters'. This category originally included policing and criminal justice but those matters were devolved and therefore moved into the transferred field.

1.1.10.1 Transferred matters

Issues in which the Northern Ireland Assembly has full legislative powers include:

- health and social services
- education
- employment and skills
- agriculture
- social security
- pensions and child support
- housing
- economic development
- local government
- environmental issues, including planning
- transport
- culture and sport
- the Northern Ireland Civil Service
- equal opportunities
- justice and policing

1.1.10.2. Excepted matters

HM's government retains responsibility for matters of national importance, including:

- the constitution
- Royal succession
- international relations
- defense and armed forces
- nationality, immigration and asylum

- elections
- national security
- nuclear energy
- UK-wide taxation
- currency
- conferring of honors
- international treaties

1.1.10.3.Reserved matters

These are issues where legislative authority generally rests with Westminster, but where the Northern Ireland Assembly can legislate with the consent of the Secretary of State. These include:

- firearms and explosives
- financial services and pensions regulation
- broadcasting
- import and export controls
- navigation and civil aviation
- international trade and financial markets
- telecommunications and postage
- the foreshore and seabed
- disqualification from Assembly membership
- consumer safety
- intellectual property

1.1.12.Meeting with The Department of Good Relations.

Every Council employs Community Relations Officers or Good Relations Officers. Within the Belfast Agreement in 1998, an equality law, 'Section75' was drafted to say that each Council must try to promote Good Relations between people with different religious beliefs, political opinions and ethnic backgrounds. Every three years, the Good Relations Team develop their new strategy for the next three years. As part of this process, they consult widely to find out what the Community Relations issues are in the Derry City and Strabane District Council area. The types of people that are consulted with include young people, ethnic minorities, local politicians, minority groups, Council Staff and all sections of the

community. This is in order to find out what people thought about the work undertaken over the past few years, what the current issues are and how they should be addressed.

1.1.13.Meeting with the Policing and Community Safety Partnership

The PCSPs (Policing and Community Safety Partnerships) are local bodies made up of Councilors and independent people from each council area that work to make the communities safer. They focus on the policing and community safety issues that matter most in various areas.

PCSPs have a range of duties, which are set out in legislation. They:

- Consult and engage with the local communities on issues of concern in relation to policing and community safety. Each PCSP has a Policing Committee with a distinct responsibility to provide views to the relevant district commander and the Policing Board on policing matters;
- Identify and prioritise particular issues of concern and prepare plans on how these can be tackled;
- Monitor the performance of the police and work to gain the co-operation of the public with the police in preventing crime; and
- Deliver a reduction in crime and enhance community safety in each district, directly through interventions, through the work of delivery groups or through support for the work of others.

PCSPs work with the community to identify issues of concern in the local area and prepare plans to deliver practical solutions and in partnership with other organisations, which contribute to community safety in the area.

1.1.14 Meeting with The Disability Action- Children and Young People.

The Children with Disabilities Strategic Alliance (CDSA) brings together organisations from across the children's sector and the disability sector. Children in Northern Ireland and Disability Action jointly chair it. CDSA works to ensure that policy impacting on the lives of children and young people with disabilities is informed by their needs and circumstances.

The CDSA aims to:

- i. Promote the rights and best interests of children and young people with disabilities;
- ii. Raise awareness of the exclusion experienced by children and young people with disabilities in their daily lives; and
- iii. Recommend actions that will help address the barriers they encounter.

The Children with Disabilities Strategic Alliance (CDSA) under its new Manifesto, makes a provision in which to identify the increasing difficulties being faced by local children with disabilities and their families in accessing public services due to the scarcity of finances. The CDSA was created owing to the worrying trend and it highlights the urgent need for the Government to re-focus its commitment to disabled children.

The Children with Disabilities Strategic Alliance (CDSA) has identified a number of cross-cutting issues which must be addressed as a priority by the Government of Northern Ireland:

- i. Priority funding for disabled children and young people
- ii. Research on the needs and circumstances of disabled children and young people
- iii. Accessing services
- iv. Empowering children and young people with disabilities and their families
- v. Full and active inclusion of children with disabilities in strategic policy initiatives.

2.0 LESSONS LEARNT

Northern Ireland, has wisely pointed out that there are no examples anywhere in the world of terrorist problems being 'policed out'. In the end, if there is a political problem at the root of the conflict, there has to be a political solution. That is not to say that security measures have no place. On the contrary, they are essential, without security and pressure downwards, insurgents will find life comfortable and have no incentive to make the tough decisions necessary for peace. But security pressure by itself without offering a political way out will simply cause the insurgents to fight to the last man.

The second lesson is that you cannot stop the violence without talking to the men with guns. Northern Ireland was criticized for undermining the political Centre by focusing on the IRA. But unless they could get the IRA to stop, peace would have not been inevitable in Northern Ireland.

Many conditions needed to be in place before negotiations could succeed, but the most important was that both sides needed to believe that they could not win militarily. If either side thought it could win negotiations would have not been serious.

In Northern Ireland, the British army was clear by the early 1980s that it could contain violence at 'an acceptable level' indefinitely but it could not win an outright victory. They therefore understood the need to seek a political settlement.

In every post-conflict society, there is an urgent need for job creation, to get people off the streets and back to work, during a conflict, the heavy involvement of the government often masks the underlying fragility of the local economy, which is a secondary concern to ending the violence.

The state must also: -

1. Demonstrate its staying power against those who challenge it with violence. Once a terrorist campaign has been launched; the government has no choice but to oppose it with all available resources.
2. Demonstrate that it retains a monopoly on the legitimate use of force. Any non-state actors, especially terrorists, cannot challenge this right, which is inherent to every state.

3. Has to sustain this policy, which is a case of political willpower, over a period of years

3.0 COMMITTEE OBSERVATIONS

Arising out of the visit to Northern Ireland, the Committee made the following observations;

- i) Improving the status of key values of equality and equity in society is vital in addressing issues of social cohesion and peaceful coexistence.
- ii) After decades of conflict and turmoil, the Northern Ireland peace process resulted in the Anglo-Irish Agreement, Joint Declaration and Multi-Party Talks that occasioned the signing of Good Friday Agreement, hence bringing the long conflict to an end.
- iii) The Committee noted that the Good Friday Agreement, also known as the Belfast Agreement, which brought peace in Northern Ireland and which was signed in April 1998, was an initiative approved by people in both the Republic of Ireland and Northern Ireland, in a referendum held in May 1998.
- iv) The introduction of the 'Charter for Inclusion', which cites the principles of equality, diversity, interdependence, responsibility and non-violence was key to respecting differences and promoting social inclusion and cohesion.
- v) The Committee noted that regular involvement of people in cultural events and festivals held across Northern Ireland, which aim to bring communities together also, enhances social inclusion and creates a sense of belonging.
- vi) Policing with the Community is about creating real participation between the police and the people resulting in a partnership, understanding and response to the human impact of policing. Such cooperation can be instrumental in deterring the emergence of neighborhood gangs and militia groups.

vii) Policies used by the British Government over a thirty year period to manage the conflict in Northern Ireland are as follows:

- a) *Conflict- management approaches aimed at containment (deployment of the army,*
- b) *Internment, Dip lock courts, intelligence and security policy,*
- c) *Criminalization of politically motivated terrorism*
- d) *Punctual measures aimed at economic and social development) and at resolving the conflict (Sunning dale,*
- e) *The Constitutional convention, "rolling" devolution, and*
- f) *The Anglo-Irish Agreement, and finally the peace process leading up to the 1998 Good Friday Agreement).*

viii) The North South Ministerial Council (NSMC) was established under the Belfast/Good Friday Agreement (1998), to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island

and cross-border basis - on matters of mutual interest and within the competence of the administrations of North and South.

- ix) The Equality Commission for Northern Ireland is a non-departmental public body established by the Northern Ireland Act 1998. Their powers and duties derive from a number of statutes which have been enacted over the last decades, providing protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation.
- x) The Community Relations Council was formed in January 1990 as an independent company and registered charity. The Community Relations Council was set up to promote better community relations between Protestants and Catholics in Northern Ireland and, equally, to promote recognition of cultural diversity.
- xi) Unite Against Hate will create a 'hub' that enables various stakeholders to report on projects relating to hate crime, as well as to share research, information and good practice. UAH key roles are purposely meant to stimulate, coordinate and communicate any hate crime among the citizens.
- xii) Together Building a United Community is mandated to improve equality of opportunity, by improving equality of opportunity for all and their main aim is to make positive strides to address better community relations through underpinning principles, identified key priorities, shared aims and commitment.
- xiii) The Children and Young People branch is responsible for policy development affecting children and young people through integrated planning and commissioning. The CYPSP brings together a range of agencies, including voluntary and community sector organization that aims to improve the lives of children and young people in Northern Ireland.
- xiv) The Government of Ireland Act 1920 established the Parliament of Northern Ireland, a piece of legislation that was intended to establish a partition of Ireland and create two devolved Parliaments within the United Kingdom.
- xv) The Victims and Survivors Unit works to raise awareness of, and co-ordinate activity on, issues affecting victims and survivors of our troubled past across the devolved administration and throughout Northern Ireland in general. Their aim is to ensure that the rights and needs of victims and survivors are given a high priority. The unit has oversight responsibility for the Commission for Victims and Survivors and the Victims and Survivors Service.
- xvi) Every Council employs Community Relations Officers or Good Relations Officers. Their main objectives are to consult widely to find out what the Community Relations issues are in the Derry City and Strabane District Council area.

- xvii) PCSPs (Policing and Community Safety Partnerships) are local bodies made up of Councilors and independent people from each council area that work to make your community safer.
- xviii) The Children with Disabilities Strategic Alliance (CDSA) under its new Manifesto, makes a provision in which to identify the increasing difficulties being faced by local children with disabilities and their families in accessing public services due to the squeeze public expenditure.

4.0 COMMITTEE RECOMMENDATIONS

The Committee made the following recommendation:

- i. The Government should improve the equality and equity among citizen to address issues of social cohesion and equal opportunity.
- ii. Parliament should legislate on a peace process among the warring tribes who are predominately pastoralist and enforce them.
- iii. Ministry of Interior to enhance and formulate Community Partnership Policing as mechanism of creating safer neighborhood.
- iv. The Government to ensure the rights and needs of victims and survivors of political or tribal violence are given a high priority and addressed effectively.
- v. The Government to create or amend policy development affecting children, disable and young people through integrated planning.
- vi. The Government to enforce and improve in laws providing for the protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation.
- vii. Parliament to amend the Act on National Cohesion to make provision for stimulating, coordinating and communicating any hate crime among the citizens in addition to enforcing punitive measures for hate crime.

HON. JOHNSON SAKAJA, MP

Chairperson

Joint Parliamentary Committee on National Cohesion and Equal Opportunity.

Signed: _____

Date: _____

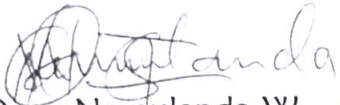
SEN. HARGURA GODANA

Vice-Chairperson

Joint Parliamentary Committee on National Cohesion and Equal Opportunity.

Signed: _____

Date: _____



Oscar Namulanda W. – Senior Clerk Assistant
For: CLERK OF THE NATIONAL ASSEMBLY