**LEGACY LEGISLATION CONFERENCE**

**MALONE HOUSE**

**3 MARCH 2018**

**INTRODUCTORY REMARKS BY CLLR. JEFFREY DUDGEON**

A warm welcome to you all despite the snow. This audience is certainly sturdier than Belfast City Council which cancelled its Thursday meeting despite being due to discuss Brexit, abortion and an Irish Language Act. It will now be on Monday night and livestreamed, if anyone should want to start viewing Belfast’s only representative assembly.

I am sorry so many can’t be here today, being are out of the country but they have given their support to the event: I name a few: Peter Sheridan, Arthur Aughey, Richard English and David Hoey. Although some of those apologising have been stuck in Belfast and have now managed to make it.

Sadly our first speaker in the afternoon, Austen Morgan, has been stranded in London after his flight was cancelled. His paper is on most seats and his PowerPoint will be presented at speed later.

Doug Beattie is unfortunately ill but we have replaced him as a speaker with Dr William Matchett, the author, who has kindly stepped in at very short notice.

Brian Garrett is here to facilitate when I sit down and I thank him mightily for that. His skills at arbitration are well recognised.

There are many themes for discussion today and I will allude briefly to some.

This event was planned as early as November in anticipation of the London Government releasing its extensive Legacy Bill for enactment by Westminster. I gather it runs to over a hundred pages, with innumerable job opportunities thereafter for staffing the proposed bodies if they emerge. I doubt they or any of it will be time-limited to the notional five years.

The Bill remains unpublished. The consultation has not started but we are advised that the consultation will be about implementation.

As Lord Empey has made clear, there are concerns about Secretary of State, Karen Bradley saying she will be “consulting on how to implement the Stormont House legacy institutions as soon as possible”. Not consulting on the content of the Bill, not whether it should be enacted, but only how it should be put into effect.

In January 2014, many of us met here to discuss the recently collapsed Haass talks.

I was somewhat surprised at their disintegration and none were more crestfallen than Richard Haass and Meghan O’Sullivan.

They had come close to a resolution of the Parading issue but not to the other aspects of the Past and Flags.

Within a year, Peter Robinson and Naomi Long who, between them, ensured Haass’s efforts appeared to go nowhere had been happy to endorse the Stormont House Agreement with all the worst aspects of the report on the Past included.

Haass had succeeded but it was too late for him to gain any credit.

My party did not agree the Stormont House Agreement. In fact only the DUP and SF did despite the deceptive word ‘agreement’. Not unlike that horridly deceptive ‘international human rights standards’ phrase. But out of it has come the Legacy Bill.

Oddly, the security files, and access to them, were the stumbling blocks previously when Martin McGuiness vetoed progress. And London will hold the line to a large degree over the files but little else, as Haass advised.

That unseen but enormous Legacy Bill must not be implemented without the chance of considerable amendment, or even proposed institutions being scrapped, during a genuine consultation. Without our voices being heard, that is unlikely.

We are not a petty people, this mixture of liberals, civil libertarians unionists and non-unionists who value freedom and human rights – the right to life in particular.

Academic freedom is a key subject, dear to many of our hearts but it takes different forms. There can be little real freedom if one view monopolises our two universities’ law schools, under the title transitional justice. What’s wrong with justice? The Academy is clearly unbalanced.

Last weekend’s *Time for Truth* march and rally in the city centre, attended by the Alliance Party, was an indication of the level of rage out there. The black flags do not augur well for the future.

And it is that rage which concerns me most. The problem with rewriting the history of the past, thus giving moral equivalence to the paramilitaries, concerns the future not the past. Its use is to energise generations to come through myths, emotion, and exaggeration. And that will bring war again.

Victims responded in so many ways: a large number were silent or impressively forgiving, concentrating then and since on facing up to their loss and dealing as best they could with a diminished future.

A smaller number steeled themselves to be public with their concerns, and to campaign for justice, and to assist in creating a stable peace. Some of them are here today.

I think often of the over 700 soldiers who were killed in action (and the amazing figure of 700 from other causes such as accidents and suicides).

For most of their families there was little truth or justice. A 20-minute inquest was then standard, with little evidence beyond the medical. The wives and parents in Britain were baffled and often overwhelmed. Then they were ignored. Even commemoration was limited and strictly regimental.

Our conference is necessary to re-open a debate that was never opened in the first place. The arrangements for the Past are shrouded in mystery and dogma such as the European Convention on Human Rights (ECHR) and Article 2 ‘compliance’.

Article 2 of the ECHR is about the right to life but should concern more than the state, something government does not grasp.

Article 2 needs broken open and debated. However the Foreign Office which seems to hire the most docile of lawyers operates on obfuscation and delay rather than head-on dispute. And the costs mount up and the time.

We aim to change that at Malone House by developing a new consensus on alternative ways to address the past, ones that can bring peace of mind to the victims and justice, so far as that is possible.

There has to be a time limit to re-opening inquests, for example, but there is no chance of one while the current beliefs and arrangements at the NIO, in particular, predominate.

Indeed every inquest on every one of the 3,700 victims can be re-opened given current criteria. And then re-opened again. Article 2, as interpreted, guarantees centuries-long litigation. The only legacy beneficiaries will be lawyers while the chance of real politics reappearing at Stormont are ever more drastically diminished.