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**FROM: RUTH SLOAN  
SECURITY AND EXTRADITION UNIT  
RIGHTS AND INTERNATIONAL RELATIONS  
30 NOVEMBER 2004**

Cc: see distribution list below

1. Clare Salters (CPS 30/11)

2. Secretary of State

**NORTHERN IRELAND AFFAIRS COMMITTEE: NIO MEMORANDUM ON  
'RECONCILIATION: WAYS OF DEALING WITH NORTHERN IRELAND'S PAST'**

**Issue:** The Northern Ireland Affairs Committee are setting up a new inquiry into 'Reconciliation: Ways of Dealing with Northern Ireland's Past' and have requested a formal memorandum from the Government.

**Timing:** The memo needs to be with the Committee by 3 December.

**Presentational Issues:** This continues to be a high-profile subject. You will want to indicate that you hope to make an announcement in the New Year which you will be happy to discuss then, without committing yourself to this.

**Recommendation:** That you agree the attached draft memorandum which officials will then send on to NIAC.

**Background**

The Northern Ireland Affairs Committee announced on 4 November that it would be setting up an inquiry into 'Reconciliation: Ways of Dealing with Northern Ireland's Past'. The Rt Hon Michael Mates MP described the purpose of the inquiry as "to seek out and illuminate ways which have been used to help resolve similar conflicts

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elsewhere, and which could assist the process of healing society in Northern Ireland". The Committee intends to run the inquiry from December until February/March 2005 and have asked the Government to submit a formal memorandum to them by 3 December.

2. A draft memorandum is attached. It covers both your work and Angela's, though at quite a high level of generality so as not to pre-empt the announcement which you hope to make in the New Year and which you will be happy to discuss with the Committee in that event. This is intended to avoid alienating the Committee who might resent the fact that we had not gone into more detail in our memo if we do make an announcement in the New Year, but without committing us to a timescale or detail of the announcement's substance which will of course be subject to events.

3. In the event that an announcement is made in the New Year, we hope to ensure that this will precede any appearance you might be called to make before the Committee to give evidence.

**Recommendation**

4. You are invited to approve the attached memorandum which will then be sent on to NIAC for consideration. You will wish to be aware that the language on shootings by the security forces has yet to be cleared with MOD and may be subject to slight revision.

**Signed**

**RUTH SLOAN**

Cc: Ian Pearson  
Barry Gardiner  
Angela Smith  
Joe Pilling  
Jonathan Phillips  
Nick Perry  
Carol Moore

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Robert Hannigan

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Chris Maccabe

Dennis Godfrey

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Robin Masefield

Steven McCourt

Jonathan Margetts

Sarah Todd

Owen Smith

Mary Bunting, OFMDFM

Tina Gamble, OFMDFM

Anne O'Connell

Lynn Hutchinson

RE: WAYS OF DEALING WITH NORTHERN IRELAND'S PAST  
SUBMITTED BY THE NORTHERN IRELAND OFFICE ON  
SECRETARY OF STATE FOR NORTHERN IRELAND AND THE  
VICTIMS MINISTER, ANGELA SMITH

1. It has been apparent that the legacy of Northern Ireland's  
past is a great burden to many in the community in  
the present and its future. It is hard for people to learn to trust  
each other and start to build a better future for the next and future generations while  
the scars and divisions of the past remain. Earlier this year, the Prime Minister made  
clear his own desire for finding a way of dealing with Northern Ireland's past.

I do think it is important that we do try in Northern Ireland to move  
beyond the past. ... I don't know whether necessarily a truth and  
reconciliation commission is the right way to do it but I think there needs  
to be some way of trying to both allow people to express their grief and  
their pain and their anger in respect of what has happened in Northern  
Ireland without the past continuing to dominate the present and the  
future and that is what we will try to do."

Prime Minister, 1<sup>st</sup> April 2004

2. Shortly after that statement, the Secretary of State for Northern Ireland  
announced his intention to focus on the issue in the months ahead. In his statement  
to Parliament on 27 May 2004 (attached as Annex A) he set out his objectives and  
objectives for taking forward this work. The Secretary of State's work has been on  
taking private evidence from a small group of experts and opinion formers.  
However his deliberations have also benefited from comments made to him by a  
range of individuals, either directly or in correspondence, and have also taken  
account of the wide range of views expressed in the context of Angela Smith's recent  
consultation with victims and their families in the context of developing the next  
phase of victims' strategies. He has also visited South Africa to learn at first hand  
how that country dealt with its own deeply troubled past.

## RECONCILIATION: WAYS OF DEALING WITH NORTHERN IRELAND'S PAST

### A MEMORANDUM SUBMITTED BY THE NORTHERN IRELAND OFFICE ON BEHALF OF THE SECRETARY OF STATE FOR NORTHERN IRELAND AND THE VICTIMS MINISTER, ANGELA SMITH

#### Introduction

1. For many years, it has been apparent that the legacy of Northern Ireland's recent past influences, to a great extent, the views of all sections of the community in Northern Ireland about its present and its future. It is hard for people to learn to trust each other and start to build a better future for the next and future generations while the scars and divisions of the past remain. Earlier this year, the Prime Minister made clear his own desire for finding a way of dealing with Northern Ireland's past:

*"I do think it is important that we do try in Northern Ireland to move beyond the past. .... I don't know whether necessarily a truth and reconciliation commission is the right way to do it but I think there needs to be some way of trying to both allow people to express their grief and their pain and their anger in respect of what has happened in Northern Ireland without the past continually dominating the present and the future and that is what we will try to do."*

*Prime Minister, 1<sup>st</sup> April 2004*

2. Shortly after that statement, the Secretary of State for Northern Ireland announced his intention to focus on this issue in the months ahead. In his statement to Parliament on 27 May 2004 (attached at Annex A) he set out his priorities and objectives for taking forward this work. The Secretary of State's initial focus was on taking private soundings from a small group of experts and opinion formers. However his deliberations have also benefited from comments made to him by a range of individuals, either directly or in correspondence, and have also taken account of the wide range of views expressed in the course of Angela Smith's recent consultation with victims and their families in the context of developing the next phase of victims' strategies. He has also visited South Africa, to learn at first hand how that country dealt with its own deeply troubled past.

3. The Government greatly welcomes the Northern Ireland Affairs Committee's inquiry into this important area, and looks forward to hearing the Committee's conclusions and recommendations. The Secretary of State hopes to be able to say more in the New Year about how he intends to take forward the next stage of this work and looks forward to discussing this with the Committee in due course.

### **Emerging themes**

4. A number of recurring themes have emerged from the Secretary of State's initial discussions and reflections. The Government is carefully considering the implications of these for the next steps in work on dealing with the past in Northern Ireland. They include:

- a) the difficulty in importing a ready-made approach to Northern Ireland;
- b) the importance to many of resolving unanswered questions about the past;
- c) the need to ensure proper respect and protection for victims and survivors;
- d) the need for any solution to command widespread acceptance across all sections of the community in Northern Ireland, and the implications that this has for Government's role in the process.

5. Each of these themes is dealt with below.

### **A tailored approach**

6. The Secretary of State's visit to South Africa underlined to him very clearly the need to ensure that any approach to dealing with Northern Ireland's past must be tailored to Northern Ireland's specific needs, history and culture. The South African approach was judged a success by many commentators because it was designed to meet the needs and circumstances that that country was facing at a particular moment in its history. Similarly, other countries have adopted different approaches to dealing with their past. What appears most important is that the approach taken is designed to deal with the specific situation in which the country finds itself.

7. It is, of course, important that we learn from others' experiences, including considering what it was that made a particular approach work at a particular moment in time. For example, which approaches work as a conclusion to a conflict that has already ended, and which work as a means to helping to bring about that end? But the Secretary of State is clear that there is no "off-the-shelf solution" and Government is committed to finding a way forward which is designed specifically to work for Northern Ireland.

### **Resolving unanswered questions**

8. Another issue that has been clear from both the Secretary of State's discussions and Angela Smith's consultation with victims and survivors is the extent to which, for many people, the possibility of coming to terms with what has happened in the past is made more remote because there remain significant unanswered questions, for example about the fate of their loved ones. There are around 1800 unsolved murders relating to the security situation in the period from 1969 to the Belfast Agreement. There were also nearly 400 killings by the security forces in these years, of which some took place in disputed circumstances. For the families of those killed, the difficulty of not knowing who was responsible for their loved one's death, or why, continues to be a significant issue many years on.

9. In some cases, there have been allegations of misconduct or collusion by the State in a death. In some such cases, the Government has announced inquiries to investigate these – the Bloody Sunday Inquiry, set up in 1998; the recently established inquiries into the deaths of Robert Hamill, Billy Wright and Rosemary Nelson; and an inquiry into the death of Patrick Finucane, which will be established as soon as the necessary legislation is in place. It is the Government's hope that the inquiries will be able to get to the full facts of what happened in each case, and establish once and for all what actually happened including whether allegations of collusion are justified or not. Similarly, there have been a number of cases that the Police Ombudsman has investigated.

10. The Government recognises, however, that there is a need to address in a systematic way all of the unsolved murders of the past 35 years. The Secretary of

State has been working closely with the Chief Constable to develop a way of taking this forward and much substantial work has already taken place.

11. The Chief Constable set up the Serious Crime Review Team (SCRT) within the Police Service of Northern Ireland in March 2004. In addition to conducting Progress Reviews into current murders that remain undetected at 28 days, the SCRT's role includes the examination of the files on some of the unresolved deaths due to the security situation to establish whether there is any prospect of fuller reinvestigation leading to an outcome. Where such an evidential or investigative opportunity has been identified as a result of this Preliminary Case Assessment, the SCRT will conduct a "deferred" (or more detailed) review of the case.

12. This is complex and painstaking work. Since the creation of the SCRT a total of 97 cases have been the subject of a Preliminary Case Assessment. In addition seven Deferred Reviews and four Progress Reviews have been completed over this period.

13. The Secretary of State announced at the end of September that the NIO was working with the Chief Constable and the PSNI on how this work might be expanded to review all the unresolved deaths from the Troubles in a way that would command the confidence of the wider community. The Chief Constable recognises that his current budget does not provide him with the resources to tackle a project of such a significant scale; the Government accepts this position and is in discussion with him about resourcing issues which relate both to funding and to the availability of police officers and others with the required expertise.

### **Proper respect and protection for victims and survivors**

14. The Government recognises the importance of any strategy for dealing with the legacy of Northern Ireland's past securing the acceptance of all sections of the community. This, of course, has a particular resonance for victims and survivors and for their families.

15. In her role as Victims' Minister, Angela Smith has worked to put in place a strategy that gives victims and survivors of the Troubles recognition, acknowledgement and, where appropriate, the necessary help and practical support to rebuild their lives. Since 1998, the Government has allocated more than £20 million to initiatives aimed at meeting those needs. Much has been achieved but more needs to be done.

16. The Minister recognises that it is important to hear directly from those who have been adversely affected their views on what improvements Government can make, and over the past year she has been consulting with victims and survivors and their representative groups. Leaflets have been issued inviting people to write with their views and over 100 responses received. Seven workshops, including one for young people, have been held across Northern Ireland. The Minister has also met with experts and practitioners in the field and visited victims' groups throughout the province hearing the views of the members and the staff who work with them.

17. The Minister has recently issued a summary of the views gathered to all those who participated (copy at Annex B). Her next step will be to draw up proposals for improvements in the arrangements for the planning, co-ordination and delivery of the services provided to victims to help address the problems they face.

18. This work clearly ties in very closely with the Secretary of State's work on the past, and Angela Smith's research has fed in direct to his consideration of the issue. The Government is clear that victims' voices must be heard, and their needs met as part of any approach to dealing with the past.

### **Widespread acceptance and cross-community support**

19. However, the issue of dealing with the legacy of Northern Ireland's past goes beyond the immediate victims and survivors, encompassing the whole community. The Government is clear that any process for dealing with the past must be one that all sections of the community can feel comfortable with and be involved in. This raises the issue of Government's own role within the process.

20. On the one hand, Government has the responsibility for ensuring that an appropriate mechanism is found for dealing with the past to the satisfaction of all sections of the community. On the other hand, it recognises that, for some groups, the Governments' role in past events is seen as an issue. The Government recognises the need to reconcile these two conflicting positions and is committed to finding a solution that is acceptable to as many people as possible, consistent with its legitimate responsibilities.

### **Next steps**

21. The Government recognises the need both to resolve all these issues satisfactorily and to do so in a way and at a pace with which all sections of the community feel comfortable. To date, the Secretary of State's consultation has been at an individual level, and in the form of private soundings, but the Government recognises the need for this to become a much wider exercise if all sections of the community are to become involved in the debate.

22. The Secretary of State hopes to make an announcement in the New Year on the Government's plans for taking forward this work, at which point he will be happy to discuss these with the Committee in detail.

**Northern Ireland Office**

**3 December 2004**