11 June 2018

To the Chair of NIAC,

This is a covering letter for a number of books being posted today from Belfast to the thirteen members of the Northern Ireland Affairs Committee in response to your inquiry into the NIO’s public consultation on Addressing the Legacy of Northern Ireland’s Past (and the Stormont House Agreement). Several copies are also provided for the relevant committee officials.

Please take it as our inquiry submission.

The book’s full title is *Legacy: What to do about the Past in Northern Ireland?* It is essentially the proceedings of the Legacy Legislation conference held at Malone House in Belfast on 3 March 2018 which I helped to organise. A paperback of 168 pages (ISBN number 9781987449808), it was published by Belfast Press in April 2018 and is available on Amazon and Kindle. I am the editor.

The conference speakers, most of whom have contributed to the book, along with myself Cllr. Jeffrey Dudgeon MBE, the facilitator Brian Garrett (Solicitor and Arbitrator), and Professor Arthur Aughey (Ulster University) were:

Neil Faris (Solicitor): *Misconceptions on “Truth & Justice” – an Overview*; Cillian McGrattan (Ulster University): *“The possibilities are endless”: Republican strategy and transitional justice*; Dr. Andrew Charles (Community and Voluntary sector): *The Past Being the Future*; Dr Austen Morgan (Barrister and Historian): *The Past: Drawing a Line?;* Ken Funston (Advocacy Manager South East Fermanagh Foundation (SEFF)): *The Victim’s Perspective*; Trevor Ringland (Solicitor/One Small Step): *Dealing with the Past – Properly or Not At All*; Danny Kinahan (former Ulster Unionist MP for South Antrim): *Getting the Legislation Right*; and Ben Lowry (Deputy Editor of the Belfast News Letter) *Mishandling of Legacy – One of the Biggest Scandals in the UK since the 2nd World War*. Dr William Matchett stood in for Doug Beattie MC MLA who was indisposed.

You indicate, “The inquiry will examine the scope of the consultation and consider whether the department’s proposals can effectively address Northern Ireland’s past.”

The authors, as the Malone House Group, would be willing and, indeed keen, to give evidence to the inquiry as we feel we have dealt with many of the key aspects you are looking into.

We offer a view that is distinctly different from the conventional wisdom in the media and the academy in Northern Ireland and can answer many of the specific questions for which you seek answers. We can deal also with critical areas like Article 2 of the ECHR and the position of inquests that go almost without analysis or investigation, having taken on a form of unquestioned holy writ.

On a matter of accuracy, I must correct the NIAC website where it states, “Although the five largest parties in Northern Ireland, and the British and Irish governments, agreed to the proposals contained in the Stormont House Agreement its implementation has proved problematic.” My party, the Ulster Unionist Party, did not and does not agree the Stormont House proposals. It would be best if that wording was amended.

Under the sub-title *The Shadow of the Past*, the book’s cover states, “The speakers and authors published here are from a range of backgrounds and political outlooks. What they share in common is a deep concern over the inadequate or one-sided political, legal and academic agenda on the matter of addressing the Past in Northern Ireland. They also share a belief in the necessity of the rule of law and the protection of civil liberties.

This book is refreshingly different from all other publications on the matter, particularly those issued by NGOs and the universities. It fills a huge gap which we hope can reshape the agenda and the direction of travel on legislation.

The notional Legacy Bill and its proposed Haass-type bodies are deeply flawed and over-complex, indeed unworkable. They do not serve the needs of victims. We believe it would be preferable that the issues are approached in different, simpler and better ways. To that end we aim to develop a new consensus on alternative structures to address the Past.”

You will see therefore this is a radical view of the NIO/DOJ proposals. Our basic position could be summed up by our agreed view that they will take vastly more time to conclude than is currently envisaged, at an enormous and unforeseen cost, while they will not achieve anything like truth or justice. There have to be better and simpler ways forward which we can discuss.

Yours sincerely

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