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**AN AGREEMENT AMONG THE PARTIES OF THE
NORTHERN IRELAND EXECUTIVE**

on

**PARADES, PROTESTS, AND SELECT
COMMEMORATIONS,
FLAGS AND EMBLEMS,
and
CONTENDING WITH THE PAST**

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1 **Introduction**

2
3 Northern Ireland has come a long way. From the depths of violence, it has built an
4 impressive, though fragile and incomplete, peace. More than fifteen years have now
5 passed since the signing of the Belfast/Good Friday Agreement on 10 April 1998. In
6 those years Northern Ireland has reached several milestones, including the
7 decommissioning of arms, the St. Andrews Agreement of 2006, and the Agreement at
8 Hillsborough Castle of 2010, which paved the way for policing and justice powers to
9 be devolved.

10
11 Despite these positive steps, we recognise that Northern Ireland has a long distance to
12 travel. The past year has witnessed significant friction over disputed parades and
13 protests and the flying of the Union Flag at Belfast City Hall. We have also seen
14 continued acts of violence committed by those who wish to thwart Northern Ireland's
15 progress toward a shared and peaceful future.

16
17 The vital work of the peace process is far from complete. To be sure, political
18 structures are in place and structures of cooperation are established. But outside the
19 official sphere, many continue to await the peace dividend that should be all citizens'
20 due. The division of our society runs through our schools and our neighbourhoods.
21 Efforts envisaged as part of the outworkings of the peace process, such as a Bill of
22 Rights and measures to recognize and facilitate the use of the Irish language, remain
23 unfinished. It is time to proceed toward implementation on these steps.

24
25 Meanwhile, despite the admirable efforts of individuals and organisations across the
26 public and non-governmental sectors, many in our communities struggle with
27 physical, material, emotional, and other needs stemming from decades of conflict.
28 This combination of individual events and ongoing trends jeopardizes both the
29 progress we have made to date and our ability to extend it into the future.

30
31 Last spring saw the publication of the 'Together: Building a United Community'
32 strategy by the Office of the First Minister and Deputy First Minister. This was the
33 latest in a series of efforts, such as 'A Shared Future' in 2005 and the Programme for
34 Cohesion, Sharing, and Integration of 2010, setting out the commitment of Northern
35 Ireland's leaders to move the society forward together. This Agreement Among the
36 Parties of the Northern Ireland Executive stems from the work of a panel established
37 pursuant to 'Together: Building a United Community.' As this document stated:

38
39 We recognise that there remain difficult and contentious issues in our
40 society. In order to take forward work on these issues, we will establish
41 an All Party Group which will have an independent Chair from outside
42 the political parties. The All Party Group will consider and make

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1 recommendations on matters including parades and protests; flags,
2 symbols, emblems and related matters; and the Past. The Group will
3 report to the First Minister and deputy First Minister. The Group will
4 establish mechanisms to hear from the various stakeholders across our
5 community as to how best to address these difficult and contentious
6 issues.

7
8 In accordance with this, the Panel of Parties in the Northern Ireland Executive was
9 constituted under a chair, Richard Haass, and a vice chair, Meghan O’Sullivan. The
10 panel included two members from each of the five parties in the Executive, with the
11 addition of the two Junior Ministers.

12
13 In recognition of the overriding need to hear the voices of individuals throughout the
14 society, the panel prioritised from the start engagement with civil society and the
15 public. It established a website with a public submissions channel that attracted over
16 six hundred submissions. During several visits to Northern Ireland, the chair and vice
17 chair held more than one hundred meetings with a broad range of groups, panel
18 members, and officials from across Northern Ireland’s government. Panel members,
19 too, conducted their own intensive outreach and engagement in connection with their
20 work on the panel.

21
22 It was in this context that the members of the Panel of Parties in the Northern Ireland
23 Executive conducted the negotiations leading to this agreement. We carried out this
24 work in support of the vision, expressed in ‘Together: Building a United Community,’
25 of a future based on equality of opportunity, good relations, and reconciliation. Our
26 discussions have been designed to bring forward a set of recommendations that will
27 provide long-term, sustainable solutions that are in the best interests of the society and
28 that will make the peace more resilient going forward. We are committed to
29 contending with the violence of our past and its consequences and to creating a
30 modern, normalised society. We firmly believe that the steps outlined here will help
31 build a united community where the needs of those who have suffered as a result of
32 violence are addressed; where everyone has the right to peacefully celebrate their
33 culture; where the rule of law is upheld; and where public space is shared, open, and
34 accessible to all.

35
36 Although we believe this agreement constitutes a significant step forward, it does not
37 resolve all difficulties around the issues addressed. We could not for the most part
38 reach understanding on initiatives to manage the controversial issue of flags and
39 emblems. Moreover, while we agreed a number of steps to contend with the past,
40 aspects of this effort proved beyond consensus. This document is a contribution but
41 not a solution.

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1 Just as the construction of this agreement required consultation with a variety of
2 stakeholders in constructing this document, it will require the work of many to
3 implement. While it represents a consensus among the five parties, it is not self-
4 enacting. We look forward to doing our part and to working with others in the
5 government of Northern Ireland, the government of the United Kingdom, the
6 government of the Republic of Ireland, individuals and non-governmental
7 organisations across these islands, and individuals and organisations farther afield to
8 give effect to what we have agreed here.

9
10 We recognise that the issues we are addressing are in many ways reflections as much
11 as causes of our society's challenges. To be sure, our difficulties surrounding parades
12 and protests, flags and emblems, and the past fuel some of the deeper problems
13 Northern Ireland faces. But those problems could well be far less daunting, far lighter
14 a weight on our society, were we able to face them with a more united stance. This
15 agreement, by dealing with these vexing problems, will set the stage for further
16 progress on our most profound divisions, which can be healed only through sustained
17 effort over time. As this work goes forward, rigorous equality of treatment and mutual
18 respect must be the governing principle for society in Northern Ireland, not just now
19 but permanently, and irrespective of any future change.

20
21 Finally, the initiatives outlined in this agreement will demand a substantial investment
22 of financial and other resources. At a time of continuing economic challenges in the
23 United Kingdom, the Republic of Ireland, and the rest of the world, some may
24 wonder why attention should be given to these issues, potentially at the expense of
25 others.

26
27 We are standing at a crossroads in Northern Ireland. This is a remarkable opportunity
28 to make bold choices to address the issues that hold us back from meeting our
29 society's full potential. We firmly believe that it will not come again. Further delay
30 will risk an increase in levels of public disengagement that are already distressingly
31 high. In respect of the past, the passage of time—and the passing of those with
32 information to share and wounds to salve—will also deprive Northern Ireland of the
33 chance to learn as much as possible about its history while there is still time to do so.
34 This loss would compound the social and emotional costs of such prolonged conflict.

35
36 Moreover, the day-to-day costs of policing a society still grappling uneasily with
37 questions of identity and place are high and unlikely to diminish without meaningful
38 attention being paid to addressing these underlying concerns. Progress on the issues
39 we face could also promote tourism, investment, commerce, and other economic
40 gains across our society.

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1 It is our own challenge as the political leaders of Northern Ireland to devote the
2 resources necessary to the tasks we have set for ourselves, and for our society, in this
3 agreement. This will require us to determine priorities and introduce efficiencies in
4 order to take the lead in putting in place what we have agreed. Knowing, however,
5 that this agenda will require—and benefit from—outside support, we urge our
6 colleagues in the Houses of Parliament and in the European Union, as well as
7 Northern Ireland’s friends in the private and philanthropic sectors, to weigh the costs
8 of concerted, strategic action against the long-term costs of continuing hesitation. We
9 hope they will work with us in implementing what is outlined here and in making
10 investments in Northern Ireland’s future.

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1 **Parades, Protests, and Select Commemorations**

2
3 *Introduction*

4
5 Parading and marching are an important part of the culture of many of Northern
6 Ireland's citizens. The practice of parading, and many of the organisations that lead
7 and participate in it, dates back centuries. This tradition is protected under the rights
8 to freedom of expression and freedom of assembly and association guaranteed by
9 Articles 10 and 11 of the European Convention on Human Rights.

10
11 We recognise that there are diverse parading and marching traditions and practices in
12 Northern Ireland, ranging from the longstanding parades held by many organisations
13 to individual events held to express political views, mark civic occasions, celebrate
14 victories by sporting teams, and for many other purposes. We consider it essential to
15 protect the right to hold peaceful parades and assemblies, as well as peaceful protests
16 against such events.

17
18 The freedoms of expression, assembly, and association must be exercised with respect
19 and sensitivity for the rights and freedoms of others and for the broader interests of
20 society. We recognise, as stated in the Agreement at Hillsborough Castle of 2010,
21 'that at times there are competing rights.' These include the 'right to freedom from
22 sectarian harassment' enshrined in the 1998 Belfast/Good Friday Agreement,
23 reaffirmed as the 'right for everyone to be free from sectarian harassment' in the
24 Hillsborough Agreement. There are also additional interests at stake, including public
25 order, commerce, the expenditure of public funds, access for all to public spaces and
26 facilities, and a shared future free from intimidation. We recognise equally the many
27 other rights that may be engaged in parading and related disputes, as enumerated for
28 example in 'Parades and Protests in Northern Ireland,' published by the Northern
29 Ireland Human Rights Commission in November 2013.

30
31 In this spirit, we call on all individuals and civic organisations across Northern Ireland
32 that organise and attend parades or protests, whether regularly or infrequently, to
33 exercise their fundamental rights without infringing on the fundamental rights and
34 interests of communities and individuals that do not share the traditions or views
35 being expressed, or that do not wish, for whatever reason, to participate. Moreover,
36 parading and protesting must be conducted in full and scrupulous adherence to the
37 rule of law. It must be recognised that allowing individuals to violate the law in the
38 practice of parading or protesting is corrosive to the rule of law and public order.

39
40 It is our expectation that the vast majority of parades will continue to occur without
41 contention or violence. We recognise, as the Northern Ireland Human Rights
42 Commission has explained, that 'where the state proposes to interfere with a parade or

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1 protest it must identify a lawful basis for the interference.’ We adopt this agreement
2 with the aim of prioritising local solutions; efficiently facilitating the peaceful
3 exercise of the freedoms of expression, assembly, and association; and normalising
4 the overwhelming majority of events, which occur without difficulty. Equally, we aim
5 to ensure that the few remaining contentious events that exist are resolved fairly,
6 transparently, and in a manner that respects the rights of all.

7
8 *New arrangements to manage parades, protests, and select commemorations*

9
10 Recent years have seen the vesting of greater responsibility for governance in
11 Northern Ireland’s devolved institutions. Given the salience of parades, protests, and
12 other events for many in Northern Ireland’s unique culture, the management of this
13 area of life should move into the devolved sphere. Accordingly, we agree to establish
14 via legislation in the Northern Ireland Assembly a new set of arrangements for this
15 purpose. In preparation for this step, we agree to request the Secretary of State for
16 Northern Ireland to take the necessary actions to devolve authorities and
17 responsibilities for parades, protests, and events to the new institutions called for in
18 this agreement.

19
20 *The Political and Cultural Expression Facilitation Office*

21
22 A new institution to be established is the Political and Cultural Expression Facilitation
23 Office (‘the Office’). The Office shall serve a strictly administrative function intended
24 to efficiently facilitate the vast majority of parades and other events that are non-
25 contentious and to promote the resolution of any related disputes through community
26 dialogue or mediation.

27
28 The Office shall be constituted as a non-departmental public body. Its director shall
29 be appointed jointly, through consensus, by the Minister of Justice and the Minister of
30 Culture, Arts, and Leisure, in consultation with the First Minister and the Deputy First
31 Minister, in a public appointments process consistent with the Code of Practice of the
32 Commissioner for Public Appointments in Northern Ireland. Outside the appointment
33 of the director, none of these ministers shall have any role in the operations of the
34 Office.

35
36 The Office shall be an administrative, non-political, and non-judicial body with
37 authority for accepting event notifications, maintaining registrations of relevant
38 organisations, facilitating community dialogue, and referring parties to outside
39 mediators, as described below. It shall have no authority to make adjudications.
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1 The Office shall also have responsibility for accepting applications for the display of
2 flags and emblems in public space and issuing permits according to relevant law and
3 requirements, as described below.

4
5 *Notification of events*

6
7 Any individual or organisation wishing to organise a parade, non-parade-related
8 protest, or select commemoration, as explained below, shall be required to notify the
9 Office no less than twenty-five working days before the planned event, with the
10 exceptions noted below. Working days means all days except Saturdays, Sundays,
11 and public or bank holidays. Select commemorations are events:

- 12 • In which the participants are pedestrians, whether moving or stationary;
- 13 • That are intended to commemorate or mark in any way any event that has
14 occurred in Northern Ireland, or that occurred in another jurisdiction but holds
15 a clear connection with events in Northern Ireland, over the last half-century;
16 and
- 17 • That hold the potential to occasion a disruption to normal public services,
18 including vehicle traffic, public safety services, or public access to any
19 location.

20
21 We agree that the legislation giving effect to these arrangements shall list events
22 exempted from these notification requirements, including but not limited to charitable
23 and religious events with a small number of attendees.

24
25 To best uphold the fundamental rights to freedom of expression, assembly, and
26 association, the notification process shall be as convenient as possible, providing
27 organisers the opportunity to submit notifications online, by registered mail, or in
28 person directly to the Office. Notifications shall provide the information required by
29 the Office in the procedures it establishes, including, at a minimum, the full name and
30 contact information, including a telephone number, of an individual notifying the
31 event, in addition to basic information about its desired timing and location, estimated
32 size, and purpose. All notifications shall include the signature of the person notifying
33 the event or an electronic confirmation of his or her identity. This person shall be
34 considered as a point of contact. Notification forms shall also provide a space for
35 organisers to indicate any dialogue previously completed or ongoing with members of
36 the community affected by the event, which we wholeheartedly encourage. The forms
37 shall further include an opportunity for organisers to apply to display flags in public
38 space in connection with a notified event, as explained below.

39
40 The Office shall require that all organisations wishing to be involved in parades,
41 protests, and select commemorations, including such organisations as marching
42 orders, residents' groups, and bands, register with the Office. This process shall

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1 require basic information about the organisation's location, leadership, contact
2 persons, and purpose and shall occur through a process that is as convenient as
3 possible, providing the opportunity to register online, by registered mail, or in person
4 directly to the Office. Organisations notifying events for the first time may register as
5 part of a notification. Organisations previously registered may simply cite their
6 registration number on the notification for any event in which they intend to
7 participate. Notifications shall include the registration information or numbers of all
8 organisations intending to participate in the notified event. Registration shall not
9 subject organisations to any other requirement, audit, or further procedure.

10
11 The Office shall accept all notifications that include all the information required by
12 legislation or by the Office itself and that are made within the defined time period,
13 and shall confirm its acceptance by the fastest available means to organisers. It shall
14 return all notifications that provide insufficient information to organisers by the
15 fastest available means in order to allow them a prompt opportunity to complete their
16 notification. The Office shall forward to the Police Service of Northern Ireland
17 (PSNI) the intended timing, location, size, purpose, and contact person for all notified
18 events.

19
20 Under unusual circumstances, principally in respect of events related to unforeseeable
21 developments, the Office shall accept notifications less than twenty-five working days
22 before the planned event. Such notifications shall include an explanation of the
23 exceptional circumstances that the organiser believes justify the late notification. The
24 Office, upon verifying the completeness of the notification, shall forward it no later
25 than one working day after receipt to the Authority for Public Events Adjudication
26 ('the Authority'), an adjudication body for parades, protests, and select
27 commemorations described in detail below. The Authority shall consider such
28 notifications in the manner described below.

29
30 No parade, protest, or select commemoration without an accepted notification shall be
31 allowed to take place. The legislation establishing these new arrangements shall
32 specify that the Police Service of Northern Ireland shall have full authority to enforce
33 this provision.

34
35 *Community dialogue and mediation*

36
37 No later than two working days after the receipt of a timely notification, the Office
38 shall publish the name (though not the contact information), via its website and
39 appropriate newspapers, of the event organiser and the organisation holding it, as well
40 as the date, time, location, purpose, and other basic information about the notified
41 event. Starting on the day this information is published, there shall be a period of ten
42 working days during which anyone may comment, via the Office's website, in

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1 support of or in opposition to any element of the notified event. During this same
2 period, anyone may notify a protest against the planned event.

3
4 Principally but not exclusively in respect of parades, we firmly believe that dialogue
5 between those wishing to parade and those who live, work, trade, or conduct other
6 normal activities in the area traversed by a parade is essential. We call on all parties
7 involved in related disputes to engage in dialogue in good faith and with respect for
8 the rights and responsibilities of all sides. Although there are provisions in these
9 arrangements for dialogue in the days following a notification, we believe that
10 dialogue among members of the community should be an ongoing part of everyday
11 life in Northern Ireland. This can produce the salutary outcome of resolving any
12 disputes related to parades and other events before they are notified, enabling them to
13 proceed.

14
15 We further agree that while the right and ability to object to or protest against an
16 event should be protected, not all objections should be presumed to be equally valid,
17 depending on such factors as the actual harm to be suffered by the objector, the
18 degree to which the objection represents views widespread among those who stand to
19 be directly affected, and the potential ramifications of heeding the objections and
20 restricting the event.

21
22 During the ten-working-day period following the Office's publication of an event, we
23 expect that organisers of parades or select commemoration, organisers of any protests,
24 and those who express opposition to a notified event will engage in dialogue with
25 each other in good faith, whether directly or through intermediaries, to resolve any
26 differences over the conduct of the event and allow it to move forward with the
27 agreement of the local community. We recognise that this already occurs in the vast
28 majority of cases and note models of good practice that have been instituted in
29 communities throughout Northern Ireland. Recognising the diverse array of
30 community leaders that exist, the Office will not proactively play a direct role in
31 community dialogue during this period. However, upon the request of one or more
32 parties to a dispute, and starting at the earliest stage of the process, the Office may
33 facilitate such dialogue as it considers appropriate, including by contacting relevant
34 individuals and organisations, arranging meetings, and providing a venue for
35 meetings. The Office shall also forward objections filed against an event to the person
36 who notified the event, without including the name or contact information of the
37 person objecting. This will enable organisers to consider making adjustments that
38 address community concerns and, potentially, avoid the need for adjudication.

39
40 We recognise that formal mediation can help resolve disputes unable to be resolved
41 through community dialogue. Upon the request of one or more parties, the Office
42 shall refer parties to institutions offering the services of qualified mediators. The

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1 Office shall maintain relationships with non-governmental organizations, such as
2 academic and community institutions, that employ such mediators. It shall offer
3 parties to parade- and commemoration-related disputes the opportunity to contact any
4 such organizations as they wish in order to identify mediators who can help with
5 resolution of these disputes. The Office shall compensate mediators, via the
6 organisations that employ them, for the time they dedicate to cases referred by the
7 Office. Mediators who take such cases shall agree to report the outcome of the
8 mediation to the Office or the Authority as described below.

9
10 Moreover, we recognise that a robust and dedicated capacity for mediation and
11 dialogue is essential for Northern Ireland, especially in view of the divisions that
12 continue to affect our society. Accordingly, we will advance legislation in the
13 Northern Ireland Assembly to allocate funding on an ongoing basis for universities,
14 non-governmental organisations, and other institutions working to develop and deploy
15 such capacity. We firmly believe this can assist our communities in overcoming
16 mistrust and working together to manage—and ideally prevent—any differences they
17 may have related to events and to other issues that arise.

18
19 If at any time during the ten-working-day period an agreement emerges through
20 community dialogue or mediation on the conduct of the notified parade, select
21 commemoration, and/or protest(s), the parties or the mediator, if used, shall so inform
22 the Office in a report stating the precise agreed terms. The Office shall immediately
23 transmit this information to the Authority, which shall then publish the terms in a
24 determination in order to make them legally binding and enforceable by the Police
25 Service of Northern Ireland. The Authority shall have no authority to alter the terms
26 agreed in the dialogue or mediation. The event(s) shall then take place as agreed.
27 Finally, in cases where no objections are raised to a notified event during the
28 specified period, the Office shall transmit the notification to the Authority, which will
29 publish it in a determination in order to make it legally binding and enforceable by the
30 Police Service of Northern Ireland.

31
32 The director of the Office, in referring a case to the Authority for adjudication as
33 described below, shall note in his or her referral whether an individual or organisation
34 declined to participate in community dialogue when, in the director's judgment, a
35 need for dialogue exists and one or more interlocutors are available that possess
36 appropriate standing and express views widespread among those who stand to be
37 directly affected. Mediators shall note the same in reports they submit to the
38 Authority according to the procedure described below.

39
40 We recognise that because of personal circumstances or for other reasons, event
41 organisers may not feel comfortable speaking directly with individuals protesting
42 against or objecting to those events, or vice versa. Such situations can be addressed by

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1 conducting dialogue via other individuals from the same organisation, intermediaries,
2 or mediators. The director of the Office, or the mediator if one is used, shall note any
3 such personal objections in his or her report referring the event to the Authority. Such
4 objections, and any explanations offered for them, shall be one factor but not the
5 determining factor in the Authority’s adjudications, as described below.

6
7 *The Authority for Public Events Adjudication*
8

9 We recognise that, although the vast majority of events occur peacefully, with
10 disputes resolved through community dialogue and mediation, an adjudication
11 authority is necessary in order to make decisions in cases where disputes remain.
12

13 Therefore, another new institution to be established via legislation in the Northern
14 Ireland Assembly is the Authority for Public Events Adjudication (‘the Authority’).
15 The Authority shall be an independent regulatory body sponsored by the Department
16 of Justice of Northern Ireland. It shall adopt a human rights-based approach compliant
17 with the European Convention on Human Rights and founded on the presumption that
18 the freedoms of expression, assembly, and association should be protected unless
19 there is a clear and legitimate need to restrict them. The Authority shall conduct its
20 work in a fair, equitable, consistent, and transparent manner. Its operations, resources,
21 personnel, information networks, records, and premises shall be strictly separate from
22 those of the Political and Cultural Expression Facilitation Office.
23

24 The Authority shall consist of seven members including a chair. The chair shall be a
25 legally qualified individual of senior standing appointed by the Northern Ireland
26 Judicial Appointments Commission (NIJAC). The other six members shall be broadly
27 representative of the community in Northern Ireland and shall possess a varied set of
28 skills and backgrounds. They shall be appointed by the Justice Minister in a public
29 appointments process consistent with the Code of Practice of the Commissioner for
30 Public Appointments in Northern Ireland. No elected representatives shall be
31 appointed to the Authority.
32

33 The chair and members shall be appointed on a rolling basis as follows. In
34 constituting the Authority for the first time, NIJAC shall appoint a chair for a three-
35 year term. The Justice Minister shall simultaneously appoint two members for a three-
36 year term, two members for a four-year term, and two members for a five-year term.
37 Thereafter, when a term expires, NIJAC and/or the Justice Minister shall appoint a
38 new chair and/or members as required for a three-year term. Any members who leave
39 the Authority through death or resignation shall be replaced through an immediate
40 appointment by NIJAC (in the case of the chair) or the Justice Minister (in the case of
41 a member) that shall last until the expiration of the term of the member who died or

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1 resigned. The chair and members of the Authority may be reappointed once for three
2 years.

3
4 Outside the appointment of members of the Authority, neither NIJAC nor the Justice
5 Minister shall have any role in the operations of the Authority.

6
7 *Receipt of a case by the Authority*

8
9 As described above, in cases where community dialogue and/or mediation do not
10 produce agreement on a parade, select commemoration, and/or protest(s), the director
11 of the Political and Cultural Expression Facilitation Office or a mediator, if used,
12 shall refer the case to the Authority. This shall occur no more than one working day
13 after the end of the ten-working-day period for community dialogue and mediation.

14
15 No later than one working day after receiving the referral, the Authority shall take a
16 decision as to whether the case requires adjudication. If the Authority considers that
17 despite expressed differences the event(s) should take place as notified, for example
18 because it considers that any objections are being advanced by individuals or
19 organisations without legitimate standing or that they do not express views
20 representing a substantial portion of those who stand to be directly affected, the
21 Office shall issue a summary determination that includes the notified terms, giving
22 them the force of law. The Office shall then take no further action and the event shall
23 proceed as notified. However, if the Authority considers that remaining objections are
24 substantive, are being advanced by individuals or organisations with legitimate
25 standing, or express views widespread among those who stand to be directly affected,
26 the case will proceed to adjudication.

27
28 When the Authority receives a notification that was submitted to the Office fewer
29 than twenty-five working days before the planned event, it shall immediately consider
30 the circumstances and any explanation offered for the late notification. Should the
31 Authority judge that the circumstances and explanation do not justify the late
32 notification, it shall issue a summary ruling stating that the event shall not proceed.
33 Should the Authority judge that the late notification is justified, it shall adjudicate the
34 event using the procedure described below, with allowance for any adjustment in the
35 timeframe necessitated by the late notification.

36
37 *Adjudication*

38
39 Immediately upon deciding that a case requires adjudication, the Authority shall
40 publish a statement via its website and appropriate newspapers to this effect. The
41 statement shall invite the organisers of the parade or select commemoration and any
42 protests, others who support or object to the event, the PSNI, and members of the

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1 public the opportunity to provide written or oral representations concerning the
2 conduct of the event(s). Such representations shall be due no more than three working
3 days following the publication of the statement. The Authority will then have three
4 working days to deliberate and issue its determination. Members shall make all
5 determinations by majority vote.

6
7 The Authority shall use the following criteria in its determinations:

- 8 • The historical nature, if any, of the notified event(s) and the route used;
- 9 • The current characteristics of the areas surrounding the route;
- 10 • Any economic benefits to be engendered by the event(s), such as increased
11 trade or tourism;
- 12 • Potential disruption caused by the event(s) to normal community life, for
13 example, freedom of movement, commerce, access to public services and
14 facilities, and access to places of worship;
- 15 • The potential impact on community relations or public order of holding the
16 event(s);
- 17 • Equally, the potential impact on community relations or public order of
18 restricting the event(s);
- 19 • The participation or non-participation of any parties in dialogue or mediation
20 and any explanations offered for non-participation, as outlined above;
- 21 • The past adherence or non-adherence to adjudications and relevant laws and
22 codes of conduct of the event organiser; of the leaders of any entity that, in the
23 Authority's judgment, is playing a substantial role in the organisation of the
24 event; any other individuals that, in the Authority's judgment, are playing such
25 a role, whether or not they are part of an entity named in the notification; and
26 any bands or other participating groups that have been notified as part of the
27 event;
- 28 • Equally, the trajectory of such adherence or non-adherence and related
29 behaviour, including any improvements in such adherence over time;
- 30 • The cost and any other impact of the event(s) on the Police Service of
31 Northern Ireland and other public agencies responsible for providing relevant
32 services; and
- 33 • Any other criteria specified in the legislation establishing these arrangements.

34
35 In its determinations, the Authority shall have the power to require any alteration to
36 the conduct of a parade, select commemoration, or protest, including its timing; route;
37 size (in terms of the number of participants); and conduct during its route, such as the
38 use of flags and other emblems. The Authority shall also have the power to require
39 any alteration or stipulations regarding the conduct of participating bands.

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1 In all determinations, the Authority shall have full regard to the European Convention
2 on Human Rights and shall operate on the principle that the freedoms of expression,
3 assembly, and association should be infringed only for clear and legitimate reasons.
4 The Authority shall immediately publish all determinations. It is imperative that these
5 determinations give full and transparent explanations for the Authority's decision,
6 including specific justifications, citing relevant legislation and jurisprudence where
7 applicable, for any restrictions placed on an event. Determinations shall be written in
8 a clear and comprehensible manner.

9
10 The Authority shall, in its determinations, also have the power to order that a specific
11 event not proceed. The use of this power should be considered only on an exceptional
12 basis when, in the Authority's judgment, no other decision can adequately safeguard
13 community relations and public order. Any determination to prohibit an event shall
14 contain specific justification of a standard commensurate with the profound nature of
15 such a decision.

16
17 *Reviews*

18
19 The organiser of an event on which an Authority determination places conditions
20 shall have the right to two mechanisms of recourse. First, should new evidence
21 emerge, an organiser may request a review from the Authority. New evidence
22 presented must, in the Authority's judgment, be both significant and directly relevant
23 to the factors cited in the Authority's determination. No grounds other than such
24 evidence may serve as the basis of a review.

25
26 Organisers may lodge applications for review anytime after the determination but a
27 minimum of two working days before the event. Applications shall include a
28 representation presenting the new evidence that the organiser wishes the Authority to
29 consider. In considering applications for review, the Authority may find that the
30 evidence raised is not new and/or not sufficiently relevant or significant, thereby
31 upholding its original determination. Should it find that the evidence meets these
32 standards, it may still uphold its original determination or alter it in any manner
33 consistent with the criteria and considerations described above.

34
35 Second, anyone may apply under existing procedures for judicial review in respect of
36 a determination. Legal aid should be accessible as available and required in such
37 situations.

38
39 *A code of conduct for parades, select commemorations, and protests*

40
41 We agree that a code of conduct applying to participants in and supporters of all
42 parades, select commemorations, and protests is needed in order to maintain a

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1 respectful environment for all people in Northern Ireland and uphold the rule of law.
2 We agree that a new code of conduct must be included in the legislation establishing
3 these arrangements in order to:

- 4 • Give it the full force of law;
- 5 • Ensure that it applies to all notified events, whether or not they are subject to
6 adjudication; and
- 7 • Allow for its enforcement by the Police Service of Northern Ireland.

8
9 The code shall apply individually to anyone involved in a parade, select
10 commemoration, or protest, whether as a participant, band member, or supporter.
11 Anyone who violates any other law in the context of participating in a notified event
12 shall continue to be liable for such violations.

13
14 The legislation shall spell out a code of conduct and should consider including but not
15 be limited to:

- 16 • Respectful behaviour by everyone involved in parades, select
17 commemorations, and protests, with particular sensitivity at such locations as
18 interface areas, places of worship, war memorials, and cemeteries;
- 19 • A total rejection of the use of any symbols, imagery, or music referring to
20 proscribed organisations or to violence;
- 21 • A total rejection of slogans, emblems, dress, and other symbols with a known
22 propensity to cause offence;
- 23 • The avoidance by bands of songs with a known propensity to cause offence,
24 and particular sensitivity when passing near places of worship and interface
25 areas;
- 26 • An insistence that all leaders of and participants in events scrupulously adhere
27 to the Authority's adjudications, as well as relevant laws; and
- 28 • An explicit notice that all provisions are legally binding, not advisory.

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1 **Flags and Emblems**

2
3 *Introduction*

4
5 Flags are recognised around the world as powerful symbols of sovereignty and
6 identity. When flown with respect for both the flags themselves and those who view
7 them, flags have an appropriate and recognised role in defining official status,
8 expressing affinity, and inspiring loyalty and goodwill, whether they represent a
9 country, a community organisation, an sporting team, or myriad other entities.
10 However, flags can also be displayed in an assertive or disrespectful manner in order
11 to demarcate territory and intimidate individuals or communities. Such displays are
12 divisive, reinforce sectarianism, and disrupt the effort to build shared space and a
13 prosperous future.

14
15 In Northern Ireland, the public use of flags must be seen in the context of the 1998
16 Belfast/Good Friday Agreement, which acknowledged ‘our continuing, and equally
17 legitimate, political aspirations’—that is, to keep Northern Ireland as part of the
18 United Kingdom or to join with the Republic of Ireland. The agreement recognised
19 ‘the birthright of all the people of Northern Ireland to identify themselves and be
20 accepted as Irish or British, or both, as they may so choose.’

21
22 We consider the display of flags, whether sovereign flags or otherwise, to be part of
23 the fundamental right to freedom of expression, as enshrined in Article 10 of the
24 European Convention on Human Rights. However, we note that Article 10 of the
25 Convention specifies that ‘the exercise’ of the freedom of expression ‘carries with it
26 duties and responsibilities.’ Accordingly, we believe that while the right to display
27 flags must be preserved, we must all act with sensitivity in exercising this right. In
28 this vein, we note the commitment in the Belfast/Good Friday Agreement that

29
30 the power of the sovereign government with jurisdiction there [in
31 Northern Ireland] shall be exercised with rigorous impartiality on
32 behalf of all the people in the diversity of their identities and traditions
33 and shall be founded on the principles of full respect for, and equality
34 of, civil, political, social and cultural rights, of freedom from
35 discrimination for all citizens, and of parity of esteem and of just and
36 equal treatment for the identity, ethos, and aspirations of both
37 communities.

38
39 We agree that all policies and practices regarding flags must reflect this spirit and
40 honour the diversity and legitimacy of the identities and aspirations held by the
41 people of Northern Ireland.

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1 *Flags, sovereignty, and identity*

2
3 Flags are among the most vexing issues in Northern Ireland today. Because of their
4 symbolic potency, they inspire heated disagreement. And because of the stark dualism
5 of the issue in today's environment—a flag either flies at a given place and time or it
6 does not—the policy options are limited.

7
8 Too often, flags have dominated political debates in Northern Ireland. Controversy
9 over flags reflects deeper divisions, but it can also be a cause. Although the Belfast
10 City Council's decision of 3 December 2012 to fly the Union Flag on designated days
11 instead of on 365 days per year did not start this controversy, events following the
12 decision illustrated the division, disruption, and uncertainty that decisions
13 surrounding flags can inspire.

14
15 We agree that the Union Flag is the sovereign flag of Northern Ireland so long as
16 Northern Ireland remains part of the United Kingdom. We recognise that for many of
17 Northern Ireland's people, however, the sovereign flag of the Republic of Ireland is a
18 powerful symbol of their Irish national identity. Indeed, it is critical to underscore the
19 difference between sovereignty and national identity. Sovereignty is a political status;
20 national identity is an allegiance. The two concepts need not coincide for any
21 individual in a given territory. Northern Ireland has two principal national identities,
22 British and Irish, but only the United Kingdom is presently sovereign over it.

23
24 The two sovereign flags are not the sum of the issue. We note the strong interest
25 among the people of Northern Ireland, which emerged in the course of public
26 engagement conducted by the Panel of Parties, in a new official flag for Northern
27 Ireland. We believe such a flag offers an opportunity to create an emblem honouring
28 the shared history of the people of Northern Ireland and Northern Ireland's unique
29 position in these islands. We believe, however, that without a resolution of other
30 flags-related issues, the time to carry forward work on a new Northern Ireland flag
31 has not yet arrived. We pledge to devote continued attention to this issue with a view
32 toward launching a public consultation process for a potential new Northern Ireland
33 flag in the coming years. We emphasise that any such flag adopted shall be a
34 supplement, not a replacement, for the Union Flag so long as it remains the sovereign
35 flag of Northern Ireland.

36
37 We note as well the questions surrounding the flying of flags at local council
38 buildings, in the context of both the Belfast City Council decision of 3 December
39 2012 and the pending consolidation of councils from twenty-six to eleven. The local
40 councils of Northern Ireland represent and will continue to represent the citizens of
41 Northern Ireland in the diversity of their national and cultural identities. They are
42 bound by Section 75 of the Northern Ireland Act 1998 to 'have regard to the

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1 desirability of promoting good relations between persons of different religious belief,
2 political opinion or racial group,' including members of the public overall and
3 individuals who work and access public services at sites and facilities controlled by
4 councils. We recognise that there are, and will continue to be, different attitudes
5 toward the flying flags at local council buildings.

6
7 In this context, we have concluded that we cannot agree a comprehensive set of
8 policies on this issue at this time. However, we acknowledge that the use of symbols
9 and emblems on public buildings and within public space can be controversial, and
10 we are committed to ensuring that they are displayed in a manner consistent with
11 mutual respect, the rule of law, and a shared society. Any democracy must balance
12 the wishes of the majority against the interests of the minority and ensure that
13 majority rule, the basic principle underpinning democracy, does not become
14 majoritarianism. This is especially true in Northern Ireland given the divisions
15 affecting our society and the different cultural identities and political aspirations that
16 our people hold.

17
18 We also agree that, in the spirit of parity of esteem, Northern Ireland's devolved
19 government and local councils should work intensively to create environments
20 representative of all the cultural identities present in Northern Ireland today. Irish
21 culture should be reflected in its full richness and diversity and need not be seen as
22 exclusive to the nationalist community. We also recognise our growing diversity and
23 the variety of cultures beyond British and Irish that Northern Ireland's people hold.
24 To this end, we agree that all local councils and government departments should take
25 up as a point of business an appraisal of the symbols, memorabilia, and other items
26 displayed on their premises and incorporate such items as may be appropriate to
27 create a representative environment. They should also take measures to facilitate the
28 use of the Irish language by those of their constituents who wish to use it and support
29 cultural, sporting, and other events that reflect the full range of identities and
30 backgrounds present in Northern Ireland today. Finally, we agree that the mandate of
31 the new Equality and Good Relations Commission should go beyond ensuring
32 compliance with laws and regulations to advancing the understanding and positive
33 expression of Northern Ireland's diverse cultures and traditions. This work comes in
34 the spirit of equality, parity of esteem, and mutual respect advanced in the
35 Belfast/Good Friday Agreement and the St. Andrews Agreement.

36
37 We acknowledge as well the challenging issue of flags flown in public space. We
38 note the use of flags and emblems by citizens across Northern Ireland to celebrate
39 their identity and culture and to mark historical, civic, or other occasions.
40 Nonetheless, we recognise that flags flown unofficially on public property can be
41 used to demarcate territory or intimidate individuals. Moreover, flags are sometimes

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1 left to deteriorate in the environment, a practice markedly at odds with the respect
2 with which these important symbols should be treated.

3
4 Despite the difficult context surrounding flag policies, we agree on two areas of work
5 to be taken forward as described below.

6
7 *Rationalisation of designated flag days and buildings*

8
9 We believe it is desirable, in the interest of clarity and consistency, for all official
10 buildings and facilities across Northern Ireland that fly the Union Flag on designated
11 days, whether they operate under devolved authority or the direct authority of the
12 government of the United Kingdom, to use a single list of days. We therefore agree to
13 request the Secretary of State for Northern Ireland to amend the Flags Regulations
14 (Northern Ireland) 2000, following the procedure established in the Flags (Northern
15 Ireland) Order 2000, by changing the list of designated flag days given in Part II of
16 the Schedule to the list issued each year by the United Kingdom Department for
17 Culture, Media & Sport. This will ensure that designated days used at government
18 buildings in Northern Ireland will consistently match designated days used across the
19 United Kingdom. We agree to request that the amendment direct the Department for
20 Culture, Media & Sport to solicit regular input from the Northern Ireland Executive
21 on the list of designated flag days as it applies to Northern Ireland. We further agree
22 that in respect of Parliament Buildings, the Northern Ireland Assembly Commission
23 shall continue to follow the Flags Regulations once this amendment is enacted.

24
25 We also agree to request that the amendment remove the list of buildings given in
26 Part I of the Schedule and specify instead that the regulations shall apply in the same
27 manner to all buildings serving at a given time as principal headquarters of a Northern
28 Ireland government department, defined as the building where the department's
29 minister or ministers have their usual office.

30
31 We will work to ensure that such an amendment by the Secretary of State is given
32 effect under the procedure established in the Flags (Northern Ireland) Order 2000,
33 including by supporting the proposed change in the Northern Ireland Assembly and
34 supporting a resolution to approve the change in the Houses of Parliament, as
35 appropriate according to each party's representation and participation in these bodies.

36
37 *Flags and emblems displayed unofficially in public spaces*

38
39 We recognise that many citizens across Northern Ireland wish to display flags and
40 emblems in public spaces. Many such displays are well-intentioned and celebratory.
41 Others, however, aim to demarcate territory and intimidate. It is not only individuals
42 from a different background than that associated with the flag or emblem who may

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1 feel intimidated, but individuals from the same background as well. We believe a
2 framework for dealing with this issue is central to the delivery of the principle of
3 public space as shared space, as expressed in the ‘Together: Building a United
4 Community’ strategy. It is essential to allow the reasonable display of flags and
5 emblems while discouraging and delegitimising intimidating and disrespectful
6 displays.

7
8 To advance this aim, we agree to establish a system for the licensing of flag and
9 emblem displays in public space. Individuals or organisations wishing to erect such
10 displays shall apply to the Political and Cultural Expression Facilitation Office
11 described above no less than five working days before the desired start of the display.
12 To make such applications as convenient as possible, they may be lodged separately
13 or, if flags are to be displayed in connection with a notified event, as part of the
14 notification for this event. Applications for flag or emblem displays shall be required
15 to list the flag or flags to be displayed, the number to be displayed, the exact location,
16 the display’s duration, and any other matters that may be required by the legislation.
17 The Office shall be permitted to work with the Roads Service, the Housing Executive,
18 the PSNI, and other appropriate agencies to devise a list of requirements for
19 applications that will prevent displays from interfering with road safety, the
20 maintenance of public buildings and rights of way, and essential public services.

21
22 The Office shall grant a permit to all applicants who meet the requirements to erect
23 the proposed display for up to fourteen calendar days. No individual or organisation
24 shall be permitted to apply for any display for a period of time that covers any part of
25 the fourteen calendar days following the expiration of the individual or organisation’s
26 last display, whether or not the proposed content and location are the same. All
27 permits shall specify the exact nature and location of the display permitted. They shall
28 also specify that the applicant shall remove all elements of the flag or emblem
29 display, including any materials used to erect it or secure it to any structure, on the
30 last day of the permitted period. Permits shall have the force of law. Appropriate
31 agencies, with the support of the PSNI as required, shall remove all displays not
32 removed by the day following the last day of the permitted period. They shall also
33 remove all displays erected in any public space or on any public structure that do not
34 meet the requirements established or for which no application was filed.

35
36 We agree to advance legislation in the Northern Ireland Assembly to give effect to
37 these provisions. The legislation shall specifically grant the power to enforce these
38 provisions to the PSNI, which shall do so in cooperation with appropriate agencies. It
39 shall also state unequivocally that any flag representing or referring to paramilitary
40 organisations or to violence shall not be allowed.

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1 **Contending with the Past**

2
3 *Introduction*

4
5 Northern Ireland is blessed by many advantages and virtues. We have a hard working
6 and resilient population, world-class educational institutions, and a growing economy
7 on the edge of Europe. Despite these attributes, Northern Ireland has been unable to
8 fulfil the potential of its people and its position. Many hoped that the Belfast/Good
9 Friday Agreement would usher in a period of prosperity, well-being, and dynamism
10 that would characterise a new era. The agreement of fifteen years ago, in concert with
11 the Weston Park, St. Andrew's, and Hillsborough Agreements, helped lift our society
12 out of the darkness of violence, creating new modes of political action and ushering in
13 a power-sharing government. But the benefits of peace have not been fully realised.

14
15 Despite the desire of most citizens to look ahead and move forward, Northern Ireland
16 remains constrained by its past. The various agreements, in taking on the huge and
17 important work of building new political institutions, did not give society the tools or
18 venues to fully grapple with the pain and anger that are inevitably the legacy of
19 generations of violence. The paths made available over the ensuing years have not
20 proven equal to that demanding task. As a result, the past continues to permeate our
21 government, institutions, and people. It creates mistrust among leaders at all levels of
22 society who should otherwise be tackling problems of the modern world. It maintains
23 the gulf between neighbours who pass each other in the street or in the shops. Without
24 facing this issue, Northern Ireland and its people cannot expect to achieve the future
25 its people desire and deserve.

26
27 This challenge, however daunting, is not unique to Northern Ireland. Other countries
28 and regions that have emerged from conflict and violence have also had to tackle the
29 hard work of contending with the legacy of the past. Each has adopted methods and
30 mechanisms suited and moulded to the particular experience, nature, and needs of that
31 society. There is no guidebook for how a people can address the elements of its past,
32 for each history is as distinctive as it is painful. The efforts of Northern Ireland to
33 tend to its past may be informed by what others have done, but we must find our own
34 way and our own means to this higher ground.

35
36 The time to rise to the challenge is now. Northern Ireland does not have the luxury of
37 putting off this difficult, but potentially transformative, task any longer. Should we
38 not seize this opportunity, it will not return for subsequent generations to reap its
39 rewards. Many of those with experiences and knowledge critical to what took place
40 have already died and, with them, the ability to unearth many facts and emotions
41 necessary to better come to terms with the past. The passage of time will only further

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1 erode our ability to do so. Individuals and civil society have done much groundwork,
2 but the moment to make these efforts broader and more systematic has come.

3
4 We have therefore committed ourselves to the important work of contending with the
5 past, knowing that doing so will mean different things for different people. While this
6 effort will be welcome by many, we understand that some will choose to contend with
7 the past in their own ways and at their own times. We have sought to construct an
8 architecture that honours those choices and provides many avenues to the destination
9 of a truly more harmonious society, one that does not forget the past but is not
10 hampered by it as we are today.

11
12 *Support for Victims and Survivors*

13
14 Victims and survivors of the conflict must necessarily command a prominent place in
15 matters related to the past. The burden of their pain and loss has been exceptional and
16 for the most part has been borne with remarkable dignity, patience, and grace. In
17 many cases, victims have become prominent voices in the effort to heal divisions
18 across communities—an extraordinary example of leadership from which all in
19 Northern Ireland could learn. We have been privileged to draw on their experiences,
20 views, and goals. Their voices in this area deserve special consideration and we have
21 endeavoured to honour that wherever it was in our power to do so.

22
23 Often, victims and survivors continue to suffer from physical disabilities, emotional
24 trauma, social anxiety, and other concerns stemming from the conflict that merit
25 support and assistance wherever possible. Meeting these needs with professionalism,
26 sensitivity, empathy, and care is the work of the whole of society, including the
27 government of the United Kingdom, the devolved government of Northern Ireland,
28 local authorities, and the non-governmental sector.

29
30 Two tasks are essential to this effort. The first is to ensure, within the limits of the
31 society's resources, that a range of high-quality services exists for those who need
32 them. The second is to ensure that those individuals have a full understanding of the
33 services available and can pursue those for which they are eligible. Should an
34 individual wish, a dedicated advocate-counsellor will be made available to work in
35 the individual's interest to provide support and help him or her understand and
36 request relevant services.

37
38 The principle of choice must remain central to the provision of services for victims
39 and survivors of the conflict. So must the principle of need. Victims and survivors
40 encounter a wide range of circumstances and bear multiple burdens. As a result of
41 this, individuals must retain the choice of whether to seek any services at all, since, as
42 the 2009 Strategy for Victims and Survivors recognized, some individuals “do not

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1 feel that they require additional support.” It is a normal part of such a process that
2 individuals may be required to show their need for a service. However, needs should
3 be evaluated sensitively and with the minimum possible burden on those seeking
4 services.

5
6 We believe it must be as easy as possible for victims and survivors to access the
7 physical, psychological, emotional, financial, or other support for which they are
8 eligible. A central facility open to all those with needs stemming from the conflict can
9 be helpful in this regard. The Victims & Survivors Service (VSS), established in
10 2012, should be supported in its continuing efforts to provide assistance to those
11 affected by the conflict. We note the many reports that have emerged about the ways
12 in which some individuals approaching VSS were treated. These reports include
13 burdensome documentation requirements, delays, and insufficient responsiveness.

14
15 In this vein, we also note the ongoing independent assessment of VSS being
16 conducted by Kathryn Stone, the commissioner of the Commission for Victims and
17 Survivors. We encourage the commissioner, as part of this assessment, to propose
18 specific guidelines and best practices for the provision of services to victims and
19 survivors, whether via VSS, appropriate non-governmental organisations, or any other
20 institution.

21
22 We particularly encourage the assessment to consider two areas of critical concern to
23 victims, survivors, their families, and wider society. The first is the provision of easy
24 to access, high quality mental health care. Northern Ireland has one of the highest
25 rates of post-traumatic stress disorder in the world; according to 2011 World Mental
26 Health Survey, more people were affected by the disorder in this country than in
27 Israel, Lebanon, and other countries seriously affected by conflict. The financial cost
28 is considerable – some £175 million per year – but the cost in human suffering, lost
29 potential, and strain on families is incalculable. We encourage the VSS, as part of its
30 assessment, to consider establishing or funding a comprehensive Mental Trauma
31 Centre to serve the substantial unmet need of victims in this area. We further ask the
32 Victims Commissioner, as part of her assessment of VSS, to give special
33 consideration to those who lost years of their working life to severe physical or
34 mental injury as a result of the conflict, as has been done in similar situations in other
35 countries. In addition, as these victims age, their need for medical, emotional,
36 financial, and other support may rise, and we believe it is crucial that the assessment
37 take particular note of their circumstances and financial requirements.

38
39 Following the completion of Commissioner Stone’s assessment, we agree to consider,
40 in the Northern Ireland Executive, the Northern Ireland Assembly, or other
41 appropriate venues, the steps to be taken, whether through legislation, regulation, or
42 other means, to facilitate and implement those recommendations that are agreed to.

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1
2 *Acknowledging past acts*
3

4 What happened in the past cannot be changed. The basic facts and events of the
5 conflict, in all their terrible detail, now simply are. We cannot yet agree on the causes
6 of the conflict or on a mutual understanding of those events. We can, however, all
7 agree that the past has consequences for individual victims and society that continue
8 through the present. We must meet the challenges posed by the past and work to
9 ensure that they do not overwhelm the present and undermine the future. Our
10 disagreements about the meanings of past events should not stand in the way of
11 individuals and groups acknowledging those events, their role in them, and the fact
12 that they had a profound impact on society.

13
14 Sincere acknowledgements are a foundational step in the effort to contend with
15 Northern Ireland's past. They constitute powerful gestures by individuals involved in
16 the conflict and send an important message to other such individuals, to the people of
17 Northern Ireland, and to the world that those responsible for causing pain are prepared
18 to accept their responsibility. Such gestures, if multiplied and sustained, are apt to
19 lighten the shadow that Northern Ireland's past casts on its present and unlock
20 significant potential for progress toward a shared and peaceful future.

21
22 People across Northern Ireland, the rest of the United Kingdom, the Republic of
23 Ireland, and beyond experienced pain and loss during the conflict. For the vast
24 majority of these people, there has been little in the way of closure or comfort; more
25 than 3,000 conflict-related deaths were never solved, and many relatives have lived
26 for decades without a responsible party acknowledging their pain and loss. There is a
27 profound desire among many victims, survivors, and their families for such
28 acknowledgments.

29
30 The local nature of much of the violence during the conflict means that many people
31 know, or believe they know, who personally is responsible for the events that affected
32 them. More often, they feel confident they can attribute an act to a particular
33 organisation, whether non-governmental or governmental. The fact that these
34 individuals, organisations, and governments have not publicly taken responsibility for
35 their actions is deeply frustrating not just to those directly affected but also to many in
36 the wider society. The mistrust and resentment bred by this ongoing silence should
37 not be underestimated. It undermines trust in society, faith in leaders, and hope for a
38 more peaceful future.

39
40 There have been some individuals in Northern Ireland, the rest of the United
41 Kingdom, and the Republic of Ireland who have taken steps toward acknowledging
42 their role in the conflict. In some cases, their statements and actions have provided a

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1 measure of comfort and satisfaction to those directly affected by the conflict and
2 contributed broadly towards reconciliation across wider society. Other statements
3 have been perceived as less constructive, and have even had a negative impact on
4 cross-community relations.

5
6 Now is a time for all citizens of Northern Ireland, and the governments of the United
7 Kingdom and the Republic of Ireland, to reflect on the previous decades. This is not
8 to suggest that blame for the violence is equally shared across society. It is not. A
9 minority sought to advance agendas through means outside the law, while the
10 overwhelming majority adhered to it. The burden of the past rests most heavily on
11 those, whether non-state or state actors, who acted outside the rule of law. However,
12 even the majority of people who assiduously eschewed violence may have
13 contributed to the environment within which it flourished, either through the
14 advancement of policy, acts of commission, or acts of omission. To publicly
15 acknowledge these contributions does not equate them, but all such
16 acknowledgements will help bring about a better climate.

17
18 To advance reconciliation and healing at both the individual and societal levels,
19 acknowledgments should be more than apologies. Saying sorry is necessary but not
20 sufficient. Full acknowledgements need to include an unqualified assumption of
21 responsibility, express an understanding of the consequences of the actions for
22 individuals and society, and include a sincere expression of remorse for pain and
23 injury caused. Statements of regret and reconsideration are also welcome.

24
25 We encourage individuals, organisations, and national governments to work together
26 on specific statements of acknowledgment, including by discussing language, timing,
27 and other matters in private before public statements are made, to ensure that such
28 acknowledgements are carried out in ways that contribute positively to healing and
29 reconciliation. We commit to working among ourselves, with organisations in
30 Northern Ireland, and with the governments of the United Kingdom and the Republic
31 of Ireland to build an environment in which full and constructive acknowledgements,
32 whether individual or corporate, can be expressed and can build on one another. This
33 process should aim to be as inclusive and as complete as possible, involving all those
34 who played roles in the conflict. We hope and anticipate that statements of
35 acknowledgment by leaders will encourage others to make similar statements or
36 gestures of acknowledgment, including participating in the retrieval of truth as
37 outlined below. Indeed, we encourage every individual who was alive during the
38 conflict, including ourselves, to reflect on his or her own actions and to acknowledge,
39 in whatever way they feel appropriate, any hurt they might have intentionally or
40 inadvertently caused.

41
42 *Justice*

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1
2 In any society, holding people accountable for breaking the law is a fundamental role
3 of government. Doing so consistently and even-handedly reinforces belief in the
4 integrity of government and reassures citizens that their society is safe, fair, and just.
5 During the conflict in Northern Ireland, members of the police forces, security
6 services, and the criminal justice system worked hard under difficult conditions to
7 uphold the standards of fairness and accountability that citizens of a democracy have
8 a right to expect. However, despite the honest efforts of the majority of those
9 participating in it, some believed that the criminal justice system could and should
10 have done better.

11
12 Major efforts have been undertaken since the 1998 Belfast/Good Friday Agreement to
13 reform the criminal justice system in general, including the devolution of justice
14 functions from Westminster and the establishment of the Police Service of Northern
15 Ireland (PSNI). These and other reforms constitute real progress. At the time of the
16 1998 Agreement, however, there remained thousands of cases relating to the conflict
17 that were either unsolved or resolved by justice mechanisms that did not elicit full
18 faith from all of society. New institutions were therefore created to address these
19 particular incidents in an effort to ease a source of enduring pain among many victims
20 of those acts and their families, and a remaining source of mistrust among the wider
21 public.

22
23 Current institutions

24 The Historical Enquiries Team (HET), an independent unit reporting to the Chief
25 Constable of the PSNI, is tasked specifically with reviewing the files of the more than
26 3,000 deaths that occurred between 1968 and 1998. Its mission is to uncover, where
27 possible, information requested by the families of the deceased and, for unsolved
28 murders, to determine if any evidence was missed that should be reinvestigated by the
29 police. It has completed around 1,900 reviews to date, with approximately 600 cases,
30 involving some 800 deaths, yet to be reviewed. The Police Ombudsman of Northern
31 Ireland (PONI) serves as an independent and impartial investigator for complaints
32 against the police. It is empowered to investigate “grave and exceptional” historical
33 offenses suspected to have been committed by police officers.

34
35 Coroner’s inquests work through a public process to ascertain the circumstances of all
36 suspicious deaths. Thirty-six cases are pending relating to the conflict; some of them
37 have never been investigated, while others are new inquests ordered by the Attorney
38 General in light of fresh evidence. Coroner’s inquests have been broadened
39 substantially in recent years, especially for inquests involving the state, in response to
40 rulings from the European Court of Human Rights regarding their adherence to
41 Article Two procedural requirements.
42

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1 A fourth vehicle for addressing historical events, public inquiries, remains a
2 discretionary tool for the governments of the United Kingdom and the Republic of
3 Ireland.

4
5 All four institutions have conducted enormously difficult and politically sensitive
6 investigative work into conflict-related cases, and we commend their dedicated efforts
7 and the information that they have been able to provide to many families. In a few
8 cases, they have been able to uncover fresh evidence, leading to new prosecutions and
9 convictions. In many more they have been able to provide greater insight to, if not
10 firm conclusions on, the events under investigation, bringing comfort to the families
11 involved.

12
13 The multiplicity of institutions and vehicles for justice in respect of conflict-related
14 incidents, however, creates confusion and places enormous burdens on the police. The
15 HET, PONI, and inquests also suffer from the perception that they have proceeded
16 too slowly. Because the European Court of Human Rights has established specific
17 requirements for coroner's inquests involving state forces, including public hearings
18 and legal representation for witnesses, these investigations will be need to be
19 maintained. Inquiries will remain the purview of governments. But there is much that
20 we can and should improve regarding the completion of HET and PONI
21 investigations.

22
23 Historical Investigations Unit

24 While it is not necessary or desirable to restart reviews or investigations into all
25 conflict-related events, we believe it is necessary to establish through legislation a
26 single Historical Investigative Unit (HIU) to take forward the remaining caseload of
27 the HET and the conflict-related cases before the PONI. Once the HIU is fully
28 established, the HET and the PONI will transfer all their records, active reviews and
29 investigations, and information relating to investigations not yet begun to the HIU.

30
31 The HIU will serve the interests of justice by conducting thorough examinations and,
32 where appropriate based on the evidence, referring cases to the Public Prosecution
33 Service (PPS). By taking on the burden of conducting investigations, a power not
34 given to the HET, it will also alleviate the pressure historical cases place on the PSNI.
35 Finally, as a new institution capable of commanding the confidence of the entire
36 community, it can provide a measure of comfort to the families involved and
37 contribute to the ongoing restoration of public faith in Northern Ireland's justice
38 system—an essential step for securing a shared future.

39
40 What the HIU will examine

41 Because the HET has generally examined cases chronologically, many families have
42 been waiting for years for their case to be addressed. It would be unfair to them, and

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1 would undermine acceptance of the process, to consider a fresh review of a closed
2 case by the HIU before it completes initial reviews of all cases not yet examined. The
3 HIU will therefore combine the outstanding HET and PONI cases into a single list,
4 ordered chronologically, for an initial review. After the remaining un-reviewed cases
5 have been examined, however, families will have the opportunity to request a new
6 review of any previous HET or PONI case by the HIU, which may be granted if flaws
7 are found in the earlier investigation or if new information has come to light.

8
9 We are aware that there are tens of thousands of people who were injured during the
10 conflict and we are sympathetic to the fact that they have never been eligible to
11 receive a review of the cases that affected them. While the HIU is conducting its
12 reviews and investigations into cases involving deaths, it will do so with a view to
13 producing two types of reports. The first will be a report of the particular
14 circumstances of individual deaths, which will be shared with the PPS if there is
15 sufficient evidence to warrant prosecution or with the family of the deceased if there
16 is not and if the family so chooses. The second will be a more general report that will
17 be given to all of those injured in the same event should they desire it. This will be an
18 important new effort, as it will open up a new avenue of information to those who
19 lacked one in the past. Once all cases involving deaths have had a review and where
20 appropriate an investigation, and if resources permit, the HIU will conduct reviews
21 and investigations into cases involving severe injuries. All reports prepared by the
22 HIU will be carefully prepared to ensure they do not violate Article Two of the
23 European Convention on Human Rights or relevant laws regarding national security
24 or public interest disclosures.

25
26 How it will work

27 The HIU will begin its work on each case with a review of the case's existing file and
28 any associated intelligence that may be held by the PSNI. Should the HIU identify
29 deficiencies with the original investigation or new evidence that suggests the
30 possibility of a fruitful investigation, we agree that it will have full investigative
31 powers identical to those of the PSNI, including the power to:

- 32 • Conduct interviews under caution and, where appropriate, request a subpoena
33 from the court for sworn testimony;
- 34 • Request a subpoena for documents from governments, government agencies,
35 organisations, and individuals;
- 36 • Access independently and in full the PSNI's intelligence and case files
37 regarding the conflict-related cases under its review; and
- 38 • Have independent power to re-test and re-process existing evidence in the
39 cases under its review.

40
41 These powers will enable it to conduct its investigations and place a lesser burden on
42 the PSNI than the HET does now. This will help ensure the appearance and reality of

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1 its independence, and it will alleviate an enormous investigatory burden on the PSNI,
2 helping them to focus on their primary mission: policing the present. To ensure the
3 overall integrity and quality of the HIU's reviews, it will develop:

- 4 • Clear, detailed, and transparent investigative and recordkeeping procedures
5 appropriate to sensitive historical cases, with adequate training and oversight
6 to ensure they are implemented;
- 7 • Internal quality assurance mechanisms to ensure that its conclusions have been
8 rigorously tested before information is provided to families and/or cases are
9 closed;
- 10 • Internal protections against conflicts of interest among its investigators; and
- 11 • A public complaints service through which affected members of the public
12 may raise issues of concern with the body.

13
14 Principle of choice

15 While society has an overarching interest in concluding reviews and investigations
16 into outstanding cases, we recognize that not all victims, their immediate families, or
17 individual family members will wish to participate in the review or investigation of a
18 death or injury. Their involvement will, as in all institutions contending with the past,
19 therefore be guided by the fundamental principle of choice. The HIU will review all
20 cases in the interest of fairness and justice, but individuals will not be notified of its
21 progress unless they opt in to learning about or participating in reviews and
22 investigations, either before or during the work on their case. Those who do choose to
23 learn about the progress of a case will be offered the services of an advocate-
24 counsellor unconnected with any work on their file who can provide logistical
25 guidance and emotional support through each stage of the process. When the HIU's
26 review or investigation has concluded, and if the case is not referred to the PPS for
27 further action, the family will receive a report outlining the extent of information
28 known about the case as it affected them, should they desire it.

29
30 When an individual or family chooses not to hear about the progress of a case, HIU
31 will scrupulously adhere to their wishes and will not communicate with them in any
32 way. The sole exception to this fundamental principle of choice and respect will arise
33 in cases that are sent to the PPS for further action. In such cases, HIU will reach out to
34 the individuals or families involved to inform them that prosecutorial action may be
35 taken. This step will ensure that families do not first learn about the progress of their
36 case via the media or other publicity. HIU will further offer the services of an
37 advocate-counsellor who can provide support and guidance through this process.

38
39 Leadership and staffing

40 We believe that the HIU, as an investigative body, should be led by a trusted figure
41 with relevant investigative or legal experience. Given views among some in the
42 community of police and judicial institutions throughout Northern Ireland's history, it

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1 may be that a figure of sufficient seniority and perceived integrity will only be found
2 outside Northern Ireland. This chief executive should be nominated through a public
3 appointment process and selected by the Justice Minister. The quality, independence,
4 and timeliness of its work shall be overseen by the Policing Board.

5
6 The HIU review and investigative teams should likewise have relevant investigative
7 experience and expertise. It is important, however, that they also be free from undue
8 influence by officers or others in positions of authority who may have been involved
9 in the cases being reviewed. The guiding purpose of these reviews is to conclude
10 outstanding cases that pose ongoing challenges to confidence in the rule of law and
11 the administration of justice in Northern Ireland. It is vital to a successful outcome
12 that those conducting the reviews have both the expertise and the personal
13 independence to carry out this work in a way that garners public trust.

14
15 Outcomes

16 These steps, taken together, will increase the independence and quality of reviews and
17 investigations and inspire confidence in the resolution of historical cases among
18 families affected and the wider society. A robust HIU also affords the maximum
19 possible opportunity to uncover evidence sufficient for prosecution. Where such
20 evidence is uncovered, the file will be referred to the PPS, which will determine
21 whether to carry the case forward to trial. Where, despite these efforts, there are not
22 grounds for a prosecution, a report on the case will be prepared, which the family
23 members of the victim may review if they so choose.

24
25 The passage of time and loss of evidence through decommissioning, decay, and other
26 means will often mean that there is too little admissible evidence for the prosecutor to
27 proceed with a trial. And even where prosecution is undertaken, there is of course no
28 certainty of outcome. The HIU process is intended to provide a meaningful
29 investigation that develops new evidence for prosecution wherever possible but, in all
30 cases, offers a sense of accountability and comfort to the families of victims.

31
32 Where families desire another vehicle through which to pursue information about
33 their loved one, whether before, during, or after an HIU review, they will have access
34 to the Independent Commission for Information Retrieval (ICIR), outlined below.
35 HIU staff should make clear to those families who choose to pursue their case through
36 ICIR in addition to HIU, however, that documents and information released through
37 ICIR cannot be used in prosecutions.

38
39 *Increasing the availability of information*

40
41 For many of the families whose loved ones were killed in the conflict, and for those
42 who were themselves victims, the need to know more about the circumstances of their

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1 case is profoundly important. This is especially true in those many cases that are
2 unlikely to be resolved through the criminal justice system, where the bar for the
3 introduction of evidence for prosecution is necessarily high. Affording these
4 individuals the opportunity to seek, on a fully voluntary basis, further information
5 could provide, after all these decades, a measure of comfort. And any information
6 supplied by perpetrators during this process could add significant meaning to any
7 acknowledgments provided.

8
9 There are also likely to be some who carried out violent acts who would, under
10 certain circumstances, be willing to provide information about actions they took
11 during the conflict. We emphasize that these circumstances must not include an
12 amnesty. Where sufficient evidence exists, the Public Prosecution Service cannot
13 forfeit its right to choose to prosecute crimes. We are cognizant, however, of
14 precedents that provide limited protection to those willing to share information. The
15 Independent International Commission on Decommissioning and the Independent
16 Commission for the Location of Victims' Remains have both utilized limited
17 protections to elicit a measure of desired information without compromising the right
18 to prosecute. We believe these bodies offer useful lessons for an Independent
19 Commission for Information Retrieval (ICIR).

20
21 We recognize that this process is unlikely to achieve a complete and fully accurate
22 account of every incident that occurred during the conflict. Some people with
23 information may have already died, while others may not, irrespective of the
24 protections offered, wish to bring what they know to light. These limitations are
25 unfortunate but inevitable. But we believe that creating opportunities to retrieve as
26 much information as possible is essential to assisting victims and their families, and to
27 contending with the past. Only through gaining the fullest possible picture of what
28 happened during the conflict and why can Northern Ireland begin to constructively
29 confront its past.

30
31 To all those who may have relevant information, including individuals, members of
32 proscribed organisations, members of political parties and other non-governmental
33 organisations, and current and former employees of the governments of the United
34 Kingdom and the Republic of Ireland, we urge you to step forward with whatever
35 information you have that may provide a degree of comfort to all those who lived
36 through the conflict. While the governments of the United Kingdom and the Republic
37 of Ireland have taken important steps already towards increasing the amount of
38 publicly available information, we encourage them to determine what more can be
39 done. We encourage non-governmental participants and entities, in particular
40 paramilitary organisations, to similarly increase access to information in their
41 possession. The future stability and success of Northern Ireland rests on its ability to
42 address the suspicions that remain about the public figures and institutions in

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1 Northern Ireland. Further transparency on the events of the past is critical to that
2 process.

3
4 Opting in to ICIR

5 ICIR will offer two ways of initiating a case. First, victims and the immediate families
6 of victims will be able to register a request for information about any violent incident
7 connected to the conflict. The ICIR will reach out to designated intermediaries that it
8 maintains among organisations and governments, who will seek out individuals
9 within their networks who may have information relevant to the request. If a person is
10 willing to provide information, whether directly or through an intermediary, ICIR
11 staff will ask detailed questions about the events under discussion, cross-referencing
12 answers wherever possible to other sources for validation. After it judges it has
13 learned all it reasonably can, the staff of ICIR will prepare a private report for the
14 victim or victim's family conveying the information it has gleaned regarding that
15 specific case. All reports prepared by ICIR will be carefully prepared to ensure they
16 do not violate Article Two of the European Convention on Human Rights or relevant
17 laws regarding national security or public interest disclosures.

18
19 We underscore that interaction with this commission would be fully voluntary and
20 respectful of the wishes of victims and families. They choose whether to seek
21 information through the ICIR. Should they not wish to receive information, ICIR will
22 not contact them. Unless they wished to do so, they would never be asked or expected
23 to meet with any individual who might offer information. Seeking information
24 through ICIR would not preclude an investigation through the Historical
25 Investigations Unit described above, which will proceed with investigations of all
26 cases under its remit in due course.

27
28 The second means of initiating a case allows people who may wish to volunteer
29 information about violent acts and secure the limited protections offered by the ICIR
30 to do so, either directly or through an intermediary. We emphasize that ICIR will be
31 available to anyone who may have information about a conflict-related act, including
32 members of paramilitary organisations and current or former employees of
33 governments. In the event that an individual volunteers information independently,
34 ICIR will keep that information in its files unless and until the victim or the victim's
35 family files a request for information. To avoid re-traumatising those who may not
36 wish to receive information, ICIR will not notify those who have not registered a
37 request for information when information relevant to their case is provided.

38
39 We are aware that in some cases the immediate family members of deceased victims
40 may not agree on whether or when to participate in this process. In such cases, ICIR
41 staff members would, through careful and respectful dialogue, seek to help families
42 reach a common position. If they are unable to reach agreement, ICIR would pursue

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1 information on behalf of the family members who did wish to receive it, sharing what
2 was learned with them and carefully guarding against releasing unwanted information
3 to the rest of the family.
4

5 Assessments of patterns

6 We recognise that there is demand for determining whether individual acts were
7 carried out pursuant to standing policies and strategies. In light of the protections and
8 assurances given to those who provide information through ICIR, we expect that it
9 will over time become the largest and most detailed repository of information about
10 the conflict. Its director and staff will be well placed to utilise that repository, in
11 conjunction with other resources. Therefore, an additional part of ICIR’s mission
12 should be to assess the policies and strategies, if any, of the participants in the
13 conflict.
14

15 After the ICIR has had time to gather a sufficient body of information – we estimate
16 three to five years – its director, supported by the staff at ICIR, will convene an
17 advisory group of eight to ten widely respected experts on the conflict in Northern
18 Ireland to review a summary of what ICIR has compiled and assess what, if any,
19 patterns or themes can be gleaned from the information participants provided. Where
20 such patterns seem evident, ICIR staff will be permitted to seek supplementary
21 documents from and interviews with participants who have not chosen full
22 anonymity; other individuals; organisations; and governments to better understand
23 and contextualise the information from the ICIR records. All of these sources will
24 inform a report by the director and the advisory group outlining their best assessment
25 of the patterns, if any, that are evident in the information ICIR has gathered. Any
26 individual, organisation, or government named in the report will have the right to
27 review and comment on the report prior to its release. Additional reports, using the
28 same methodology, will be published if and as warranted thereafter.
29

30 Use (limited) immunity

31 We recognise that those who have information regarding conflict-related events may
32 have legitimate fears about coming forward. They may fear criminal prosecution after
33 implicating themselves or others in crimes. They may fear retribution from those they
34 implicate. And they may fear, after decades of living quiet lives, their admission
35 could lead their friends and families to dramatically re-evaluate their character.
36

37 Given the importance of their information to the future of Northern Ireland, the body
38 will therefore be empowered by law to offer “use (limited) immunity” in both civil
39 and criminal courts to those providing information in connection with the incidents
40 described. Use immunity protects an individual from self-incrimination. Statements
41 given under conditions of use immunity cannot be used as evidence against the person
42 giving them or anyone named in those statements. Use immunity does not provide

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1 protection against prosecution or the pursuit of civil damages through evidence
2 derived from other sources, or against prosecution for other acts.

3
4 Leniency

5 Should a conflict-related case against a particular individual participant in ICIR be
6 successfully prosecuted through the development of other evidence, we believe it is
7 important that what is judged to be honest and forthcoming participation in ICIR be a
8 consideration in their favour during sentencing. Once a case has been decided, but
9 prior to sentencing, the director of public prosecutions will file a formal request with
10 ICIR to determine the degree and quality of cooperation, if any, ICIR has received
11 from the relevant individual. Without releasing or summarizing the content of the
12 information provided, ICIR's director will provide a general description of the quality
13 and forthrightness of that individual's participation to the public prosecutor. If ICIR's
14 director certified that the information was helpful, the judge sentencing the individual
15 would be directed by law to take that certification positively into account when
16 deciding the length of any sentence.

17
18 Anonymity

19 As noted above, ICIR will offer the opportunity for individuals to give statements via
20 a designated intermediary, on a purely anonymous basis. It will be necessary for ICIR
21 to know who is supplying information in order to offer use immunity and the potential
22 for leniency in sentencing in any future trial, however, so those individuals would not
23 secure those incentives. Individuals who would prefer to come forward directly, in
24 order to secure use immunity and leniency, could instead opt to have their identities
25 hidden from the public but not from the senior staff of ICIR.

26
27 Relationship with criminal justice

28 Finally, to inspire confidence in the comprehensive nature of ICIR's protections, ICIR
29 will forward, copy, or otherwise share or make available its records or findings to the
30 HIU, the PSNI, or the Public Prosecutions Service only in extremely limited
31 circumstances:

- 32 • When the PPS requests information regarding cooperation with ICIR that
33 could be applied to leniency in sentencing, as explained above; or
- 34 • When ICIR uncovers exculpatory information and secures permission from the
35 individual to whom it applies to share the information with the criminal justice
36 system.

37
38 There will otherwise be a strict separation among the personnel, resources, premises,
39 and records of ICIR, the HIU, and any other criminal justice institution. These and
40 other provisions protecting the identity and details of those who provided information
41 cannot be changed without the permission of the person affected. ICIR will, further,
42 be excluded from Freedom of Information requests by appropriate legislation.

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1
2 ICIR will be tasked primarily with conducting interviews with those who offer
3 information; querying and cross-checking information against available records;
4 synthesizing that information into a report for the family that requested it; and, in
5 time, assessing patterns in the policies and strategies of participants in the conflict.
6 Therefore, ICIR staff should have backgrounds that draw on similar analytical skills,
7 including lawyers, historians, and other academics. ICIR should avoid hiring those
8 with previous links to any body that might be giving information to avoid the
9 appearance or fact of conflicts of interest. Its leadership should likewise be free of
10 links to such groups or institutions. It is likely that a figure of sufficient seniority and
11 perceived integrity will be found only outside Northern Ireland. The five executive
12 parties of the Northern Ireland Assembly will unanimously select an international
13 person of high calibre and good standing to lead this body. We further commit to
14 establishing appropriate oversight mechanisms to ensure that ICIR acts with fairness,
15 discretion, and judgment.

16
17 We pledge to do what we can to put in place enabling legislation and other
18 mechanisms for this institution. We further call on the governments in London and
19 Dublin to participate in this effort and to pass similar enabling legislation where
20 necessary.

21
22 *Sharing experiences*

23
24 No two people experienced the conflict in the same way. Each individual has a
25 personal perspective on the conflict and its effects, and thus a different understanding
26 of its meaning. The intensity of the conflict and the political fragility of its immediate
27 aftermath accorded little space to address the real consequences of what had
28 happened. People drew on the support of family, friends and faith communities, but
29 until relatively recently there were few opportunities to share their experiences and
30 gain recognition of what happened to them. While some non-governmental and
31 statutory organisations have begun to address this problem, providing a central place
32 to share whatever experiences an individual may wish could provide a powerful
33 catharsis and validation.

34
35 The benefits of sharing experiences or narratives, however, are not limited to
36 individuals. The multiple narratives of those who lived through the conflict have a
37 clear social and historical value. People's narratives—their diaries, journals, travel
38 logs, letters—have been a cornerstone of historical research for centuries. Oral and
39 video histories have, more recently, enriched that source material. Many of the
40 histories of the conflict have not yet been written—it is too recent and often too raw
41 to get enough perspective. Recording and preserving people's experiences—without
42 judgment or prejudice regarding their experiences, political views, or professional or

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1 community affiliations—are necessary steps towards building a significant and
2 comprehensive body of historical source material for future generations. Time is of
3 the essence in this effort. Already, memories are fading and people are passing away.
4 There are no second chances to record their memories. Each day of delay risks further
5 losses at considerable cost to society.

6
7 We therefore call for the establishment of an archive for conflict-related oral histories,
8 documents, and other relevant materials from individuals of all backgrounds, from
9 Northern Ireland and beyond, who wish to share their experiences connected with the
10 conflict. This archive will not seek to interpret people’s narratives or attempt to create
11 any single narrative of the past. It will be designed to be an unfiltered collection of
12 individual narratives—a vital primary resource for the future historians, genealogists,
13 and writers who will interpret the myriad histories of Northern Ireland.

14
15 We underscore that the archive’s staff will not attempt to validate or corroborate the
16 experiences contributed to the archive. Its contents will therefore have no legal
17 standing or role, with no more validity in civil or criminal proceedings than hearsay.
18 As a further level of protection, legislation will designate entries in the archive as
19 inadmissible in both civil and criminal proceedings, and will protect individuals from
20 libel claims deriving from their submissions to the archive.

21
22 Additionally, in line with the principle of choice in connection with all institutions
23 dealing with the past, individuals will have the right to choose whether to share their
24 experiences and the extent of the experiences they choose to share. They will also
25 have the right, protected by legislation, to designate when and under what
26 circumstances their narratives may be shared publicly. For example, individuals may
27 allow them to be shared immediately, after a given period of time, upon their death, or
28 at a fixed point thereafter. Individuals may also choose to record their experiences
29 utilizing the archive’s facilities and expertise but retain the records themselves until
30 their death or any other date they choose.

31
32 This archive will offer:

- 33 • A website with a structured series of questions to elicit people’s narratives and
34 a facility for uploading scans of documents, photographs, and other materials;
- 35 • A screening process to ensure that inflammatory, irrelevant, or otherwise
36 inappropriate material is not accepted into the archive;
- 37 • Trained facilitators for recording oral histories, conducting interviews should
38 an individual wish, and ensuring that the process is carried out with sensitivity,
39 professionalism, and care, with due concern to trauma and other potential
40 emotional concerns;
- 41 • Professional recording equipment and facilities to ensure recordings are of a
42 consistent format and quality, whether audio, video, or both;

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- 1 • A repository for similar oral history archives already recorded by other
2 institutions, if they choose to share them; and
3 • A repository for documents related to the conflict, including personal letters,
4 diaries, and other records.

5
6 The archive will be initially constituted online, where scholars and members of the
7 public will be able to access recordings that individuals have chosen to make
8 available. The archive will be overseen by a body of professionals with training in
9 history, library science, information services, and related disciplines. Our goal is for a
10 physical archive of these materials to eventually exist.

11
12 *Implementation and Reconciliation Group*

13
14 The provisions regarding the past outlined in this agreement will need to be
15 monitored and likely adjusted and augmented over time. As the needs of victims,
16 survivors, and society change, the institutions created or strengthened here will need
17 to change with them. New institutions or practices may need to be built to meet needs
18 as yet unmet. Others, as society begins to heal its wounds and overcome its mistrust,
19 may need to be wound down. We therefore call for an Implementation and
20 Reconciliation Group (IRG), led by a respected international figure and made up of
21 representatives from victims' groups, other civic society organisations, political
22 bodies, and other interested parties, to fulfill three basic functions.

23
24 First and most importantly, the IRG will monitor the implementation and
25 effectiveness of the bodies outlined in this agreement, and issue progress reports and
26 calls for improvements where necessary. Secondly, it will provide a crucial advisory
27 role, bringing together the myriad voices and experiences of its participants to
28 recommend other institutions or initiatives that that could contribute to reconciliation,
29 a better understanding of the past, and a reduction in sectarianism. Finally, the IRG
30 will convene meetings, events, academic efforts, and other initiatives to pursue and
31 promote reconciliation between individuals when they desire it and between and
32 among communities and groups in wider society.