



House of Commons
Northern Ireland Affairs
Committee

**Ways of Dealing with Northern
Ireland's Past: Interim Report –
Victims and Survivors.**

**Government Response to the
Committee's Tenth Report of
Session 2004–05**

**Sixth Special Report of Session
2005–06**

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Committee staff

The current staff of the Committee are Mr James Rhys (Clerk), Hugh Farren (Attached Second Clerk), Dr Aileen O'Neill (Committee Specialist), Paul Derrett (Committee Assistant), Julia Kalogerides (Secretary), Jessica Bridges Palmer (Media Officer), Jim Lawford (Senior Office Clerk).

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Sixth Special Report

The Committee published its Tenth Report of Session 2004-05 on 14 April 2005. The Government's response from the Northern Ireland Office, was received in the form of a memorandum on 20 July 2005. The response is published as an appendix to this report.

Appendix

GOVERNMENT RESPONSE

This paper responds to the Conclusions and Recommendations of the Northern Ireland Affairs Committee report entitled: 'Ways of Dealing with Northern Ireland's Past: Interim Report - Victims and Survivors'. It has been jointly prepared by the Northern Ireland Office and the Office of the First Minister and Deputy First Minister. The ordering of the response broadly follows that of the Committee's report and recommendations where possible.

Political Process

There are no easy solutions to the problems which remain. It is our view, however, that the people of Northern Ireland must continue to seek from their political leaders the conditions in which peace can flourish, and that while this pressure exists there is every reason to be optimistic about the future. We urge the government, and all members of civil society in Northern Ireland, to ensure that no opportunity to heal the grievous wounds inflicted by over thirty years of conflict is lost, and to strive for a future that is vibrant and optimistic and, above all, peaceful and tolerant. (Paragraph 12)

A positive political context is required in order to bolster the confidence of local communities and individuals in seeking ways of reaching out to each other. (Paragraph 14)

The importance of the overall political context to every aspect of normalisation in Northern Ireland places a great responsibility upon the shoulders of the political parties, and in particular the leaders of those parties, and of the governments of the United Kingdom and the Republic of Ireland, to reflect fully the desire of ordinary people in Northern Ireland for permanent peace and a normal political process. We are not convinced that the parties are devoting anything approaching sufficient effort to this vital task. To our disappointment, most did not contribute any written submission to this inquiry, and we think this was reprehensible. We cannot stress with sufficient force the importance of the contribution of the political leaders in Northern Ireland to the creation of the overall framework of confidence necessary for societal and individual healing. (Paragraph 15)

The Government is fully committed to working towards the establishment of a lasting peace in Northern Ireland. Both the security and economic situations have improved beyond recognition in recent times; the task now is to build on those successes to create the stable, inclusive, tolerant and prosperous society its citizens deserve. The Government's aim is to create a political context in which all communities, groups and individuals feel secure both in their own rights and in their relationships with others.

The Government's goal remains the restoration of the institutions of the Belfast Agreement, based on inclusive power-sharing. Direct Rule has been adopted out of necessity, not choice. We are working towards a situation in which local people can hold locally elected politicians to account, in accordance with the norms of democratic accountability. However, a transition to this stage is dependent on a restoration of trust and confidence in the political process: that requires a complete and verifiable end to all paramilitary and criminal activity.

Victims

Recognition and Participation in the Political Process

The prospect of further immediate progress in the peace process has faded. While constraining what progress towards normalisation in Northern Ireland may reasonably be hoped for in the short term, the present difficulties make it all the more important that the often unsung, but absolutely vital local work of inter-community healing there, which we discuss in detail below, should receive appropriate recognition and encouragement. (Paragraph 3)

Our evidence, incomplete though it is, demonstrates, primarily, the enormous amount of courageous healing work being undertaken throughout Northern Ireland by a wide variety of individuals and organisations frequently at considerable cost to themselves and with great difficulty. This work, unlike the political developments which frequently dominate both the media headlines, and the world's perception of Northern Ireland, rarely receives the recognition it deserves, but is the foundation of the day to day development of peace and normalisation in Northern Ireland. Our evidence also demonstrates the extraordinarily wide range of intractable issues which those striving to confront the past with the future firmly in mind must grapple if progress in inter-community healing is to be maintained. (Paragraph 11)

We believe firmly that without the active participation of those who consider themselves to be the victims of the 'Troubles' in Northern Ireland, the processes of inter and intra community healing cannot succeed. (Paragraph 20)

The role of 'victims and survivors', and their individual experience of 'victim -hood', properly extends throughout society and into every aspect of life in Northern Ireland informing and transforming life there at all levels. This is a process which we heard is going on at present without fanfare or formality and is one which must continue. The leaders of civil society, the political parties, the churches, and the governments must

respect that process, and encourage each and every one whose life has been affected adversely by violence to use his and her experience to the fullest in ensuring that Northern Ireland will never again have to endure the terrible suffering of the past generations. This experience will surely provide the most compelling example to the rest of society. (Paragraph 21)

The decision of the government to halt consultation on a formal process of truth recovery for the time being does not mean, however, that vigorous parallel action now to promote the improvement of inter-community relations, to assist victims and survivors, and to encourage their contribution to society at all levels and in all possible ways, is not necessary. An official truth recovery process is only one component of 'dealing' with the past. The justification for such activities has never been stronger, and the evidence we have published with this interim report is testament to the broad range of high quality work which is being undertaken currently by a large number of organisations and individuals. (Paragraph 33)

The activities of many organisations and individuals at community level throughout Northern Ireland amount, in effect, to a labour of rebuilding society to try and ensure that the problems of the past do not extend to the future in the lives of communities and individuals whom they serve. The lives of many thousands of individuals are affected by the work of these groups, and the evidence we received, and the visits we undertook, strengthened our view that these efforts are absolutely essential to the process of 'dealing' with Northern Ireland's past; indeed, that at present in a very real sense these efforts constitute 'dealing' with the past, and should be recognised collectively as so doing. The details of the work being undertaken by these groups and individuals is set out in the evidence we have gathered and which accompanies this interim report. (Paragraph 39)

It is also necessary to be realistic about the length of time that 'healing' society in Northern Ireland is likely to take. It is clear to us that this is not a process which will take months or years, but rather decades. The government, and all those involved, need to ensure that their policies and structures of support for victims and survivors are tailored with this timescale in fully mind. (Paragraph 40)

The Government recognises that much valuable work in relation to intercommunity healing is carried out at local level. On 21st March 2005, the Office of the First Minister and Deputy First Minister (OFMDFM) published 'A Shared Future', a policy and strategic framework for good relations in Northern Ireland. This framework acknowledges that there are many good examples of relationship building led by voluntary groups, churches and other faith based groups, district councils, trade unions and the private sector. One of the policy objectives of the framework is to "*Ensure voice is given to the diverse victims of violence in Northern Ireland, including via archives and victim-centred reconciliation events*". A cross-departmental triennial action plan, which is being prepared and will be published later this year, will outline how the next phase of victims' policy will dovetail with the outworking of the good relations policy.

The work of the Committee has been carried out against the background of a consultation on services for victims and survivors and on a Commissioner for Victims and Survivors. The consultation paper was published by OFMDFM at the beginning of March and the period for submission of responses ended on 30 June. A detailed consideration of the responses has commenced and the Government will wish to take account of these alongside the work of the Committee in determining the way ahead. The Government fully recognises the role that victims and survivors can play in developing future policy. The consultation paper published by OFMDFM states that, “... the process of developing the next phase of policy will ... be carried forward in partnership with the voluntary and community sector and all those with an interest in addressing the needs of victims ...”.

The consultation paper acknowledges that much good work has been done by victims’ groups and others to address the needs of individuals who have suffered as a result of the “Troubles”. The proposals put forward are designed to promote stability and confidence in the victims sector by building on what has been already achieved by organisations and individuals at community level. The Government does of course recognise that the work of local community and victims’ groups currently provide a valuable contribution both to understanding and dealing with the past. However, the consultation paper also refers to the Government’s intention to establish the post of a Victims’ and Survivors’ Commissioner. One of the functions proposed for the Commissioner will be to take forward the Victims’ and Survivors’ Forum envisaged in the Joint Declaration. The Government is clear that these proposals will provide opportunities for victims and survivors to have an enhanced role in the development of future policy and service provision and in building a future for all in Northern Ireland.

Funding

It is vital that the work of groups supporting victims and survivors is supported and developed financially as a priority by the government. High profile inquiries such as that into the ‘Bloody Sunday’ deaths, and those of others, have their place. But the constant work of supporting victims and victims groups is of incomparable value in providing a tangible way for those most damaged by the past to make a positive contribution on a daily basis to Northern Ireland’s future. (Paragraph 44)

We note that the government’s consultation paper of 1 March contains some proposals to co-ordinate present funding mechanisms for victims and victims groups more effectively. This is welcome, but seems to us a disproportionately modest response to a vital area. We think a more radical approach is needed, carrying with it the promise of a ‘step change’ in the level of funding available to victims and survivors. The government must consider, as a matter of urgency, whether the present level of victims’ funding truly matches the importance of the work that the victims and victims’ groups undertake. It is our present view, based on the evidence we have had, that these are by no means in proper balance, and that more funding is required. (Paragraph 45)

No group which is undertaking such valuable work should be in doubt over the continuity of funding. The Minister's view is that the three year plan for victims' groups set out in the consultation document will inform future funding decisions, and that this will be a job for the proposed Victims' and Survivors' Commissioner. However, we are very concerned that there is no precise timescale attached to achieving this planning conclusion, and that even if the government's plans to appoint a Commissioner proceed, that it will be 2006 at least before the present unsatisfactory financial arrangements for victims' groups begin to be tackled. This appears to us a too tardy response. It is the government's responsibility to ensure that uncertainties over the funding for victims' groups are reduced to the minimum as quickly as possible, and it should begin immediately to prepare for implementation of the corporate and financial planning model set out in the consultation document which a Commissioner, if appointed later this year or in 2006, can pick up in due course. (Paragraph 46)

It was noted in evidence given by Ministers to the Committee that some £28m has been committed to work with victims and survivors. Indeed, the existing core funding and development grant schemes for victims groups have been extended to the end of March 2006. The Government understands that many groups and others would like to see even more resources being committed to work in this area. It is, however, important that funding decisions are placed on a sound basis of assessed need. Proposals to ensure that comprehensive and sensitive arrangements for assessing need are in place are set out in the consultation paper issued by OFMDFM. In relation to continuity of funding for victims' and survivors' groups the consultation paper proposes that funding should be based on a three-year 'rolling plan' developed on the basis of collaboration between the statutory, voluntary and community sectors, including victims' and survivors' groups. In this way it is envisaged that the victims' and survivors' groups and other organisations involved will always have a planning horizon of three years. It is clear, as in so many areas of need, that working on an inter-agency and co-operative basis is the best means of addressing the varied and sometimes complex needs of individuals. The Government's intention is to promote greater financial stability, confidence, trust and inter-agency working across the victims and survivors sector. It also wants the arrangements to be responsive to new and emerging needs whilst addressing those which have already been identified. The Government also intends to implement the new strategy and associated funding arrangements as soon as practicable, but this will of course depend on the outcome of the current consultation and a broad consensus on the proposals.

Compensation

Some of the victims in the late 1960s and 1970s when the 'Troubles' were at their height received very small amounts of compensation by comparison with later payments. The government must ensure, so far as is possible, that the level of compensation received by victims of violence throughout the 'Troubles' is demonstrably fair and in particular, that a way is found of enhancing the relatively poor compensation offered to those in the 1970s. We expect the government to consider this point as a matter of priority. (Paragraph 47)

The Government notes the Committee's concerns in respect of compensation arrangements in place during the early years of the Troubles. Similar concerns were

raised with the Minister with Special Responsibility for Victims as part of the consultation on victims' services. The Government also understands the view that there must be limits to how far financial compensation can help to deliver a degree of closure to individuals. It is clear that revisiting past claims would have significant resource implications and, at this stage, the Government believes that the focus should be on the improvement and mainstreaming of services for victims and survivors that we expect a Victims' and Survivors' Commissioner to deliver.

Consultation on Victims' Services and Establishment of Victims' and Survivors' Commissioner

Views on the government's consultation about victims' and survivors' services are invited by 30 June 2005 and we urge all interested parties to read the document and write to the Office of the First Minister and Deputy First Minister. We expect the government to publish the result of the consultation and take the results fully into account in making final decisions. (Paragraph 66)

In appointing a Commissioner, and finalising a remit for the post, the government will need to keep clearly in mind that there appears to be no demonstrable consensus for such an appointment. While the Secretary of State told us he believed that a majority of victims groups supported the initiative, there is clearly a degree of scepticism about whether the post is required and will 'add value'. To dispel some of this scepticism at least, it will be important that the cost of the appointment is modest, the remit is a powerful one which enables the Commissioner to 'add value' quickly and demonstrably to the support for victims, that he is able to hold the government and other bodies strictly and publicly accountable, and that the positive impact of the post is measurable and kept under close review. The post should preferably have a statutory foundation. (Paragraph 67)

At present there is a Northern Ireland Office Minister with responsibility for victims. We understand that the appointment of a Commissioner will not affect that arrangement, and this is reassuring. It is most important that the appointment should not be seen to imply any reduction in the status of victims and survivors. The responsibilities of the Commissioner and the Minister need to be carefully and clearly distinguished in order that there is no confusion over their mutual responsibilities. (Paragraph 67)

We understand that the normal public appointments process will apply to this appointment. Nevertheless, the appointment of the Commissioner must be made with the active involvement of victims and survivors, and relevant groups. Any sense of the government imposing an appointment must be avoided if the aim of making the post-holder a powerful and effective voice for victims is to be achieved. (Paragraph 67)

There must be high, but not unreasonably high, expectations for any Commissioner if disappointment is to be avoided. The Minister indicated that the government was "putting a lot of faith" in the post-holder to address a number of difficult issues such as acknowledgement, truth, and justice. To make critical progress on all of these may be asking too much of any single official, however competent. We certainly expect the

person appointed to be of the very highest quality, and for the incumbent to make a discernable contribution to the entire range of victims' issues. We have no doubt that our successor committee will wish to meet the person appointed quickly. Equally, we expect the government to continue to bear its full share of the responsibility for addressing the most intractable problems of communal consensus building. (Paragraph 67)

We are surprised that some of the initiatives (many of which appear administratively routine) proposed by the government in its consultation document of 1 March have not been undertaken already in response to the expressed needs of victims. We note that the range of issues identified by the Minister in her consultation in 2003-04 are reflected in those presented in a report on victims in 1998 which suggests to us that progress in addressing these concerns has been slow and patchy, at best. We expect to see the measures which have been proposed, and which receive support in the consultation, pressed forward with the utmost vigour. (Paragraph 67)

Overall, we wonder whether something of an opportunity has not been lost to make a 'step change' both in the support given to victims and to the wider question of an enhanced role for victims in building the future of Northern Ireland. For example, no consideration appears to have been given to the creation of a 'victims' department' within the Northern Ireland administration which might have had the effect of invigorating and focussing the approach by government to victims and their role in Northern Ireland society as a whole, or any substantial enhancement of financial provision. (Paragraph 68)

The Government accepts that there are a variety of views on the subject of a Commissioner for Victims and Survivors. The Government's view is that the model that is developed for the role of the Commissioner must be one which ensures that practical help is given to victims and survivors and which provides leadership and focus for work in this area. The Government believes that the post should be established on a statutory basis and that the costs of the Commissioner should not be disproportionate to the benefits. It is clear that there are a range of views on how a Commissioner will be appointed and it is essential that the individual appointed to this post has the confidence of groups and individuals in the victims and survivors sector as a whole. The Government will be giving close consideration to responses to the consultation on this issue, and to the comments made by the Committee, when reaching final decisions on the Commissioner's role.

The Government notes the Committee's comment that many of the issues presented in a report on victims in 1998 (the 'Bloomfield Report') were reflected in the consultation carried out by the Minister with special responsibility for victims in 2003-04 and that this suggests a slow and patchy response. In fact a very wide range of objectives have been achieved on foot of the victims strategy 'Reshape, Rebuild, Achieve' which was published in 2002. That said, it is recognised that there is a need for a more comprehensive approach and this has led to the publication of new proposals on 1 March 2005. With specific regard to the idea of a separate 'victims' department' which has been raised by the Committee, the Government would need to be convinced of the

merits of such a course, as opposed to the proposals for a Commissioner with a more independent role.

Police Service of Northern Ireland (PSNI)

Vulnerable Communities in Border Areas

It is unfortunately abundantly clear that paramilitary violence and intimidation have not ceased, and that certain communities, for example, those in 'border' areas remain under very considerable pressure. The authorities and the Police Service of Northern Ireland must consider the level of support currently afforded to all vulnerable communities and ensure that it is sufficient. (Paragraph 24)

Although major difficulties have restricted normal service delivery of policing in specific border areas, the PSNI has nevertheless maintained and increased its policing role in border areas more generally.

Productive relationships have been built up with individuals from the local community and these persons are keen to continue to work discreetly with police in a partnership role. Due to an ever present threat from certain individuals and groups, police have specifically targeted resources to deliver security and support to vulnerable persons such as those working in local post offices and businesses. This has the aim of both preventing crime and also providing visible reassurance to communities in these areas.

The PSNI also works closely with other partner agencies to address crime and anti-social behaviour in border areas, including work in partnership with Customs and Excise to address issues such as fuel laundering and the supply of counterfeit goods.

Newry District Command Unit is engaged in a process of normalisation which is evidenced by the introduction of police mobile patrols to parts of the border region which has not experienced such patrols for 23 years. It is hoped that this will help to increase visible reassurance and bring a gradually normalised policing environment to the area.

More generally, local taskings are monitored to ensure that remote border areas receive as much patrol coverage as possible. Leaflet drops on key crime issues in the border areas, such as farmyard security, have also been carried out. The number of checks on vulnerable people is monitored at daily DCU management meetings and cross-border crime meetings take place on a regular basis. Officers also patrol in liveried vehicles whenever possible. It is hoped that, through the implementation of these and other measures, those in border areas feel more reassured about police activity within their communities.

Establishing Trust

The police and those who serve the judicial process in Northern Ireland must work very hard indeed to re-establish the trust of ordinary people, and this is not likely to be an easy task. We expect to see very substantial improvements in the way the police communicate with victims and the families of victims of crime. This would increase the sense of trust in the police felt by the community. (Paragraph 26)

As the Committee itself notes, the PSNI has announced the establishment of a new Historical Enquiries Team to review all unresolved deaths relating to the security situation in Northern Ireland from 1969 to 1998.

The objective is to bring closure either by judicial means or by meeting with the families to explain what has been done and why the matter cannot be taken any further. It is also hoped that this initiative will contribute to a more positive climate of trust between the PSNI and people from both sides of the community.

In addition to this very significant development the PSNI has had in place, since 2002, a mechanism whereby Family Liaison Officers are appointed to support and keep informed the next of kin of all homicide victims. Minority Liaison Officers also currently assist victims of hate crime to access support agencies as appropriate and Crime Management Units now write to all victims of crime providing details of the Investigating Officer and the local Crime Prevention Officer.

A policy directive on how the Police should deal with victims of crime is currently the subject of consultation. It is hoped that this will further enhance the service provided to the victims of crime and their families.

The Disappeared

That a significant number of the ‘disappeared’ remain unaccounted for, and their bodies undiscovered; that the families of the ‘disappeared’ feel obliged to take the opportunity afforded by this inquiry to bring their concerns and frustrations to us, in some cases over three decades since the disappearances took place; that the governments have, to date, failed in their efforts to enable these families to achieve closure for their hurt and, as a result, the families feel, in their own memorable words that “ We might as well disappear when it comes to it because we have to keep coming forward and saying we are still here”, is very disappointing. We look to the governments for a renewed effort, and to those who have relevant information to come forward without delay. (Paragraph 50)

The lives of these families have been blighted by the uncertainty about what exactly has happened to their loved ones. Until those who have information come forward to enable the remains outstanding to be discovered, it will in our view be impossible for Northern Ireland to move forward fully. The governments concerned need to give this issue a much higher priority, and must seek success much harder and more consistently than before. Named Ministers and officials should publicly take individual

responsibility for the cases, and there should be regular, fixed meetings to update the families until a satisfactory outcome is achieved. We expect the UK government to press the governments of the Republic of Ireland and France to agree a similar approach, and for there to be a renewed determination to bring all these cases to a satisfactory conclusion. (Paragraph 51)

The Government concurs with the view of the Committee that it is disappointing that further progress with recovering the remains of the group of victims known as ‘the disappeared’ has not been made. However, it would emphasise that the efforts which have been made by the Commissioners for the Location of Victims’ Remains, in discharging their functions, and An Garda Síochána, who have conducted all the excavations for bodies so far undertaken, should not be underestimated. The Government would also strongly endorse the Committee’s call for those with information relevant to the search for the bodies to come forward with that information as soon as possible. Securing further information is, in the Government’s judgment, the most effective way of ensuring we can achieve success in this work.

The Government would also emphasise that both it and the Irish Government are determined to bring these cases to a satisfactory conclusion. In response to a report recently received from the Commissioners for the Location of Victims’ Remains, both Governments have agreed to appoint an expert to review the work of the Commission to date, and to recommend what further can be done on the basis of that, to improve the chances of finding further bodies. The families of ‘the disappeared’ will be kept up to date with the progress of that review. While the Government notes the Committee’s call for named Ministers and officials to be responsible for keeping the families updated, and acknowledges the need for Ministers to be aware of the plight of the families, it is the case that the expert about to be appointed will be an agent of the Commission for the Location of Victims’ Remains, and it would be more appropriate for the Commission to have direct contact with the families to ensure they are kept abreast of developments.

Truth Recovery Process

Acknowledgment, Apology & ‘Official’ History

We accept the view of those who have told us of the importance of an ‘official’ version of history and truth which might be a key feature of any truth recovery commission. But the Northern Ireland communities must be fully ready and able to accept and share that official version of historical truth, and it is our view, based on the evidence we have been given, that this stage has yet to be reached. In these circumstances, and with considerable regret, it seems to us appropriate to wait until the probability of success for any Northern Ireland-wide truth process is realistically high, rather than press ahead with the likelihood of failure, or partial success at best. (Paragraph 29)

The difficulties of assuming personal responsibility for the problems that have scarred Northern Ireland are obvious. Equally obvious, from what our witnesses have told us, is the profound power of wholehearted ‘acknowledgment’ and ‘apology’ in re-establishing

the mutual respect between the people and communities of Northern Ireland, and beginning to heal the personal agony of individuals, that is the foundation for a truly shared future. The extent of the brutalisation and agony suffered by Northern Ireland over the past decades is so great that there is surely room for all those who have been involved to bear a measure of public witness to their culpability. (Paragraph 60)

Not everyone is ready to accept apologies from perpetrators of crimes arising from the conflict, and it is probable that some people, for perfectly understandable reasons, will never be able to do so. It is also important that apologies are couched in ways which do not diminish the deaths, injuries and sacrifices made by the people of Northern Ireland. Apologies by themselves are not likely to transform mutual incomprehension and mistrust. We are convinced, however, that acts of contrition are a key element in the overall construction of a shared future. As always, we look to the government to demonstrate active leadership in seeking to build a positive future for Northern Ireland, and in this spirit we expect it to continue to reflect carefully on how ‘acknowledgement’ and ‘apology’ can play a part in this central process. (Paragraph 61)

The Committee believes that both acknowledgment and apology would be central to any successful truth recovery process. But the Committee also points out that individuals may find it difficult to accept personal responsibility for past actions and there is equally a degree of uncertainty as to how victims would react to expressions of both culpability and contrition. The Government will continue to reflect carefully on this issue.

The Committee also notes that there is a degree of support for an ‘official’ version of history and that this might be a key feature of any truth recovery process. The Government agrees with the Committee’s conclusion that there would potentially need to be a general willingness from all sides to accept an ‘official’ history and that such an initiative should only be undertaken when there is a realistic possibility that this will happen.

Timing & Consultation

While we agree that the ‘few’ should not be able to hold up progress for the ‘many’ in seeking a truth recovery process, where large sections of the population withhold co-operation from such a process the outcome is likely to be circumscribed and its value reduced correspondingly. In addition, many uncertainties remain to be resolved over the way in which such a process would work alongside the normal judicial process. Finally, it is clear that many in Northern Ireland remain unconvinced that the campaign of violence is truly at an end. (Paragraph 28)

We expect the government to keep the possibility of a truth recovery process under constant review, and that it should be alert to, encourage and publicise, imaginative and proven local ways of facilitating truth telling which might have a wider application. We were encouraged that the Secretary of State was in favour of such a process when the time was right, and that he did not rule out an independent element in setting it up in order to provide confidence to all parts of the community. He is to be commended for this open minded approach. (Paragraph 30)

The government is right to be wary of initiating truth processes which do not appear to enjoy firm, cross-community support. At the same time, we hope that in these matters the government will balance caution with imagination and leadership. Northern Ireland has made astonishing progress in the past ten years, and while care must be taken not to place too great a strain on what is a fragile peace, no sensible opportunity must be lost to carry the process of healing forward. (Paragraph 32)

It is in our view absolutely vital that in sending out the message that the time is not right to launch a broadly based consultation process about Northern Ireland's past, there is no impression given that the government has somehow stopped listening to the views of people there about how they wish the past to be dealt with. We are sure that this is not what is intended, and the Secretary of State makes clear that the proposal to establish a Victims' and Survivors' Commissioner does not mark the end of the process of dealing with the past, or the government's contribution to it. We hope that the government will take every opportunity both to facilitate the contributions of those who wish to express their views about Northern Ireland's future, and to affirm that all options to further the processes of communal healing and peaceful co-existence remain open. (Paragraph 65)

There may come a time when a formal, national 'truth recovery' process will contribute positively to the normalisation of society in Northern Ireland but, on the basis of the evidence we have received to date, that time has not yet arrived: the peace is as yet too fragile, the scars of the conflict too fresh, the co-operation of parts of Northern Ireland's population is not assured, the political conditions are not yet sufficiently settled, the conflict in the estimation of many people is not yet finally over. Were such a process to be put in train now, it is our view that this might have the effect of exacerbating community tensions. (Paragraph 69)

The Government agrees with the Committee's view that the value of any process would be significantly reduced if large sections of the community withheld their co-operation or support. As the then Secretary of State, Paul Murphy, made clear in a Written Ministerial Statement to Parliament on 1 March 2005:

“There will need to be broadly-based consultation that allows individuals and groups across the community to put their views on what form any process might take. And that consultation process itself will need broad cross-community support if the ideas it generates are to be constructively received.”

The Government notes the Committee's view that care should be taken to ensure that the introduction of a formal truth recovery process would not result in an adverse effect on community relations and that many in Northern Ireland remain unconvinced that there has been a comprehensive end to violence; this may further impact on public enthusiasm for a broad-based consultation. The Government is clear that, in order to be successful, any longer-term process would require engagement and trust right across the community, and that this can only be achieved if there is a wider political consensus. That has not yet come about. In the interim, the Government remains committed to keeping the issue of a broad-based consultation under review.

However, whilst we have to be realistic about what can be achieved in advance of a comprehensive settlement and a complete end to violence, the Government shares the Committee's view that this should not necessarily preclude other initiatives taking place. The Government believes that the planned establishment of a Victims' and Survivors' Commissioner and the work of the PSNI Historical Enquiry Team will be significant contributions to dealing with central aspects of Northern Ireland's troubled recent past.