

the civic forum

a proposal to the First and Deputy First Ministers Designate from new agenda

The Civic Forum, as provided for in the Good Friday Agreement¹, is currently the subject of much discussion. This document is an attempt to clarify some of the issues and to set out some ideas and options. It is the result of a consultation process which has sought to include a wide cross section of society in the process of helping to shape the Forum.

The New Agenda network commends this document to the First and Deputy First Ministers' Designate and would welcome the opportunity to discuss its contents with them.

It is clear from the consultation process undertaken during August and September 1998 that there is a desire for widespread discussion and debate on the Civic Forum. The New Agenda network is submitting separate proposals as to how such a debate (involving a range of sectors of civil society, political parties, Government and international practitioners) could be facilitated between now and the establishment of the Forum in February 1999.

1. Introduction

The inclusion in the Good Friday Agreement of a commitment to establish a Civic Forum represents an innovative and exciting element in the future governance of Northern Ireland. While the Assembly faces the challenges of the new political dispensation, the Civic Forum can make a vital contribution in bringing the resources and goodwill of civil society to bear in support of the Assembly's work.

The traditional concept of government, in which administrations do things to economies and people, is being replaced by the concept of governance which depends on utilising the knowledge and skills present in society through a wide range of partnerships and networks.

The Civic Forum has the potential to nurture the effective governance of Northern Ireland through marrying the skills and knowledge of the sectors it represents with those of elected representatives, the public administration and wider society.

This is no simple task and will depend for its success on a clear commitment to collaborative working within the Forum, reaching conclusions based on consensus and making every effort to resolve disputes. It will rely on Forum members acting as

¹ Section 34 under Strand One of The Agreement states: "A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum."

servants of wider society rather than guardians of sectional interests. It will need to be taken seriously by the Assembly and its Executive rather than being perceived as a mere producer of paper which can be easily ignored. It must draw on the special expertise available through civil society and it must avoid becoming a self-perpetuating elite. Rather the Civic Forum must become widely owned by the society which it serves.

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2. Role of the Forum

- 2.1. The Agreement states that the Civic Forum 'will act as a consultative mechanism on social, economic and cultural issues.' This is a very broad remit but for the work of the Forum to be of real value and practical use, it will need a philosophical basis to enable it to focus its energies. This should be based on the particular potential strengths of the Forum.
- 2.2. An obvious strength of the Forum, given the nature of the sectors nominated in the agreement, is its potential to help develop economic and social policies. Issues such as unemployment, sustainable development and crime, for example, cut across the traditional departmental boundaries of Government. The Civic Forum is not constrained to think along departmental lines and would be well equipped to work on these so-called 'wicked'² problems. Such an approach would complement the more departmentally focused work of the Assembly committees while avoiding unnecessary duplication.
- 2.3. The nature of the Forum also lends itself well to working on cultural issues, an area in which it could develop particular expertise.
- 2.4. A primary consideration must be that we live in a divided society. The Civic Forum, as an unelected body, can assist the Assembly in overcoming division by, for example, working on a particularly divisive issue, achieving consensus within the Forum and making recommendations to the Assembly. There is a range of issues which elected representatives are often, understandably, reluctant to tackle due to the probability of having to pay a heavy electoral price. And yet good government requires the taking of unpopular decisions. The Civic Forum, being unelected, can help to render some decisions by politicians more acceptable by being the first to grasp some of the more difficult nettles. It is not intended, however, to encourage the Assembly to abdicate its responsibilities for tackling difficult issues.
- 2.5. Innovation is a critical factor in the development of competitive and sustainable regional economies and is itself reliant on a host of relationships and partnerships which cross all the elements of civil and political society. Politics in the modern era operates in a constantly changing environment which requires a constant process of renewal in the way policy challenges are faced. It would seem that the Civic Forum would have a particular strength in identifying and nurturing such innovation, in 'thinking the unthinkable', and to fulfil this role could use the ability to act on its own initiative to good effect.
- 2.6. The Forum must be clear where it sits in relation to the Assembly and its Executive. The Forum is not a second chamber and yet it can be much more than a body which merely reacts to Assembly initiatives. It can be a body which exists to complement the

² The term 'wicked' was first used by J Stewart and M Clarke of the University of Birmingham in a paper entitled 'Handling the wicked issues - a challenge for government' to describe the complex policy challenges which cut across departmental boundaries.

work of elected representatives; to reinforce the democratic legitimacy of the Assembly; and to bring other experience and expertise to bear in tackling the many and complex social and economic challenges which face all modern governments.

- 2.7. Being drawn from the different sectors which make up civil society, the Forum has the capacity to develop a pro-active relationship with that society. This can be done in terms of information, education, consultation and participation (see 8 below).
- 2.8. The Forum must be clear, however, that it is not a loud hailer for the 'vox populi' and nor should it be a body which seeks its legitimacy through attempting to be a representative sample of the population. The primary route for individual citizens to influence Government must be through their elected representatives.
- 2.9. Members of the Civic Forum should undertake to promote the principles and values set out in the Declaration of Support in the Agreement.

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3. Remit

As evidenced by experience elsewhere, successful European regions are characterised by a shared culture of commitment which embraces the different elements of political and civil society.

- 3.1. The Civic Forum, therefore, will seek to complement the work of the Assembly. It will:
 - ◆ assist the Assembly and its Executive in their 'endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements'³;
 - ◆ be formally consulted on the programme for government, related public spending priorities and legislative proposals;
 - ◆ initiate work on strategic economic, social and cultural concerns, and respond to requests from the Assembly to address specific issues;
 - ◆ maintain and develop a close working relationship with wider civil society.
- 3.2. The successful operation of this remit will require a close working relationship with the Assembly and the Executive. Consultation should be carried out at an early stage and before proposals become *faits accomplis*. By the same token the Forum should respond with alacrity and effectively to requests from the Assembly. The Forum should receive formal responses from ministers to its recommendations including reasons for rejecting any aspects of an opinion which are not accepted.

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4. Composition

- 4.1. The agreement states that the Civic Forum 'will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and Deputy First Minister.' Clearly the intention is that the Forum should be non party political.

³ Section 5 of Declaration of Support, page 1, The Agreement.

- 4.2. The question arises, however, as to what other sectors may be included. Clearly there must be a balance between adding to the list and producing one which attempts to achieve the impossible task of directly reflecting the complex web of organisations and relationships which constitute civil society. Related to this is the question of how the interests of those people traditionally excluded from decision making processes can be represented in the Civic Forum.
- 4.3. The naming of a large number of interests, however, may tend to emphasise the role of members of the Forum in directly representing specific interests which could, in turn, militate against the aim of working in a collaborative way on the basis of consensus. The aim should be cross-sectoral unity rather than inter-sectoral rivalry. It should also be to serve society as a whole. If, however, the Forum can devise its own inclusive structures, it should be able to embrace pluralism.
- 4.4. The interests of those traditionally excluded from decision making, should be safeguarded in three ways. First, an appropriate balance of gender, religion, age profile, ethnicity, geographical spread and socio-economic background in the membership of the Forum must be achieved (see 6 below). Secondly, the voluntary sector recognises its responsibility to represent the interests of the socially excluded and the trades union movement recognises its role in ensuring that the interests of the unemployed are represented. Thirdly, the Forum must ensure that it constructs a close working relationship with wider society (see 8 below).
- 4.5. Two sectors, rural and religious interests, not named in the agreement require specific comment. Sometimes seen as one of the 'social partners' in the European context, the farmers' case for inclusion merits consideration. The main farming organisations should be represented in the business sector while other rural interests should be reflected through the voluntary sector. A requirement for geographical balance in the membership of the Forum could also ensure that rural interests are adequately addressed (see 6 below).
- 4.6. Given the position of the churches in our society there is a strong argument for the inclusion of 'faith communities' in the Forum. Such involvement should reflect the diversity of faiths followed and the role of members of the Forum from this sector should transcend their own denominational interests. It is envisaged that representation from this sector would be on a rather smaller scale than that of the three sectors named in the agreement.
- 4.7. The place of young people in the Forum also deserves special mention. It has been suggested that a parallel Youth Forum be established. This should not, however, be a substitute for ensuring that a proportion of Forum members are aged under 25.
- 4.8. The Forum will find only a proportion of the expertise and views relevant to particular areas of work within its own membership. Therefore the flexibility to include others as appropriate will be crucial. This can be achieved by co-option onto Forum committees or working groups. Such co-options should include skilled individuals and representatives of appropriate interest groups.
- 4.9. If the Forum is to pay particular attention to addressing communal divisions it is important that it has access to the skills of those used to working across the sectarian divide. This could be achieved by ensuring that such skills exist in the membership of the Forum or by co-option into working groups.

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5. Size

- 5.1. The Forum could be relatively large (100+), indeed this would be necessary if the kind of exhaustive representation of civil society referred to at 4.2 is to be achieved. It seems inappropriate, however, that the Forum should compete in size with the democratically legitimated Assembly. Such a size would also be unwieldy, would make it difficult to work in a collaborative and consensual way and may run the risk of an insider/outsider divide with the insiders *de facto* being the only significant members.
- 5.2. A Forum with a core of around 50 strong, drawing membership from a limited number of sectors, is likely to be the optimum size - small enough to meet effectively in plenary and large enough to be able to form sub-committees or working groups.

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6. Selection

- 6.1. It is important that the method of selection is consistent with the ethos and role of the Forum. To this end, rather than members directly representing their sectors, they should be drawn from them but should be free to operate as individuals chosen for their broader qualities and capacities to articulate the 'interests of the greater good'. This is particularly important if the composition of the Forum is drawn from a limited number of sectors to ensure it remains capable of serving the interests of the whole of society.
- 6.2. Selection must ensure the highest possible quality of member is recruited to the Forum. The Forum should seek to field the 'first division' in representation from civil society who are able to bring real energy and ability to the task in hand. The use of 'person specifications' could assist in this.
- 6.3. It is also vital that the selection procedure should be as open and transparent as possible.
- 6.4. Three scenarios - selection, election or appointment - suggest themselves. Neither election nor appointment have found much favour. The clear advantage of election is its representative nature. And yet such an emphasis on this aspect of the Forum could easily be perceived as a threat to the Assembly which itself derives its legitimacy from the fact that it is elected. Three further disadvantages suggest themselves. First it seems unwieldy and it could prove difficult to establish exactly what bodies would be eligible for inclusion on a register of electors. Secondly, elections could easily take on a party political flavour if candidates choose to campaign in that way. Thirdly, balance, diversity and quality could easily be sacrificed as the electoral procedure is inherently incapable of delivering these.
- 6.5. An appointment system involving an open recruitment process followed by interview and selection on merit enjoys relatively little support. The problem here lies in the fact that even if very best practice in public appointment is followed it would be difficult for the Forum to avoid the charge of being no more than a giant quango, selection having been made by government and not by 'civil society' itself.
- 6.6. The favoured option for selection is one in which each sector nominates its own representatives based on merit using common guidelines to achieve a balance of religious belief, gender (at least 40% of either gender), age, socio-economic background and geographical spread from across NI. There are three alternatives for ensuring that the Forum enjoys an overall balance:

- 6.6.1. Each sector is required to achieve all the appropriate balances within its own representation thus ensuring that the Forum is balanced. The difficulty arises in achieving all the appropriate balances within a group of 12-15 people while still selecting on merit.
- 6.6.2. Each sector nominates rather more individuals than there are places available who would then be interviewed by a selection body whose job it would be to select the full membership of the Forum on the basis of merit while achieving an overall balance within the Forum. While it is unlikely that any of the three sectors nominated in the agreement will have difficulty in putting forward names, the question arises as to what the makeup of the over-arching selection body would be. One possibility would be a panel made up of two representatives of each sector nominated in the agreement.
- 6.6.3. Each sector could nominate as in 6.6.1. while a number of places are reserved for an overarching selection panel to recruit individuals to fill 'gaps' perceived to exist in the sectoral membership. This could be done through public advertisement.
- 6.7. In determining the term of office a balance must be struck between ensuring fresh injections of talent and maintaining continuity. One way of addressing this would be for the term of office to mirror that of the Assembly while allowing no more than one third of the membership to continue for a second term. Alternatively one quarter of the membership could be rotated every year. The terms of office of the Chair and Vice-Chairs would be treated differently (see 7.1. below).

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7. Leadership and Administration

- 7.1. The role of chair will be a critical one, particularly with regard to the relationship between the Forum and the First Minister and Deputy First Minister. A *troika*⁴ of an outgoing chair, current chair, and future chair, rotating between the sectors, say every two years, should be responsible for day-to-day management and resolving difficult disputes. The position of chair should be a full-time one while that of the vice-chairs is likely to require a commitment of at least two days a week. The task here is to balance the workload of these positions with the availability of suitable candidates.
- 7.1.1. There are three main options for the selection of the chair and vice-chairs. They could be elected by the Forum as a whole; nominated by each sector; or could simply apply for the job.
- 7.2. It is unlikely that the Forum would want to meet in plenary session more than once a month or fewer than four times a year. Sub-committees or working groups would clearly have to meet much more frequently if the Forum is to make a serious contribution. Forum members, however, are likely to have considerable responsibilities elsewhere and a balance needs to be found which would allow as wide a range of people as possible to participate. It is unlikely, therefore, that a commitment of more than one day a week could be required. At the same time, much less than that would restrict the amount of work tackled by the Forum and would

⁴ The idea of a '*troika*' is derived from the European Union practice of rotating the Presidency whereby the current Presidency is assisted by the previous and helps the incoming to prepare for office.

suggest that members did not see their Forum responsibilities as being near the top of their working priorities.

- 7.3. To facilitate participation a daily allowance, compensation for loss of earnings or compensation to employers should be made available as appropriate. Crèche facilities and disabled access should also be available. Receipt of social security benefits should not be a barrier to participation.
- 7.4. Training should also be provided to Forum members to enable them to fulfil their role to the highest standards.
- 7.5. The Forum could easily be a 'talking shop' if not properly backed up by a secretariat feeding in draft papers and working up debates. The members of the secretariat, moreover, would need to be sensitive to the specific nature of the task, as well as capable policy thinkers, and able to relate well to the rest of the system, notably the assembly and executive committee.
- 7.6. The secretariat should be a mixed group of knowledgeable civil servants, individuals with experience in one or other sector and others who are simply 'policy innovators'; the chemistry between them could itself assist in generating dynamism. This requires substantial resources, but the contribution the Forum can make to creative policy thinking will be well worth it. Including administration staff, a secretariat of up to 10 would be entailed and should be employed by the Forum. This should all be sanctioned by the assembly, having been determined between the, initially 'shadow', *troika* and the first and deputy first minister.
- 7.7. Factors affecting the location of the Forum and its secretariat include accessibility to members; accessibility to the public; and proximity to the Assembly. While there is a strong view that the Forum should not be based near Belfast, given that public access can be achieved in a range of imaginative ways (see 8 below), on balance it would be better for the Forum to be located close to the Assembly on the Stormont Estate. The geography of the accommodation and the technology used by the Forum should also facilitate the aim of collaborative working based on equal participation.

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8. Relating to wider society

- 8.1. While the Civic Forum can enjoy no direct connection with wider society via the electoral process, it can and must maintain an open and accessible connection with that society. This does not mean that it must find ways of acting as a loud hailer for the *vox populi* - the Forum must rather act as a deliberative body if it is to contribute constructively to the political process - but it must be firmly rooted in the civil society it is designed to serve.
- 8.2. Existing relationships between members and their sectors can provide some of the necessary connection but the Forum as a whole and through its committees should seek a close relationship with wider society. This can be achieved in a number of ways.
 - 8.2.1. A clear communications, public relations and media strategy should be pursued in order to keep the public informed of the work of the Forum and to provide information on how to influence its work. Accessible leaflets/booklets on particular issues could also be published.

- 8.2.2. Public hearings and publicly accessible meetings of the Forum and its committees and working groups could be held in different parts of Northern Ireland. This must be done using existing networks where possible.
- 8.2.3. Citizens' Juries could be convened to deliberate on particular issues; a Youth Forum could be established; and specific mechanisms for dialogue with schools could be established.
- 8.2.4. Use of the internet could provide a route for participation by a range of organisations and individuals, especially if the Assembly were to develop the use of electronic democracy in its own work.
- 8.2.5. A deliberate policy, adequately resourced, of developing innovative participative ways of working should be implemented.
- 8.2.6. The Forum faces a particular challenge in making itself accessible to people with learning disabilities. Members should have access to expertise in this area and should acknowledge the necessity of not excluding people with learning disabilities or their families.

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9. Other relationships

- 9.1. The Agreement provides for consideration to be given to establishing a consultative forum, 'representative of civil society'⁵ on a North-South basis. It is important that this forum is built into the same overall framework as the Civic Forum, rather than just an add-on extra. Proper structural links should be built with the Civic Forum and with the North-South Council. The Civic Forum should actively develop this proposal by working with the social partners in the Republic.
- 9.2. Although the Agreement is silent on a civil society dimension to the proposals for the British-Irish Council, it would seem in keeping with the spirit of the Agreement that the Civic Forum should develop relationships with equivalent bodies which fall within the British-Irish dimension.

10. Review

Review procedures should be implemented in accordance with the provisions of the Agreement⁶. A continuous process of monitoring and review will be critical to the successful functioning of the Civic Forum.

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⁵ Section 19 under Strand 2 of The Agreement states: "Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues."

⁶ Page 26, paragraphs 5 to 8, The Agreement.

Annex

Responses to the New Agenda consultation document on the Civic Forum¹ were received from:

The Baha'i Community in Northern Ireland
Belfast Trades Union Council
CBI Northern Ireland
Children's Law Centre
Church Initiative Group
Committee on the Administration of Justice
Community Relations Council
Conservation Volunteers Northern Ireland
Cooperation Ireland
Corpus Christi Services
CSX Electrix Ltd
De Borda Institute
Federation of Small Businesses
Foyle Basin Council
Foyle Friend
Glenshane Community Development Ltd
Dr Tony Gallagher
Irvinestown Trustee Enterprise Company
Rev J H F Keys
Killesher Community Development Association
LEDCOM - Larne Enterprise Development Company
Barbara Lomas
Lurgan Council for Voluntary Action
Professor Elizabeth Meehan
Members of CBI Northern Ireland
Mencap in Northern Ireland
NICDA Social Economy Agency
Northern Ireland Agricultural Producers' Association
David Officer, Paul Donnelly, Barbara McCabe, John McQuade
Rt Rev Dr Sam Poyntz
Alan & Janet Quilley
RAPID - Rural Area Partnership in Derry
RSPB
Rural Community Network
Save the Children
Colin Shillington
Joan Smyth, EOC
Ulster Farmers' Union
Ulster Wildlife Trust
Rev Dr Donald Watts
Women's Resource & Development Agency

A number of informal responses were also received.

¹ The Civic Forum - a consultation document from New Agenda, Belfast, 5 August 1998.