

POST-CONFLICT NORTHERN IRELAND: DEALING WITH THE PAST

Research and Library Service

1. The Committee for the Office of the First Minister and Deputy First Minister (the Committee) seeks to consider how Post-Conflict Northern Ireland deals with its past history. This briefing note will consider in particular the issue of 'Dealing with the Past'. To aid the Committee's initial deliberations in this area, this briefing note outlines key discussion themes and related issues that the Committee may want to consider.
2. Key discussion themes are:
 - (i) Moving forward in post-conflict Northern Ireland;
 - (ii) Remembrance and memorial; and,
 - (iii) The 'disappeared'.

Appendix 1 of this note outlines specific issues relating to each identified theme. *Both the themes and the issues do not provide an exhaustive list: they are intended to facilitate the Committee in orientating its preliminary discussions in this area.*

3. A variety of sources were used to compile this briefing. They include:¹
 - Reports and consultation documents produced by executive and legislative arms of national and regional government, as well as independent public appointments.
 - Publications prepared by non-departmental public bodies (NDPBs) located within Northern Ireland.
 - Databases and publications compiled by non-governmental groups such as think tanks, civil rights groups, lobbyists, voluntary and community groups, academics and practitioners located both in Northern Ireland and elsewhere, who work in various disciplines.
 - New legislation in the form of an Order in Council.
4. Both complexities and difficulties arise when addressing this sensitive topic. Consequently due care and attention should be exercised when selecting and considering any of the themes and issues: and in particular, there should be careful management of public expectation arising from such consideration, so that the potential for further hurt, harm and misunderstanding can be avoided, or at the very least, minimised.

¹ Upon request, a bibliography of all sources used can be provided.

APPENDIX 1

DEALING WITH THE PAST

KEY DISCUSSION THEMES	RELATED ISSUES
<p>1. <i>Moving forward in post-conflict Northern Ireland.</i>²</p>	<p>(a) Whether mechanisms should be implemented to help facilitate society in moving forward in post-conflict NI?</p> <p>(b) If yes, what should be:</p> <p>(i) the overall objective and aims of these mechanisms,</p> <p>(ii) the instruments employed to achieve the agreed objective/aims,</p> <p>(iii) the timeframe for the mechanisms, (meaning, when to operate the forum and for how long);</p> <p>(iv) the principles governing the establishment and operation of such mechanisms;³</p> <p>(v) the powers of the mechanisms given the agreed objective/aims, (for example, amnesties, pardons, or prosecutorial); and</p> <p>(vi) the potential cost implications to establish and operate such mechanisms.</p>

² The Interim Commissioner for Victims and Survivors recommends that the forum should be an integral part of the Office of the Commissioner for Victims and Survivors, assisted and facilitated by the Commissioner and leading to the establishment of a full round table forum. An independent consultative group has been set up by the Northern Ireland Office (NIO) to establish the best way to deal with the legacy of the past. This group has already met with a number of organisations who have carried out work in this area, for example the Stevens Inquiry Team, Healing Through Remembering and the Police Service of Northern Ireland's (PSNI) Public Enquiries Branch.

The consultative group intends to report to the Northern Ireland Secretary of State (SoS) in the summer 2008 about the best way to deal with the legacy of the past. The report is to be based on community consensus.

Relevant lessons learnt in this context in the international sphere should inform such considerations.

³ See for example, ["Five guiding principles for creating a Forum for Victims and Survivors"](#). Community Relations Council Conference. 24 October 2006.

<p>2. <i>Remembrance and Memorial</i></p>	<p>(a) Whether these should be mechanisms for victims/survivors to be remembered and memorialised to help facilitate society to move forward in post-conflict NI?</p> <p>b) If yes, in what form and manner should there be remembrance and memorial of victims/survivors, for example, memorial gardens, monuments, national day of remembrance, education scholarships commemorating victims, and/or government funding for remembrance and memorials?</p> <p>c) the potential cost implications to establish and operate any of the above.</p>
<p>3. <i>The 'disappeared'</i>⁴</p>	<p>(a) What future efforts, if any, should be taken to recover the 'disappeared', for example, tackle unsolved murders?</p> <p>(i) In relation to the Historical Enquiry Team, does its remit overlap with other groups already established?</p> <p>(ii) Regarding the proposed legislation for the issuing of death certificates, how should this be framed? Should this be open for consultation?</p> <p>(iii) the potential cost implications the above developments.</p>

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⁴ The Police Service of Northern Ireland (PSNI) has set up a new investigation team named "The Historical Enquiries Team". The role of this team is to re-examine all deaths attributable to the security situation in Northern Ireland between 1968-1998.

The SoS has pledged to introduce new legislation to allow for the issuing of death certificates in cases where it has not been possible to locate the remains of a victim.

Relevant lessons could be learnt from other governments world wide that have provisions allowing death certificates to be obtained for victims whose bodies have never been recovered.