**Constitutional Club (Newtownards Road) meeting on 5 September 2018 hosted by Unionist Voice Policy Studies in partnership with the Families Research Policy Unit**

***Speech by Cllr. Jeffrey Dudgeon (for the Malone House Group) on a panel consisting of Doug Beattie, Jamie Bryson and Rev Mervyn Gibson, chaired by Allison Morris of the Irish News***

The issue today is the Legacy Bill - all 120 pages of it. If the proposals are not seriously mended the process should be ended. In truth it is now about Killing the Bill which is on life support anyway. It is valueless and it is better if it does not proceed.

The Legacy conference we held in March at Malone House with its expert speakers from the law and the academic world, and the consequent proceedings book, ***Legacy: What to do about the Past in Northern Ireland?*** expose the terrible legal failings in the Bill and the huge political dangers in it for almost everybody. If you don’t believe me just read the *News Letter’s* current articles in their ‘Stop the Legacy Scandal’ series.

Much of the Legacy Bill (and the consequent Stormont House Agreement), as I know from my involvement, is the American diplomat Richard Haass’s work, despite the DUP’s initial rejection of his report. Sadly it is now worse than Haass intended. In truth he nearly cracked parading but was well meaning, trying to please everyone. He ended up mostly serving the NIO’s needs to get and keep Sinn Fein on board the so-called peace process while the SDLP nimbly inserted key elements.

The result is the HIU, creating a police force of the past, which is particularly pernicious and was opposed then by my party and still is. The Stormont House Agreement is a misnomer. It is a deal between two parties and two governments and vulnerable for that reason.

Forgetting the legal and moral issues the proposals are neither effective nor efficient. The outcomes in terms of value are minimal. We at Malone House all agreed on that much.

For the cost of even setting up the bizarre structures in the Bill, the needs of seriously ill and harmed victims could be met, as well as an effective mental health PTSD centre.

Officials accept that the 5-year timespan for the bodies and the £150 million cost is fanciful. Conservative estimates are now 12 years and £400 million. I believe it would be 20 years and £600 million at least. Someone at the Legacy conference said 500 years, and they could be right as there are several key areas not covered in the plethora of bodies to be created in the legislation. They are inquests and linked Strasbourg Article 2 ‘compliance’ cases, not to mention civil suits, all of which will proceed before, alongside and after these bodies.

If they were included, particularly inquests, in an all-singing and all-dancing process, as they could be if government had the courage to take on Strasbourg and Belfast lawyerdom, the Bill might be worth considering. But they aren’t nor will they be.

Every inquest can and will be re-opened, particularly, once the MI5 and security files are handed over by London and new evidence in the form of allegations of never-defined-collusion are adduced in their hundreds.

The agreement by London to hand over all the files to the new bodies like HIU with its staff of lawyers is breath-taking. We believed during Haass that was the one concession London, indeed any government, would never make.

They have, with ‘safeguards’ that will be breached.

Let nobody be in any doubt, every single Troubles killing of the 3,600 to date, when viewed through the prism of ‘new evidence’ i.e. details on state agents, informants, let alone ineffective investigations, can be subject to review and a further inquest and a further Strasbourg case.

None the less, some sort of limits have to be legislated if any system can work efficaciously.

We now have war through legal politics, which is preferable, but it does not mean you surrender.

I know Strasbourg, having won a case there. I also know it is our Supreme Court. Its judgments more recently are out of synch with the European norm which was its centre of gravity. They can be challenged if London had the will.

Look at prisoners voting. How many years is it since the UK was told to give some prisoners, even just one, the vote. And Labour joined with the Conservatives on that question. The punishment has not yet been imposed nor will it ever be.

Have Russia and Turkey changed their colossally anti-democratic and illegal ways despite a myriad of judgments? Are they still members of the Council of Europe.

Look at the Italian crucifixes in schools case which was rapidly reversal when sufficient Orthodox countries lined up against it.

I am an historian and have written extensively on Roger Casement who helped start the IRA. He was hanged in Pentonville in 1916 and came home to Dublin in 1965 to a lying-in-state and an enormous funeral.

Collins was feted in London before the ink was dry on the Treaty. De Valera became a statesman admired, and feared as he hanged IRA men. That is reality.

But the IRA campaign from 1970 was genocidal as well as sectarian - a war crime for its length, if nothing else. It was not the two-year struggle of the 1920s.

Rewriting history is what it is all about – creating historical equivalence between the campaign of the IRA and the response of the security forces.

That will not happen while those here who favour genuine justice and human rights can still put pen to paper. Legal equivalence is however present in very large part.

But Sinn Fein and its majority of Catholic voters in Northern Ireland will not agree that the IRA campaign was wrong. That is a political reality and one obvious at City Hall. But it is clear they also want an absence of war.

So share power, give respect but don’t advance the crimes committed in the terrorists’ name through this legacy process.

The alternatives to the Bill come later. We are willing and able to provide them.