

Conflict Transformation Papers

Volume 3

Truth Recovery After Conflict

August 2003

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Introduction

One of the key issues being debated in Northern Ireland relates to calls for the establishment of a Trust & Reconciliation Commission. As with most issues relevant to the Northern Ireland peace process there are as many opinions about this issue as there are people debating it. The bulk of written material dealing with the issue has come from the nationalist community and from academics. Very little written material has come from the unionist community where the issue has not really been adequately addressed.

In this third volume of Conflict Transformation Papers we have published a paper by Debbie Watters of Northern Ireland Alternatives, a restorative justice initiative working within loyalist communities, in which she seeks to examine the context and role of Truth and Reconciliation Commissions in South Africa and Guatemala and ask the questions– “how effective have these processes been in terms of addressing human rights violations and what learning and insights can be gained and applied to the Northern Ireland peace-building process?”

Two shorter papers, one from Pauline Kerston giving a nationalist perspective and one from Lee Reynolds giving a loyalist perspective, highlight some of the different approaches to the subject held by ordinary people in the community.

The papers will be used to stimulate debate on the subject within our wider community network.

Billy Mitchell
Series Editor
August 2003

Is there need for a Truth and Reconciliation Commission within the Peace Process in Northern Ireland?

Debbie Watters

In 1995, 23 years after the events on 'Bloody Sunday' and five months after the republican ceasefire, Gerry Adams told the crowd at the annual commemoration of Bloody Sunday:

*"There cannot be a healing process, a process of reconciliation, unless all of us address honestly and openly the hurts we have caused. But everyone must do this – republicans, unionists and loyalists, and especially the British government. If John Major is genuinely committed to peace in this country he should make a start by apologising to the people of Derry for the atrocity of Bloody Sunday."*¹

Again, in January 1995, the Campaign for Truth was launched comprising eight groups which had been active for many years in the area of human rights. At this time, a member of this group and brother of murdered solicitor, Pat Finucane stated:

*"If we are to overcome our past, we must come to terms with it and we can only do that if we know the truth about it."*²

Later in the same year, Martin Finucane addressed the Forum for Peace and Reconciliation and asked the Forum to support their call for a Truth Commission. This was the first public call for a Truth Commission to be made for Northern Ireland.³

Since the ceasefires in 1994, the call for truth and justice in Northern Ireland has become a familiar cry echoing the sentiments of many people and communities who have been bruised and battered by 30 years on the front line of violent political conflict.⁴ How do we as a community in Northern Ireland begin to deal with our hurts, our pain and the overwhelming number of human rights abuses which define our conflict? As Steiner states in his chapter, Introduction to Truth Commissions:

*"Is there 'some' proper degree of collective memory appropriate for bearing in mind the cruelties and lessons from a troubled past, while not so consuming as to stifle the possibilities of reconciliation and growth?"*⁵

This paper will attempt to examine the learning from Truth and Reconciliation processes that have taken place in other countries. It will examine the context and role of Truth and Reconciliation Commissions in South Africa and Guatemala and ask the questions– how effective have these processes been in terms of addressing human rights violations and what learning and insights can be gained and applied to the Northern Ireland peace-building process.

¹ Irish Times, 30.1.95

² Irish News, 24.1.95

³ Bill Rolston, Turning the Page Without Closing The Book, p.12

⁴ 'The Story' Greater Shankill Alternatives, p.1

⁵ Steiner and Alston, International Human Rights in Context, p.1217

Over the period of the past fifteen years, the concept of some form of ‘truth telling’ process has become a more acceptable way for a state emerging from a period of gross human rights abuses to deal with its recent past.¹ Truth Commissions therefore can be generally described as bodies established to research and report on human rights abuses over a certain period of time in a particular country or in relation to a particular conflict. Priscilla Hayner states that there are generally five aims of truth commissions although they may vary in emphasis depending on the country:

- To discover, clarify and formally acknowledge past abuses
- To respond to specific needs of victims
- To contribute to justice and accountability
- To outline institutional responsibility and recommend reforms
- To promote reconciliation and reduce conflict over the past²

Truth Commissions can play a critical role in a country struggling to come to terms with a history of massive human rights crimes and can serve many different, often overlapping, purposes. I will now explore several different Commissions beginning with the South African Truth and Reconciliation Commission and the role it played in working towards truth telling, justice and reconciliation in its transitional society.

After forty-five years of apartheid in South Africa, and thirty years of some level of armed resistance against the apartheid state by the armed wing of the African National Congress (ANC) and others, the country had suffered massacres, killings, torture, lengthy imprisonment of activists and severe economic and social discrimination against its majority black population. It was a system which was entrenched for almost 50 years; a system which had left deep scars.³

Because of the social and economic legacy of apartheid, the South African Government has a strong commitment to transformation in the economic and social life of the majority of South Africa’s citizens. They also saw a compelling need to restore the moral order, which had been put in jeopardy by the abdication of the rule of law and gross violations of fundamental human rights.

Nelson Mandela helped to set the example of reconciliation by displaying no rancour or bitterness toward his former oppressors despite his 27-year imprisonment. In a post election celebration on May 2, 1994, he set the tone for the incoming government:

“Let us stretch out our hands to those who have beaten us and say to them that we are all South Africans..... Now is the time to heal the old wounds and to build a new South Africa.”⁴

It was in this context that South Africa began to explore the ‘way forward.’ There were several choices open to South Africa as it sought to come to terms with its past. The former government proposed a blanket or general amnesty. This was supported

¹ Steiner and Alston, *International Human Rights in Context*, p. 1217

² Hayner, *Unspeakable Truths*, p. 24

³ Boraine, *All Truth is Bitter*, 1999, p. 9

⁴ John Battersby, *South Africa Takes Final Steps Towards Long-Sought Democracy*,” *Christian Science Monitor*, May 4, 1994, p.1

by the security forces but opposed by the ANC. The liberation movements supported the calling to account of those who were directly responsible for the gross human rights violations and to put them on trial. However, they accepted that this option would have consequences for simultaneously preparing for peace. The option that received the most support was the appointment of a special commission to offer the possibility of truth relating to victims and perpetrators. Inherent in this option was the restoration of dignity for victims and survivors, a limited amnesty and a search for healing and reconciliation. Shriver sums this up in his statement that:

“South Africa is in the forefront of nations that are seeking ways of educating their citizens to their guilty as well as their proud pasts in its search for healing.”¹

The South Africa Truth and Reconciliation Commission (TRC) officially began its work in December 1995. The objectives of the TRC are outlined as follows by Alfred Allan:²

1. To investigate the nature, causes and extent of the gross violations of human rights committed from 1 March 1960 to 10 May 1994 thus establishing as complete a picture as possible including the perspectives of the victims and the motives and perspectives of the perpetrators
2. To determine the fate or whereabouts of the survivors of such violations, give them an opportunity to relate their experiences and recommend reparation measures in respect to them
3. To grant amnesty to those who had made a full disclosure of the relevant facts in order to encourage individuals to reveal reliable information
4. To report its findings to the nation in report containing recommendations of measures to prevent the future violations of human rights.

Several unique features mark the development and process of the formation of Commission. Firstly, the process was essentially democratic and gave as many people as possible an opportunity to participate in its formation. Secondly, three committees were established to consider different aspects of their work – The Human Rights Violations Committee which conducted public hearings for victims and survivors. More than 20,000 applications were received. The Reparation Rehabilitation Committee was established to develop policy for long-term reparation as well as urgent interim relief for ratification by the President and Parliament. The report of this committee was submitted to the Government at the end of the Commission’s hearings. The third committee was the Amnesty Committee that considered applications for amnesty.³

The third unique feature was the significant amount of time and resources devoted to the work of the Commission.⁴ There were 17 Commissioners, 15 permanent Committee members, professional and administrative staff and an investigatory unit.

¹ Donald Shriver, *An Ethic for Enemies: Forgiveness in Politics*, p. 229

² Alfred Allan, *South African Truth and Reconciliation Commission as a Therapeutic Tool*, *Behavioural Sciences and the Law*, Behav.Sci.Law, 18, 2000, p. 460

³ Lyn Graybill, *South Africa’s Truth and Reconciliation Commission: Ethical and Theological Perspectives*, 1998, p. 44

⁴ Alex Boraine, *All Truth is Bitter*, 1999, p. 10

The total staff compliment was 300. In order to cover as much of South Africa as possible, four offices were set up but Commissioners also travelled widely in order to accommodate as many victims as possible. The fourth unique feature of the South African model was that the hearings were open to the media and the general public. This enabled the nation to participate in the hearings and the work of the Commission from the beginning through radio, television and newspapers and allowed anyone to attend. This enabled transparency and a strong educative opportunity so that truth telling, healing and reconciliation were not confined to a small group but were available to the entire nation.¹

The fifth unique feature was the significant powers vested in the Commission. The Commission had powers of subpoena and of search and seizure and last of all the issue of amnesty represented a major difference in the approach of South Africa's Commission. In some quarters, the issue of amnesty was regarded as a trade-off between truth and justice. The Commission's responsibility for the granting of amnesty aroused opposition from victims that justice was not being done.² The family of Steve Biko and others challenged the constitutionality of the amnesty provision, but the TRC's provisions were upheld.³ Amnesty in South Africa was bound by several conditions: it had to be applied for on an individual basis; applicants had to complete a prescribed form that required detailed information; applications had to make full disclosure in order to apply; applicants appeared before the Amnesty Committee in public; a time limit was set in that only violations committed from 1960-1994 were considered and motive, context and objective of the act were all taken into consideration.⁴

South Africa's experience was very similar to many other countries in that witness after witness at the Human rights Violation Committee's hearing emphasised their deep and fundamental need to know the truth surrounding the loss of a loved one. Repression and concealment have been with South Africa for generations and there was very little likelihood of new evidence coming to light. The only way victims were going to know some of the truth was for perpetrators to come and tell their story of what they did and to whom and how. As Desmond Tutu states:

*"Truth offers not only comfort and peace of mind but also a limited form of justice. Amnesty is a price that South Africa has had to pay in order to know some of the truth of an horrendous past."*⁵

The South African TRC believed that reconciliation was necessary for all because everyone needed to be healed, but this could not be achieved without the painful acceptance of past atrocities. Yet the TRC had demanded neither national nor personal forgiveness as both seemed unrealistic goals.⁶ It had, however, looked towards the development of a strong human rights culture in the country. Did it achieve this? Boraine and others believe that the South Africa TRC did achieve a number of modest goals that helped to create a different 'sense of culture' within a

¹ Heather Deegan, *The Politics of the New South Africa*, 2001, p. 158

² Richard Wilson, *The Politics of Truth and Reconciliation in South Africa*, 2001, p. 110

³ Heather Deegan, *The Politics of the New South Africa*, Longman, 2001, p. 155

⁴ Brandon Hamber, *How should we Remember*, INCORE, 1998

⁵ Desmond Tutu, *No Future Without Forgiveness*, Rider, London, 1999, p. 68

⁶ Heather Deegan, *The Politics of the New South Africa*, Longman, 2001, p. 160

transitional society.⁷ Firstly, the TRC helped to break the deathly silence surrounding the awful consequences of the apartheid system. The stories of victimisation and human rights violations have been told not merely in statistics but with a very real and potent human voice. Victims and survivors themselves experienced a degree of catharsis because, for the very first time, they were received by a compassionate and sympathetic State appointed commission. Secondly, against the background of a country where for decades a cover-up was in place, the TRC's ability to bring forth truth thus far not known is perhaps one of its greatest contributions to an open society. Perpetrators came forward in their thousands and the truth began to be uncovered creating an emerging pattern which helps to understand and appreciate what had been taking place during the apartheid era.

Thirdly, there was an accumulation of knowledge and in many instances acknowledgement; many people publicly acknowledged their own collusion with apartheid. This acknowledgement triggered off a generous response from those who had been victimised in the past. Boraine (2000) states "the generosity of spirit by the majority of victims has been one of the most remarkable experiences of the Commission."¹ Fourthly, white South Africans could no longer claim ignorance and could no longer say, "I didn't know." The truth could no longer be avoided. Fifthly, within the constraints of a negotiated settlement, major compromises were made. South Africa decided to say "no" to amnesia and "yes" to remembrance; to say "no" to full-scale prosecutions and trials and "yes" to forgiveness. Those who committed violations of human rights, who successfully applied for amnesty, in most cases have gone free. There was no victor and no vanquished – just a real alternative that held the tension between the politics of compromise and the radical notion of justice; the tension between retributive justice on the one hand and the notion of restorative justice on the other.

In South Africa the transition was essentially determined by a political compromise. In a real sense there was also a moral compromise. It is morally defensible to argue that amnesty is the price South Africa had to pay for peace and stability. If negotiated politics had not succeeded the bitter conflict could have continued and many more human rights violations have occurred. The moral order can only be restored when it begins where people made the laws, through Parliament. It can only flourish when Judges and Magistrates begin to interpret those laws for the benefit of the disadvantaged, the oppressed and the poor. Reconciliation begins when new laws and their interpretation are implemented. This is beginning to happen in South Africa.

Heather Deegan, in her book 'The Politics of the New South Africa' suggests:

*"It is still far too early to assess the long-term effects of the TRC, but the strength of any reconciliation must rest on the recognition of human rights, democracy and peaceful co-existence."*²

The new spirit that is emerging in South Africa - the commitment to human rights, democracy and peaceful co-existence is primarily the TRC's greatest contribution to a country emerging from a very dark night of the soul into a new day.

⁷ Alex Boraine, All Truth is Bitter, 1999, p. 14

¹ Alex Boraine, A Country Unmasked, Oxford University Press, 2000, p. 372

² Heather Deegan, The Politics of the New South Africa, Longman, 2001, p. 164

Like South Africa, Guatemala saw protracted and bloody armed struggles against a repressive government ruled by an elite minority with little popular legitimacy. Both countries embarked on their peace processes at roughly the same time, with governments commencing formal talks with the armed opposition in 1990.

Roberto Cabrera helps to set the scene for our examination of the Guatemalan Truth Commission with his words:

“When considering the question, should we remember, it is very important to firstly ask, has any victim forgotten? Could they forget? Secondly, we should ask, who wants to forget? Who benefits when all the atrocities stay silent in the past?”¹

The civil war in Guatemala, fought between anticommunist government forces and the leftist Unidad Revolucionaria Nacional Guatemalteca (URNG), lasted for over 30 years and resulted in some 200,000 deaths and disappearances. The counterinsurgency strategies of the state were extremely brutal, particularly in the 1980's when hundreds of villages were razed and tens of thousands of civilians were killed, many in large massacres. The war continued at a lower level into the 1990's, when United Nations – moderated negotiations finally brought the war to an end.² In Guatemala, the agreement to form a truth commission was drawn up as part of the peace negotiations between the government and the insurgent URNG.³ Beginning in 1987 (after Guatemala's army-orchestrated transition to elected constitutional government) and concluding in 1996, these were the longest peace negotiations in Central America. During the negotiations regarding a truth commission, the Guatemalan armed forces leadership insisted that the Salvadorian model of naming perpetrators would not be used in Guatemala. The agreement to establish a Historical Clarification Commission was signed in Oslo, Norway in June 1994 by the government and the URNG after more than two years in which the army completed blocked negotiations on the issue of past human rights abuses.

The mere agreement and existence of a Commission was a tribute to the struggles and sufferings of the Guatemalan civic opposition. However Accord (an international review of Peace Initiatives) documents at least five clauses in the “Commission for Historical Clarification” (CEH) which seriously undermined its potential for effectiveness:⁴

1. Only abuses that were ‘linked to the armed conflict’ could be investigated. This clause clearly provided scope for the torture and/or killing of certain unaligned civilians to be ruled outside the jurisdiction of the Commission.
2. The Commission could only operate for a period of six months with a possibility of extending its lifespan to a year. In this time, it had to investigate violations that had taken place over a period of 36 years from the beginning of the armed conflict to its formal end in December 1996. In light of Guatemala's

¹ Who wants to Forget? The Global Campaign for Free Expression, Article 19

² Priscilla Hayner, *Unspeakable Truths*, Routledge, 2001, p. 45

³ Guatemala Never Again, Recovery of Historical Memory Project, Official Report of the Human Rights Office, Archdiocese of Guatemala, 1999, p. 16

⁴ Accord, *Negotiating Rights: The Guatemalan Peace Process*, Conciliation Resources, London, 1997, p.20

exceptional history of state terror, brutality and impunity, with over 150,000 people killed, more than 50,000 disappeared and over one million displaced (out of a population of 9 million) during the course of the armed conflict, most human rights groups initially rejected the “Commission for Historical Clarification” (CEH) as flawed and unacceptable.¹

3. The Commission was to publish a final report which will ‘make objective judgements about events during the period under consideration.’ The question of ‘objectivity’ had polarising political implications. Independent observers were clear that the vast majority of abuses in Guatemala were carried out by the security forces. However, there was strong support within the government and the military for ‘symmetrical narratives’ which would attempt to accord equal blame to army and rebels.
4. Popular sector groups were angered by the lack of legal teeth for the Commission making it the weakest of any truth commission in recent history. In contrast to the South African TRC, the CEH had no powers of search, seizure or subpoena.

At the time, Guatemalan human rights organisations, which had presented their demands to the talks via the guerrillas’ negotiating team, angrily denounced the URNG for selling them out.² Their principal complaint was that the final agreement clearly stated that the Commission would not individualise responsibility for abuses, or “name names.” This meant that no one could be named in the final report and that information obtained by the Commission could not be employed in later prosecutions.

In December 1996, during the final phase of the peace negotiations, a new broad amnesty law was negotiated by the government and the URNG. This followed many blanket amnesty laws passed during the 1980’s which protected perpetrators from prosecution. The new law would make it even more difficult to pursue human rights abusers through an already wholly inoperative judicial system. In Guatemala, unlike South Africa, amnesty was not lined to personal application or confession: the amnesty legislation was general in character and did not involve any admission of guilt on the part of the perpetrators.³ The December 1996 Law of National Reconciliation allowed anyone who had committed a political crime or politically motivated common crime related to the armed conflict to be cleared of criminal responsibility (although amnesty was ruled out for crimes of torture, genocide and forced disappearance). In cases where those convicted or being tried applied for amnesty on the grounds that their acts were ‘politically motivated’, the burden effectively fell on human rights organisations and victims’ families to prove the contrary.

In April 1995 the Catholic church of Guatemala launched ‘The Recovery of the Historic Memory Project (REMHI) that led to the publication of the Guatemalan: Never Again Report.’⁴ This report describes the Human Rights violations perpetrated against the civilian population during the period of war, the patterns of violence, its

¹ Chenoa Egawa, Truth – and Reconciliation, article in Institute of Current World Affairs, March 1999

² Richard Wilson, The People’s Conscience? Civil Groups, Peace and Justice in the South African and Guatemalan Transitions, Catholic Institute for International Relations (CIIR) 1997, p. 10

³ Who wants to Forget? The Global Campaign for Free Expression, article 19, p. 17

⁴ Roberto Cabrera, Should We Remember? 1998

effects, the socio-political context of the war and the list of the victims.⁵ This initiative was carried out to reinforce a weak truth commission – like the peace agreement, signed by the army and the Revolutionary forces, as a chance to give the victims a version of the truth.

After initial delays and funding difficulties, the CEH began its work on 31st July 1997 and spent the initial period gathering information, including testimonies throughout the country. With an impressive team of talented staff, civil society slowly gained confidence in the Commission and came to strongly support it. Posters and radio campaigns encouraged people to come forward and give their testimony at CEH regional offices housed within the United Nations peace verification mission. The Commission also earned the continued support and trust of parties to the accord and it was ultimately allowed to operate for a total of 18 months, in part interpreting its twelve month deadline as pertaining only to its investigative phase.¹

The field offices were only open for a period of 4-5 months to receive testimonies and since many Guatemalan villages are very isolated, Commission staff sometimes had to trek for hours before arriving at a village to receive testimony from the community. All testimonies were given in private and treated as strictly confidential.

Despite initial promises of collaboration from the Defence minister, the army did not provide information of any significance to the Commission. The URNG, perhaps unsurprisingly given it had much less to lose, was more forthcoming. The Commission completed its lengthy and hard-hitting report in February 1999, releasing it to the public in an emotional ceremony attended by thousands of people in the National Theatre in Guatemala City. The report described acts of ‘extreme cruelty...such as the killing of defenceless children, the amputation of limbs, the impaling of victims, the killings of people by covering them in petrol and burning them alive.....’ The report noted that a “climate of terror” permeated the country as a result of these atrocities. The Commission also analysed the economic cost of the armed conflict, concluding that costs of the war equalled 121% of the 1990 Gross domestic Product. The Commission registered a total of over 42,000 victims; including over 23,000 killed and 6,000 disappeared and documented 626 massacres. Ninety-three percent of the violations documented were attributed to the military and 3% were attributed to guerrilla forces.²

The Commission’s strongest conclusion was that on the basis of patterns of violence, “agents of the State of Guatemala” committed acts of genocide against groups of Mayan people.³ Finally, the Commission concluded that the “majority of human rights violations occurred with the knowledge or by order of the highest authorities of the State.”⁴

The Commission’s mandate also directed it to “analyse the factors and circumstances” of the violence, including internal as well as external factors pointing to racism, structural injustice, and the anti-democratic nature of institutions as contributing to the

⁵ Guatemala, Never Again, Recovery of Historical Memory Project, 1999, p. 23

¹ Priscilla Hayner, Commissioning the Truth, Third World Quarterly, Vol.17, No.1, p 26

² Guatemala: Memory of Silence (Conclusions and Recommendations) 1999

³ Judith Zur, Violent Memories: Mayan War Widows, Boulder and Oxford, 1998, p. 236

⁴ Guatemala: Memory of Silence (Conclusions and Recommendations) 1999

underlying cause of the armed conflict.⁵ Priscilla Hayner suggests that, apart from Guatemala, the only other example of a truth commission explicitly mandated to investigate external factors is the parliamentary commission in Germany, directed to look at the role that West Germany played in developments in East Germany.¹ The Commission also submitted a long chapter of recommendations. Three weeks after the release of the report, the government responded with a statement that suggested that it considered all relevant matters in the recommendations to be sufficiently addressed in the peace accord. One year later, Guatemala's newly elected president, Alfonso Portillo made a commitment in his inaugural speech implement the Commission's recommendations and brought a former commission member into his cabinet. The words of Salvadoran writer Roberto Turcios capture an essential dilemma of interpreting post-war transitions such as those of Guatemala:

*"Looking back over the past 25 years, what you see is a gigantic leap forward; but looking ahead, what stands out is uncertainty."*²

This quote can also be applied to the Northern Ireland situation in terms of addressing issues of truth, reconciliation and healing. As we look back over the past 30 years, we have made gigantic leaps in terms of the process of conflict resolution and peace-building. However for many, the uncertainty is still great and the lack of processes and mechanisms in place to enable people to deal effectively with their pain and trauma only serves to highlight this sense of uncertainty.

What we learn from the experiences of other countries is how sensitive and complex the issue of truth commissions is. Burton (1998) sums this up:

*"We need to acknowledge the real difficulty in helping people to come to terms with the past. The reopening of old conflicts without providing an adequate mechanism for dealing with them is traumatic for victims and perpetrators alike."*³

On Good Friday, 10th April 1998, after thirty years of a bloody violent conflict in which over 3,600 people had been killed and over 30,000 injured, and after some two long years of political talks, the negotiations that resulted in the 'Belfast Agreement' were finally concluded. The Agreement was approved by Northern Ireland's main political parties and most of the unionist parties. At the same time, the governments of the United Kingdom and the Republic of Ireland signed an international agreement. The Belfast Agreement involved constitutional change in the Republic of Ireland resulting in the ending of its territorial claim to Northern Ireland; cross-border bodies with executive powers were set up by the two governments; the establishment of a Northern Ireland Assembly based on power-sharing; and the early release of political prisoners.⁴ The agreement was subsequently endorsed by referenda in Northern Ireland and the Republic of Ireland on Friday 22nd May 1998. In December 1999, a legislative Assembly of both unionist and nationalist politicians was finally set up to

⁵ Susanne Jones, Democratization Through Peace: The Difficult Case of Guatemala, Journal of Interamerican studies and World Affairs, 2000, p. 23

¹ Priscilla Hayner, Commissioning the Truth, Third World Quarterly, Vol.17, No. 1, 1996

² Guatemala Never Again, The Official Report of the Human Rights Office, Catholic Institute for International Relations, 1999, p. 158

³ Mary Burton, Looking Back, Moving Forward, INCORE, 1998, p. 1

⁴ The Northern Ireland Troubles, INCORE Background Paper, Cain Web Service, cain.ulst.ac.uk

share power in Northern Ireland, with Ministers and committee members drawn from both sides of the political divide.

The Good Friday Agreement provided a new context for the Northern Ireland problem to be addressed and a truly historic opportunity for a new beginning. However, what about the 3,600 deaths documented by the ‘Cost of the Troubles Study’? What about the legacy of pain and suffering that had been left behind. Did the Good Friday Agreement provide any mechanism for addressing the human costs of the conflict? The Good Friday Agreement opens with a Declaration of Support that states:

“The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.”¹

These sentiments are commendable but are they enough? The experience of the South African Truth and Reconciliation Commission would indicate that a truth-telling process and coming to terms with the past is a vital aspect of moving forward towards a just society. Desmond Tutu addresses this idea quite effectively in his words:

“We must deal effectively, penitently, with our past or it will return to haunt our present and we won’t have a future to speak of.”²

Unlike South Africa, the idea of a Truth and Reconciliation was not an integral part of the peace negotiations culminating in the Good Friday Agreement. The Good Friday Agreement does have a section dealing with the ‘Reconciliation and Victims of Violence’ that states:

“The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.....It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence.”³

But how should we remember and what mechanisms have been put in place in Northern Ireland to help people reopen old conflict and wounds without revictimising them or adding to their trauma? Sir Kenneth Bloomfield, in his report, ‘We will remember them’ indicates that many expected him to recommend a truth and reconciliation commission in the hope that it would relieve many of the uncertainties and establish some wholesome truths.⁴ The idea, he suggests, is still on the table but more consultation needs to take place. He concludes however by stating that we should remember by urgent action to deal effectively with victims; by involving not only government but the whole of society; by appropriate forms of memorial schemes and of projects in an acceptable form and in due course. In a paper he delivered at the

¹ The Agreement, Its Your Decision, 1998

² Desmond Tutu, No Future Without Forgiveness, London: Rider Books, 1999, p. 238

³ The Agreement, Its Your Decision, 1998, p.18

⁴ Kenneth Bloomfield, We will remember them,

Incore conference, 'Dealing with the Past' on 9 June 1998, he finished with the words:

*"But above all we should remember by vowing singly and collectively that we shall cease to inflict such wounds upon our own brothers and sisters"*¹

The release of Sir Kenneth Bloomfield's report, 'We will remember them' supported the already held view from victims groups that the government, politicians and wider civic society did not care about the needs of victims and were willing to sacrifice truth and justice for the wider political picture and the pacification of armed organisations. The way in which the Good Friday Agreement dealt with the issue of prisoners only served to reinforce this notion even further. The Agreement states that 'Both governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners...Both governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners'²

Yet, all of this raises questions that are key elements of all conflict resolution processes throughout the world and key elements in considering the role of truth and reconciliation commissions in transitional societies? Who are the victims? Does anyone hold the monopoly on hurt and pain? Who are the perpetrators and who has been responsible for the violence? Who holds the truth and does the notion of 'a shared truth' even exist?

Dr. Boraine, in his report, 'All Truth is Bitter' suggested that there is currently no political or moral authority emerging yet from our political process to support an initiative like the Truth and Reconciliation Commission.³ However, if achieving an agreed truth is a necessary factor required to move society forward, what can we put in place to achieve such progress?

Northern Ireland society seems to have adopted several ways of attempting to move on from conflict. The Truth and Reconciliation process in South Africa was borne out of a political settlement. Whilst not all sectors of South African society trusted the government, that government gave the Commission the authority and independence to carry out its tasks without interference. In Northern Ireland recent inquiries and calls for independent inquiries are based on an overtly stated lack of trust of agencies of the State. Can a series of inquiries into particular incidents like Bloody Sunday, the death of Rosemary Nelson and Billy Wright play a role in establishing an agreed truth? Is this kind of process the only way forward when government is still not trusted by significant elements within the community? In the absence of a political settlement, can a series of inquiries produce the same kind of truth that the Truth and Reconciliation Commission sought in Guatemala and South Africa? Most of the current demands for inquiries and judicial hearings relate to alleged violence by the State against Republicans. What of Protestant concerns of alleged abuse of human rights by the State and paramilitary organisations?

One of the biggest critiques of inquiries like the Saville Inquiry is the cost involved. Recent figures suggest that the cost of the Bloody Sunday Inquiry announced in 1998

¹ Sir Kenneth Bloomfield, How should we remember? INCORE Paper, June 1998

² The Agreement, Its Your Decision, 1998, p. 25

³ Alex Boraine, All Truth is Bitter, Victim Support, 1999

is now close to £100 million.⁴ In the same article, the Justice Minister for the Irish government warns that Dublin is wary of setting up inquiries into allegations of collusion involving the Irish security forces because of the high costs involved. If, as Deegan (2001)¹ suggests that true peace building is about narrowing the socio-economic gap that exists between communities and providing the promise of economic justice and changing lives, is the cost of establishing the truth too costly? Could this money not be more effectively diverted into the education and health care systems that would have a real and lasting impact on how people live their lives?

It cannot be overemphasised that in Northern Ireland, we continue to have the same State, albeit working in a rapidly changing political environment. This State must be part of any truth finding process. It was difficult in South Africa to get agents who acted on behalf of the State to give evidence? Would it be even more difficult where the State authorities have not changed, for the State to give evidence? Does this again point us in the direction of a series of inquiries rather than a Truth and Reconciliation Commission? What does this indicate in the nature of those inquiries in terms of incentives for perpetrators to participate, amnesty for witnesses, reparation of victims and relationship with the prosecution process?

Again the key questions are how can the two communities and the State be engaged in a process where all are committed to transparency and truth telling, if at all? And can we avoid a Truth and Reconciliation Commission or an analogous process, becoming just another mechanism, for one community or the State to engage in political point scoring?

The most extensive consultative process carried out in Northern Ireland on healing through remembering was 'The Healing through Remembering' Project that was formally launched on 8 October 2001. This consultative process attempted to involve as diverse a range of voices as possible and the call for submissions was advertised in all major newspapers requesting that people or organisations address the following question:

"How should people remember the events connected with the conflict in and about Northern, and in so doing, individually and collectively contribute to the healing of the wounds of society?"²

In total, 108 submissions were received including victims, ex-service personnel, ex-prisoners, students, academics and service-providers. The final report presented six recommendations which together form a collection of mechanisms and strategies to promote healing through remembering. The idea of truth recovery processes was the most contentious and the one addressed in the greatest detail by those who made submissions with 29 for a truth recovery process, 11 against and 10 unsure.³

The report states that in general, there was support for a truth recovery process with the process needing to be indigenous and appropriate to the Northern Ireland context

⁴ Henry McDonald, The Observer, 26 January 2003, p.2

¹ Heather Deegan, The Politics of the New South Africa, Longman, 2001

² Healing Through Remembering, The Report, June 2002, p. 3

³ Healing Through Remembering, The Report, June 2002

and with hesitation and many conditions attached. This section of the Report concludes:

“The idea of truth being necessary to healing was endorsed and it would seem that there is scope for further debate on this form of remembering process.”¹

This process would seem to suggest that Northern Ireland is not yet ready for a Truth and Reconciliation Commission but that some mechanisms are needed to help victims tell their stories and begin to find healing.

Morrissey et al (2002)² state that their stance on a Truth and Reconciliation Commission is influenced by the notion of ‘supply and demand’ – the demand far outstrips supply. They suggest that the appetite for truth on the part of family members who have lost relatives definitely does exist, but there is nothing to suggest that any of the armed parties to the conflict would satisfy such appetite, nor are there available incentives that might persuade them to do so. They continue to suggest that any truth telling process depends heavily on a political culture that has moved beyond competing claims to victimhood and has established an atmosphere of political responsibility. Therefore, whilst a truth commission for Northern Ireland would, no doubt, serve a useful purpose, its political feasibility is in doubt for the above reasons.

This paper, however, opened with a quote from Gerry Adams reflecting on the issue of reconciliation in 1995 that would seem to refute Smyth and Morrissey’s claim that there is nothing to suggest that any of the armed organisations would engage in a truth telling process:

“There cannot be a healing process, a process of reconciliation unless all of us address honestly and openly the hurts we have caused. But everyone must do this – republicans, unionists and loyalists, and especially the British government.”

These sentiments have been echoed time and time again by many people affected by the conflict since the ceasefires in 1994 and yet the words of Gerry Adams highlight the complex nature of the development of a truth commission within Northern Ireland. Was Gerry Adams genuine in his call for truth telling on all sides and if so, why does the perception exist that the IRA only want to hold the State accountable for their actions but do not want to be held accountable for the 58% of the killings they were involved in during the violent conflict? The question remains, why has information on only 2 of the 20 ‘disappeared’ been given to the families when all the families have asked for is the truth and the ability to bring some sense of closure to these awful atrocities? Would a truth and reconciliation commission negotiated at all levels within our society help these families to discover the truth about their relatives? Was Adams’ call for truth on all sides truly genuine or was it a way of scoring political points and presenting a new image within a changing society? This, I believe, lies at the heart of the truth and reconciliation debate in Northern Ireland and touches on the key concepts of trust, honesty, integrity and genuineness.

¹ Healing Through Remembering, The Report, 2002

² Mike Morrissey and Marie Smyth, After The Good Friday Agreement, Pluto Press, 2002

Hamber (1998)³ supports the view that the time is not right for a Truth and Reconciliation Commission in Northern Ireland due to political point scoring. He argues that an official process is unlikely at this point as the balance of power is too evenly weighted and delicate at this stage of transition between the various factions. Most appear willing to leave their truths hidden for the moment, but demand truth from those they perceive as the other side. However, the demands for truth will not disappear.

Responses to a truth commission, I believe, need to be analysed in the context and community from which the call comes. In 1995, Martin Finucane, made the first ever call for a truth commission in Northern Ireland. Since that time, other calls have come from within the Republican community and yet, these calls are not perceived as genuine within the Protestant community due to the lack of information that armed republican organisations are willing to provide. The number and the format of the inquiries called for by the Republican community against state violence suggests that the republican movement wants to learn the truth at an intellectual and factual level to help justify their political actions but do not want to hear or participate in truth telling at an emotional and human level.

In conducting various focus groups on the issue of a truth and reconciliation commission in Northern Ireland with participants from ex-prisoners groups, victims groups, ex-service personnel and youth groups, it is clear that the community and culture people come from heavily influences their opinion. In general terms, people from within the republican community seem to be more open to the idea of a truth telling process. In my opinion, this is strongly rooted in the republican 'culture of victimhood', an idea supported by Smyth and Morrissey¹ and an idea that deserves to be given some weight. The republican community is perceived by many as acting as a collective community that is bound together by a sense of oppression and victimhood.² As a community, therefore, they work together to address the hurts and pain of their community and inquiries are a good example of how they promote their 'victim and oppressed status' by highlighting the wrongs of the State. This opinion is held closely by many Protestants and Loyalists and it accounts for a negative opinion within this community towards inquiries and truth telling process. The notion of the 'zero-sum' mentality abounds – if republicans are for something, then loyalists must be against it. Paisley reflected this opinion when he refused to attend the Bloody Sunday inquiry by implying that he had much more important business to attend to.³

Arlene Foster, in the February edition of Fortnight magazine, states that the human rights agenda still remains largely alien to most grassroots members of the Protestant community. She adds:

“Whinging about rights was not something that working class unionists did; that was something that nationalists and republicans did and if they whinged we had to be stoical without questions.”⁴

³ Brandon Hamber, *How should We Remember*, Incore Paper, 1998

¹ Mike Morrissey and Marie Smyth, *After the Good Friday Agreement*, Pluto Press, 2002, p. 183

² Norman Porter, *The Elusive Quest – Reconciliation in Northern Ireland*, Blackstaff Press, 2003, p. 183

³ Guardian Newspaper, 27/1/03

⁴ Arlene Foster, Protestants need rights explained to them, *Fortnite*, No. 411, 2003

Protestants tend to be individualistic and historically have been unwilling to speak out against the State as that was perceived as being disloyal to the very entity they were fighting to remain a part of. Protestants, historically, therefore have been reticent at calling for inquiries against the State and where this has happened as in the case Brian Robinson who was killed by an undercover Army Unit while he was lying unconscious on the ground,¹ the momentum did not remain within the community to see the process through. General differences between the different 'psyches' in Northern Ireland can help give some insight into the complexities around the debate.

In conclusion, I believe that the truth needs to be told and will continue to seep out, unless a formal mechanism is put in place to allow the truth to be told and a line to be drawn under the past. Recent events surrounding the Claudy bombing that happened in 1972 involving the possible involvement of a local priest indicates that the truth will continue to 'seep out' unless a formal process is initiated. The same is true of the Omagh bombing, Bloody Friday and other atrocities that have devastated our communities during the 30 years of our violent conflict. The desire is there to know the truth from a purely human and emotional level but the formal mechanisms have not yet been put in place to support this.

What has emerged is a 'patchwork of truth' and story telling initiatives at a grassroots levels that are allowing people to begin to tell their stories and have their pain and hurt acknowledged and thus legitimated at some level. These initiatives are happening within victims groups, ex-prisoners groups and youth groups and the level of desire for these informal initiatives only continues to increase. This would indicate to me that the desire and hunger for truth will also only increase as we try to move forward without truly addressing the legacy of our past.

However the timing and the process needs to be right. People and organisations need to be genuine committed to a process of discovering and telling the truth for the right reasons – to address the wounds of the conflict and allow a line to be drawn under the past so that the past will not come back to haunt us. A truth and reconciliation commission cannot be about political point scoring but about people genuinely trying to create the stage for a different and better future.

To sum up my own opinion on this matter, I want to quote with the words of Brandon Hamber, a leading South African psychologist involved in the South African TRC:

*"If you look at most truth commission processes, you will see that truth, for truth's sake, is a pointless exercise unless it is coupled with some form of social transformation. The South African Truth and Reconciliation Commission is going to be remembered in history as a pointless exercise if the government continues in the way it is going – in terms of it's economic line and if the gaps between the rich and poor do not narrow. If people's lives do not change, reconciliation is simply a waste of time."*²

¹ Justice For All, 'Shoot to Kill' July 1990

² Colin Knox, Peace Building in Northern Ireland, Israel and South Africa, 2000,p. 234

The truth needs to be told in Northern Ireland but let's learn from the experiences of other countries. Let's remember that a single process of truth telling is not enough to bring about reconciliation – it can and should be part of a wider process that helps to improve the quality of life of ordinary people who have been living with their own trauma and pain and who are yearning for the dawn of a new day.

‘Dealing with the Past’: A Discussion document

Pauline Kerston

(InterComm)

Introduction

What space does the legacy of the past hold today and how do we deal with it? That is a question that is asked many times, in different ways, by people in countries that are coming out of a period of conflict.

Truth finding and dealing with what happened in the past is part of a conflict resolution process, but at what stage of the conflict resolution process are we, how do we want to deal with this legacy and what are our expectations of that process?

After more than thirty years of armed conflict, it is generally accepted that we are now in a new phase, a transition period, where presently political negotiations have taken over from armed struggle.

Some would argue that there is no need to deal with issues from the past, that it is better to draw a line and start afresh. Others argue strongly that for purposes of reconciliation and healing it is important that some sort of process is put in place.

This document seeks only to open up discussion on the issue of ‘dealing with the past’.

It will briefly look at why it is important, it will touch on conflict resolution models of other countries and it will look at truth and at the process of reconciliation as a process of nation building.

Is dealing with the past necessary?

It can be argued that in the absence of closure of the conflict, the question of how to deal with the legacy of the past can become another site of conflict. It can also be argued that proper healing will only be achieved when the constitutional conflict is resolved.

However, this period of transition allows us to discuss and look at different mechanisms and their importance for dealing with the past and the issues that we wish or need to see addressed.

State institutions have been exclusive in their initiatives to deal with the past. The Bloomfield report on victims refused to acknowledge victims of state violence and divided victims in those that are ‘deserving’ and undeserving’. The British government has presented the George Cross to the RUC, refusing to concede that the RUC was an unacceptable force to the republican/nationalist community and that it contained many hundreds of human rights abusers in its ranks. Medals have been presented to prison officers.

Commemorations can have a central role in dealing with the legacy of past.

Coiste, the umbrella group for republican ex-political prisoners, argues that commemorations are key in expressing the continuing respect for family loss and emphasizing the cost of the conflict and the contribution made by people to the current strengths of republicanism.

They say that the continuing effects of criminalisation must be addressed in any meaningful attempt to heal the past. Ex-political prisoners need to have their full citizenship restored. It is also regarded as essential that those still 'on the run' are enabled to return to play their role in any healing process.

Finding out the truth around state killings, collusion and British army covert operations are also important in any process of healing. The organization Relatives for Justice has stated that the broad experience of the nationalist community is that the denial of any wrong doing on the part of the State through its investigative procedures, courts and misinformation, has both added insult to injury and acted as a barrier to healing.

Experience of other countries

Because each conflict has its own history, a truth process or a conflict resolution model developed in one country, cannot be transplanted in its entirety to another. But it is useful to analyse the different models used and their effects and to see if parts of them could be useful in our own situation.

Other countries coming out of a period of conflict have explored and put in practice different options to deal with the legacy of their past, such as:

- (a) amnesties
- (b) inquiries
- (c) truth commissions
- (d) reparations to victims
- (e) institutional reforms
- (f) vetting of people in public life

One of the better known mechanisms of dealing with the legacy of the past in countries coming out of conflict, are truth commissions. In general their remit has been to investigate the crimes of the past, overturning lies told by previous regimes to cover up their abuses, to uncover just what happened to whom in the past and why. But do they work?

After the brutal civil war ended in Guatemala in 1996, an internationally sponsored truth process was established, called the Historical Clarification Commission. In spite of the Commission's limitations, its conclusions were devastating. Its report estimated that a total of 200.000 people had been killed. The Commission placed the responsibility for most of the deaths squarely on the government, reporting that the violence was fundamentally directed by the State against the excluded, the poor, and above all the Mayan people, as well as against those who fought for justice and

greater social equality. Most explosive was the reports description of the governments attempt to break the back of the insurgency by wiping out its Mayan supporters.

According to the Historical Clarification Commission, this amounted to genocide. The conclusions were accompanied by a raft of recommendations, ranging from the creation of a annual public holiday to commemorate those who died to prosecutions of the key perpetrators.

However, key government figures, who had collaborated with the previous regime, were still in power. They refused to implement any of the recommendations and the commission's report vanished from the political agenda. A local human rights worker complained recently that impunity has remained the chronic disease of the Guatemalan state.

Many would say that South Africa today is a much healthier country than it was before the truth commission (which had more widespread powers than the one in Guatemala). They argue that if there had not been a truth commission, the denials of apartheid-era abuses by members of the previous regime would no doubt continue today and still be believed by a large number of people.

With regards to achieving reconciliation, the truth commission seems to have been less successful. A poll recently reported that two-thirds of South Africans felt the truth commissions' revelations had only made them angrier and contributed to a worsening of race relations. Only 17% of those polled predicted that people would become more forgiving as a result of the TRC. Even Richard Goldstone, a strong supporter of the TRC and a judge on South Africa's Constitutional Court said that he wasn't sure that the TRC has been all that successful in the area of reconciliation.

Criticism of the effectiveness of truth commissions concentrates on four aspects:

1. history is so murky and subjective that even well-intentioned investigations cannot establish anything that could be called 'truth';
2. the panels focus too often on individual violations in stead of broad structural problems;
3. the work of truth commissions evidently does not lead to 'reconciliation';
4. truth commissions interfere with and distract attention from the prosecution and punishment of past crimes.

Truth and Reconciliation

The right to truth is an enforceable right to which the state is bound. The European Court of Human Rights has found that in cases where security forces were responsible for the killing of citizens or there were suspicions of security forces colluding in the killing of citizens, the state had a duty to thoroughly investigate the circumstances and to inform the families of the victims of the findings of the investigation.

Truth may eventually lead to some form of reconciliation or at least to a 'coming to terms with', but reconciliation does not automatically follow truth. Truth and

reconciliation have been lumped together and the lines blurred, doing damage to both the search for truth and for reconciliation.

There are those who would argue that divided societies cannot be forced into reconciliation through an artificial mechanism such as a truth commission, negotiated by political leaders. But what do we mean by reconciliation?

Antjie Krog, a journalist who covered the Truth Commission for South African radio provides a useful framework when she argues that advocates of reconciliation really want a return to the sort of social consensus or harmony on which the smooth functioning of society depends. Arguably the north of Ireland has not known a 'smooth functioning society'. So here the question is: reconciliation between who and what for, what kind of society do we want?

Reconciliation then seems to be much more than just forgiveness, to achieve it requires more than truth telling. In fact, the project for reconciliation could be better described as 'nation building'. Such a process involves addressing fundamental social inequalities. However, this is a task for politicians and communities.

In the light of the British government's attitude to the Bloody Sunday Inquiry, where they are repeatedly blocking attempts to uncover the truth of what happened, it seems unlikely that the state will give co-operation to any truth seeking initiative that it doesn't fully control.

In spite of and because of this attitude, communities have been and are engaged in their own initiatives of truth finding and truth telling. Community inquiries have been taken place into killings by security forces, organisations have been set up to campaign for justice for the victims of state violence, books, plays, videos and exhibitions have been produced to tell the truth of what happened, monuments and museums are being established and commemorations are taking place, court cases are being held, all driven by the community.

Conclusion

The Good Friday Agreement, as a conflict resolution process, is similar to that of processes that have taken place in other countries that have come out of a period of conflict (El Salvador, Guatemala, South Africa). However, the process that led to the Good Friday Agreement missed out on one important part, some kind of truth seeking initiative to articulate what has happened, a common narrative.

Some people argue that the process to arrive at a common narrative is potentially divisive, there is no real need for it, and others believe strongly that a common narrative is essential for national reconciliation.

Working on a process that will constitute relationships of trust and confidence between the state and the citizens is important for national reconciliation. Dialogue and reconciliation are required across the island.

It is important that communities themselves articulate how they want to deal with the legacy of the conflict, who should do it, what form it should take and what their expectations are.

This discussion paper is informed by the following documentation:

- Coiste, Submission to 'Healing through Remembrance', 2002
- Relatives for Justice, Submission to 'Healing through Remembrance', 2002
- Bill Rolston, 'Turning the page without closing the book – The right to truth in the Irish context', 1996
- Jonathan Tepperman, 'Truth and Consequences' Foreign Affairs journal, March/April 2002

Handling the Truth?

Lee Reynolds

Fully independent international judicial inquiries are the demand of the season. The truth must be found out. This has been a consistent cry, chiefly of Sinn Fein but with the support of the SDLP and the Irish government. So in the recent letter to the party leaders by the government and the Irish government action had to be taken. An international inquiry into whether there should be inquiries was promised (you just know a civil servant was behind that suggestion). Now of course when it came to the list it was made presentable by including Billy Wright and Garda collusion allegations. However what functions are these inquiries to serve?

Republicanism's rationale is clear and as always fulfils many functions.

1. Justification - Since the Belfast Agreement did not deliver an instant United Ireland Republicans lack clear justification for their violence. Why did we do it if we haven't got a United Ireland? seems to be Brendan Hughes' angle. Bernadette Sands puts it simply as 'My brother didn't die for an All-Ireland Tourist Board'. Therefore, as in Animal Farm the story got added to. Republicans fought for a 'United Ireland and against the injustice of the six counties'. Thus inquiries will expose the injustice and the world will see the republicans were right. Sinn Fein/IRA will be seen to have had their 'victory'. When the world sees that the republican analysis of the British state was right the world will support a United Ireland.
2. Momentum - Sinn Fein is a revolutionary movement. Such an organisation needs to generate a sense of grievance if it is to maintain momentum. Anger and hate are two fine motivators. In the 70's the Provos had the inter-communal violence (You need us to protect you). In the 80's the Provos had the Hunger Strikes (The English won't agree to simple demands). In the 90's the Provos had the peace process (We declared a ceasefire and those evil English and bigoted Protestants won't give us everything we ever wanted right now). In the context of the Belfast Agreement momentum for Sinn Fein translates to momentum for the so-called peace process which translates to momentum for a United Ireland.
3. Internationalisation - The internationalisation of the conflict broadens long-term options for nationalism. International judges add to previous precedents of involving other countries e.g. George Mitchell et al.
4. Delegitimisation - The examination of any misdeeds of the state or their 'agents' delegitimises their right to rule. The 'injustice of British Rule' being attested to by international judges is as good as it gets.
5. Sympathy and Support - The development of the idea that the Ulster conflict is comparable with others and that the suffering of the nationalist community was as severe as other communities. They hope to generate support from these other communities and international sympathy. The attempt to link the Hamill and Lawrence cases is a good example.
6. Demoralisation of the enemy - Even though lots of these demanded inquiries are about the state and its actions, it will be the Unionist community of Ulster

that will be treated as the real demons. English 'guilt', about its role in Ireland, as always will be transferred onto the Ulster Prods.

7. 'Guiltification' of the enemy - Guilt has proved useful on sections of the middle class and the alleged elite of the Unionist community (businessmen, church leaders et al). The key to success in a tight vote you must motivate your voters and demotivate your opposition's voters. Guilt-ridden Prods won't be rushing out to vote (Remember the Referendum was largely won by the votes of 100,000 Prods who hadn't come out in years and haven't since). Meanwhile the members of the 'alleged' Unionist elite will endorse and justify ever closer harmonization with the Republic.
8. Gone soft – Sinn Fein will counter any detractors that they have gone soft on the Brits by demonstrating that they are fighting in other ways.

A central part of this strategy is of course selectiveness. Economy with the truth is essential. If you limit the investigation to restricted incidents then you get only part of the story. When you tell anyone part of a story imagination fills in the rest. If republicans are able to prove one case of collusion then all the rest they claim must be true. The choice of victim is part of this too. Republicans have claimed collusion in lots of killings but they focused in on the most sympathetic victims e.g. Pat Finucane – the working class boy who made good, and being a lawyer helps attract international attention (Across the world lawyers seem to think their right to life is greater and their lives are entitled to more protection and their deaths deserve deeper investigation than the rest of us).

The strategy also takes advantage of a clear weakness in human rights practice, the exclusion of all groups from accountability for human rights abuses except the state. For example, the PIRA launched a gun and bomb attack at Warrenpoint that denied multiple human beings their right to life. There was no international human rights outcry. The SAS set an ambush at Loughgall and denied multiple human beings the right to life. There was an international human rights outcry. Some will reply 'two wrongs do not make a right', but outcry over solely one 'wrong' certainly doesn't make a right either. (Although complaints about Loughgall etc do undermine the Provo description of the past 30 years as a war. In a war an ambush is a legitimate tactic).

So what have Unionists done? First, not thought or dealt with the matter in a strategic manner so they end up with the usual disarray. Some opposed everything because that's what they always do. Some demanded inquiries about other issues e.g. Bloody Friday. Some counted their Assembly salary and expenses. The key word is demanded. Unionism thinks a campaign is to issue one statement and then forget about it. No serious campaign was mounted or sustained – ask Billy Wright's father how much support he has been given? Or ask the UUP what happened to the committee it established to fight for an inquiry into the Republic government's role in the creation of the Provisional IRA? The lack of strategic approach meant Unionism didn't prioritise the issues.

So what should Unionism do?

Unionism needs to take politics seriously. It needs to work out short, medium and long-term strategy and organize to achieve that strategy and ensure it never gets out

manoeuvred like this again. This is a general point for Unionism and not restricted to this issue.

It has three options – All, Some or Nothing.

All - This means they advocate the South African idea (if not the model) of the South African Truth Commission. The argument being that every victim has an equal right to the truth, this does have an international appeal. The immediate problem this runs into is immunity or amnesty. This will not attract the average Unionist. Also the South African experience highlighted the futility of it. The censorship of the final report demonstrated that the preservation of the New Order will always over-rule the need for truth about the old.

Partial – This means Unionism copies the nationalist strategy but which cases? The most important is the creation and sustaining of the Provos by the Republic. The court case showed the South has much to be embarrassed about and there is bound to be more. Sustaining is also an important point. The refusal to extradite assisted the IRA campaign. If the Garda knew in advance about the earlier Libyan shipments and where they were to be landed, how did they get through? Therefore Unionism could argue how can a state that helped kill us become our state. It is worth noting that this was not listed in the possible inquiries.

Another possibility is about the operation of informers and how many were allowed to kill. This will be a difficult one for Unionism because of possible criticism of the RUC. However, it could counter the allegations of institutional anti-Catholicism/Nationalism. It would paint the scenario that over the space of a long conflict principles and priorities became blurred. What was for the greater good? Whether to allow someone to kill and gain greater prominence and trust possibly enabling them to prevent multiple deaths or save one life and risk/lose the agent? It would be evidence of injustice but not of injustice to one community. Unionism could develop the case that the state had failed to protect us properly meaning that they owed us (I realise some will say nationalism will try and use this in their favour but every argument has a counter-argument.)

Nothing – This means Unionism calls for closure. What has been done has been done and it cannot be changed. The argument would be that digging up old grievances will help no one. Furthermore, will any of it change people's thinking? If a Rosemary Nelson inquiry said that she was a publicly prominent individual who had not sought protection and was simply killed by loyalist paramilitaries will nationalists accept that as the truth. No.

In my humble opinion the partial option seems the most sensible. My attitude to inquiries may seem mercenary. Inquiries are about establishing the truth not point scoring or arguments between Unionism and Nationalism. Not in this case. The only real truths that inquiries will prove is that the conflict is not over and that nationalism is still better at fighting it.