

Truth recovery: In principle where do you stand?

The question of how Northern Ireland deals with its past has become commonplace. This mainstreaming marks a major shift. A few years ago the question itself was off limits. That said, exactly how the society should deal with its past remains unclear. Some still favour "drawing a line" under it.

Last year the Consultative Panel on the Past was set up by the British government to provide a way forward on the dealing with the past. Questions remain whether it is the best vehicle to answer these questions, nonetheless work has begun with most adopting a "wait and see" attitude.

Recently the Panel burst into public view with controversies about whether amnesty should be granted and if the conflicts of the past should be labelled a 'war' or not. Although this is a strange place for the discussion to start, it belies wider questions. In terms of amnesty, what compromises will be needed to deal with the past? And for the "war" question, how should the extent of the conflict be acknowledged and whose actions were legitimate?

This is not to say that nothing has been happening on the dealing with the past front. There have been many inquiries; cases before the European Court of Human Rights; and there is the Historical Enquiries Team. At the civil society level, the Healing Through Remembering initiative has made a significant contribution. The project, which has members from all different political perspectives, has presented options for truth recovery, hosted a Day of Reflection, considered methods such as storytelling and provided ideas for a living memorial museum.

So Northern Ireland is, at least to a degree, engaged in a process of dealing with the past. The bigger question is whether more is needed

and how structured this should be. But this question in itself creates apprehension. Some fear any method of dealing with the past will be a republican Trojan Horse to put the British state in the dock. Others fear no one will "come clean" especially paramilitaries and the two governments. There are also those that fear truth is damaging and will destroy the peace process. The question of whether justice will be done for past violations also remains critical, especially for some victims. Many worry that any method for dealing with the past that is not judicial will extinguish hopes of justice.

Working with Healing Through Remembering over the years, and through my own research, I have heard all these arguments (and others) on countless occasions. What is interesting about them from the international perspective is that they are also the arguments used by other countries when arguing for a structured approach to dealing with the past, especially a truth commission.

I have heard people from Liberia to Peru argue for a truth commission because they fear that if nothing is done one version of the past will dominate history. If all accounts of the past are put on the table, all will come out tarnished, even those who think everything they did was correct. Similarly, if no one wants to "come clean" then an independent body with powers such as search, subpoena and seizure should be put in place to investigate the past. Those who do not cooperate, including the state, should be labelled as such. Some victims also voice the need for alternative mechanisms to courts because courts often fail to deliver justice, especially *en masse*. And finally, contrary to the view that the truth is damaging, many argue that if the truth about the past does not come out, it will pollute the future.

So where does this leave the larger questions about the past in Northern

Ireland? For me it highlights how people are better at articulating why the past should be avoided rather than why it should be confronted. What is at the heart of this resistance?

All that can be surmised is that no one is clear whether their view of history and their actions will be vindicated. To this end, one critical question needs to be answered: is truth about past violations a right? Do we think knowing about the past from all sides, including paramilitaries, the two governments, as well as institutions that shaped the past from churches to the media, is important in principle? If so, then surely the next step is not to list all the reasons this will never be possible, but rather to ask how society can ensure truth can be delivered in a way that has political and social backing, independence and integrity.

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Human Rights and the Past in Northern Ireland: editorial comment

As Just News readers will be aware a number of past focused initiatives have taken place in Northern Ireland in recent years. Most recently, the Eames-Bradley Commission was established to "seek a consensus across the community ... on the best way to deal with the legacy of the past". CAJ has been actively engaged in conversations about the legacy of the past and has offered its human rights expertise to these. We have developed a set of Principles against which we believe the legitimacy and capacity of any past-focused initiative should be measured. In this issue, we start a conversation which we hope will inform these discussions, but the February Issue of Just News will be focused on past-related processes and expertise.