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Legacy & Reconciliation Bill will further divide N Ireland

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A good deal of the Church's pastoral ministry in any society involves being with people who have suffered. In Northern Ireland, too often that has meant supporting those who have suffered the violent death or serious injury of a loved one. Our predecessors through the worst years of the Troubles walked in front of thousands of coffins. Our generation of clergy has comforted and prayed with individuals and families for whom the heartbreak has, in some cases, seeped through generations. The legacy of the Troubles remains an open wound and the frailest of seams in our political and social life.

There is no universal remedy for this great pain, but there can be honesty, integrity and compassion in trying to find the best way forward. Most people in Northern Ireland felt that such a way had been found in 2014, with the provisions on legacy contained in the Stormont House Agreement which was negotiated by local political parties and the British and Irish governments. Although the provisions were not acted upon, they surfaced again in a later agreement involving the same parties in 2020. On both occasions, most victims' groups welcomed the decisions made.

The promoters of the Northern Ireland Troubles (Legacy and Reconciliation) Bill, which begins its journey through the Lords this week, have effectively set aside the toil and goodwill of those who have been journeying with victims for decades. They may say that they are "listening" but the fact that they have produced a bill so heavily weighted in favour of the perpetrators of violence suggests otherwise.

The bill contains provisions that set the bar for immunity from prosecution pitifully low (effectively granting an amnesty), and will not, in all likelihood, provide relatives with the quality of information for which they have yearned for so long. There are other issues, too. Virtually all independent legal opinion that we have seen casts serious doubt on whether the case "review" provisions of the bill will comply with the

provisions of Article 2 of the European Convention on Human Rights which require access to a proper investigation of loss of life. Moreover, anyone with a basic understanding of paramilitary culture in Northern Ireland could not expect many perpetrators to risk offering their accounts for the record.

From an ethical point of view (and not just a Christian one), the inclusion of the word “reconciliation” in the title of the bill – and its liberal scattering like fairy dust throughout the provisions – remains a mystery. Reconciliation in both the religious and civil senses involves the restoration of relationships; it requires patience, the slow building of trust leading to courageous truth telling, and immense forbearance. Nothing in this bill goes anywhere near providing the environment for that to take place. Perhaps the very opposite.

The individual at the heart of this bill is not “the victim” – rather, they are a strange hybrid of “the perpetrator” and “the secretary of state for Northern Ireland for the time being”. The latter is given powers to appoint personnel, make regulations regarding its work, issue “guidance” on the immunity process, initiate reviews, direct a response to historical findings, appoint those responsible for the historiographic work and control the overall budget. In other words, it grants the secretary of state the powers of a commissar rather than a minister of the Crown.

Addressing the legacy of the past has been perhaps the greatest failing of both politicians and civil society in Northern Ireland since the signing of the Belfast/Good Friday Agreement in 1998. This bill will not achieve any of its purposes. On the contrary, it will deepen division and further demoralise all but a tiny minority of those it purports to help. It seems almost as though it has been designed to fail.

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