***‘Haass and O’Sullivan – How they went about it’***

**Jeffrey Dudgeon**

I must say I am pleased to see so many old comrades from distant days and some new ones. Many of us have been round the houses; politically and literally.

This is not a UUP event and I am speaking in a personal capacity.

I was surprised to be selected as one of the party’s two negotiators in August for the Haass talks - which was done without a fanfare. I have to give recognition and pay tribute to the fact that Mike Nesbitt chose to put his trust in me.

Apparently part of the reason I was chosen was because I know something of Strasbourg and the ECHR, and as I am something of an historian – *parti pri* more than entirely objective. But in all things, I cannot stand lies, deceit, exaggeration and conspiracy.

I have written an extensive biography of a senior Irish separatist - Roger Casement, supposedly from Co Antrim but actually more out of London than Ballycastle.

I know more than most about early 20th century Irish separatism and especially its seminal moments in Belfast and the early personnel who tried and failed to make Catholic Belfast Republican.

I am also something of a campaigner, more recently in relation to FOI and archive access.

In matters Haass and O’Sullivan I want to set the scene by explaining, so far as I know, how those two Americans chose to go about their work.

It may be more impressionistic than factual and none the worse for that.

Firstly I must say that I found them both to be agreeable, rarely showing signs of bad temper or disengagement. They were also long suffering and dedicated.

Looking at the 5-parties and their personnel, as they did for exceptionally long periods, I wonder if they categorised them against American stereotypes – Tennessee hillbillies, New York Irish, Mid-West farmers, West Coast liberals, and Notre Dame sophomores are some that come to mind.

It was noticeable from the beginning that they lacked (or were not provided with) any local expertise in the form of lawyers or civil servants. This made needless difficulties for them and contributes to some of the inconsistencies and inappropriate aspects in their drafts which will make legislation - if it was ever put to parliamentary draftsmen - exceptionally difficult, if not at times impossible. There was talk of a legal adviser late on which made one suspicious as no name was provided. Dr Haass is not a lawyer as he pointed out and again chose not to address such aspects relying on his Meghan’s diplomatic skills.

It is important when finding out where the pair ended up on New Year’s Eve how they started out, and with what remit or brief.

On 9 July 2013, it was announced that Dr Richard Haass was to chair all-party talks: “The First Minister Rt. Hon Peter D. Robinson MLA and deputy First Minister Martin McGuinness MLA said that Dr Richard Haass, the former United States Envoy to Northern Ireland, will be the independent chair of the all-party group being set up to deal with some of the most divisive issues in society here. Haass was the agreed first choice as chairman among the five parties represented in the Executive. **The all-party group will seek to bring forward a set of recommendations** by the end of this year on parades and protests, flags, symbols, emblems and related matters stemming from the past in order to make the peace more resilient going forward.

The First Minister and deputy First Minister said: “We are deeply grateful that an international figure of Dr Haass’s standing has agreed to facilitate these important discussions which we hope will provide long term and sustainable solutions that are in the best interests of the community.”

[Dr Haass was US Envoy to Northern Ireland from 2001-03 and is President of the Council on Foreign Relations, a US based independent think tank.]

On 17 July they were over from the US and met the party leaders in Belfast.

On 6 August, they wrote and posed a number of questions to the five parties and explained their mission. [This letter eventually found its way into the newspapers and was the first grand leak.]

They also said “the common intention of those on the panel is to **produce a consensus based report that offers actionable recommendations**”.

This however became an agreement on 31 December or ‘a proposed agreement’.

On 15 August 2013 after their 6 August letter, the Terms of Reference were posted on the OFMDFM website: “An independently chaired Panel will be invited to: “Bring forward a set of recommendations by the end of 2013 on parades and protests; flags, symbols, emblems and related matters stemming from the past that will provide long term and sustainable solutions that are in the best interests of this community and will make the peace more resilient going forward. In doing so the Group will seek the views of, and evidence from, interested stakeholders on how best to address the issues that cause community division.”

**Key Deliverables**

Report including Recommendations.

Identification of Next Steps/Future Work

On 21 August, my party forwarded an answer to those questions posed by Dr Haass and his vice-chair. It was a 21-page, 10,000 word response that included an extensive 4-page reading list. Comprehensive, and I detected, appreciated. It was well-lawyered.

Many of the authors of those books have been invited here today and in some cases are present.

As an aside, compiling that list, I realised just how many great writers there are, and were, who took a democratic position on the national dispute in Ireland (and many good journalists) and how the modern separatists of the current IRA have failed to produce any oeuvre of literature and history – unlike certainly, where artistic works were concerned, in the 1916-23 period.

The UUP could not be accused of not researching a way through. We majored particularly on the problems of Article 2 of the European Convention and the right to life compliance judgments recently emanating from the Court of Human Rights (inquest related) – something that Dr Haass chose largely to set aside.

[We later added an extensive two-parter on Parades and Parades Protests and one entitled ‘Dealing with the Past: Current Legal Constraints’ which addressed the lack of context and proportionality in the ECHR judgments on Article 2.]

We presciently warned Dr Haass that “under the nothing is agreed until everything is agreed” formula the Panel participants might find themselves in late-night, last-minute decision-making sessions coming up to the deadline of midnight [on a date in] December, when previously banked decisions were re-opened for negotiation as trades in other areas.

This largely happened. Perhaps it is always going to happen but it makes for a ragged result - if one at all.

Haass and O’Sullivan had promised in their 6 August letter to “to conduct an inclusive process open to views from across society.” This eventually led to a 3-month round of meetings and over 600 submissions. It foolishly raised the expectations of many ordinary people. Some of us warned against this over-interpretation of their remit.

I asked about his final report in September – he said it would be 10-20 pages long (it doubled in length) with one section which was agreed and a cover note to say what was not agreed. This was not to happen.

I suggested coming up first with principles – Haass principles. He chose not to adopt that approach.

**HOW THE PROCESS PROGRESSED**

* Early Plenary meetings early ones were little more than updates.
* Bilaterals with Haass 2 hours across a desk with each of five parties a number of times.
* Three 5-party meeting without Haass to answer questions which were well behaved trying to ascertain parameters of possibility. Useful when leak hunting was put aside.
* Unknown number of bilaterals with parties without Haass
* Reports by Haass to OFMDFM continued as with Dublin and London (both stayed well out as far as I can see with the only issue being accessibility to files of the army and security forces kept in England)
* Intense negotiating plenaries in the three end days at the end interspersed with Haass bilaterals.
* No early negotiations – big mistake
* The seven drafts appeared on 16, 19, 22, 23, 28, 29 and 31st December.

The first was read in conditions of secrecy with mobile phones etc removed. None the less it leaked.

The technique between drafts was too often to add a bit or subtract a bit to please a party. Without a tracked changes item between drafts, except for the penultimate and number seven, one was left spending much of one’s time trying to spot things that had disappeared, were reworded or had appeared de nouveau.

**MY WATCHWORDS**

**Do no harm**

**Try to solve ongoing flag and parade disputes**

**Prevent rewriting of history**

**ISSUES**

The new parallel or perhaps superior second police force (of the past) HIU - (HET plus Ombudsman with greater powers for both than either separately at present) was a great concern. Of course it was not really a simplification as three key elements were not to be included - Coroner inquests – civil suits – criminal cases review commission – legacy litigation was still going to prosper.

**Thematics** was the greatest danger here for rewriting history and prolonging the past. It was to have an OFMDFM lock. Haass then took that out. Then balance was sought - you get collusion we get border killings etc (just like with the Judge Cory enquiries that cost £350m). [SEE BELOW]

- hacked together by end tell of changes as an example of the process.

Haass thought Themes were good for Unionists as he said on TV on Thursday night. He couldn’t be more wrong. Strange yet he was so bitterly opposed to the HCC or HTG as it was finally called when reluctantly and unenthusiastically included at the last moment.

What we got was an Ulster Ponzi scheme of uncosted new bodies. Nothing new in this overgoverned province but without a promise of new money to pay for an army of lawyers moving into government from the community and academic sector.

[Form an escape committee / Stockholm syndrome / captured by the process and by good nature.]

On Thursday night, on ‘The View’ Dr Haass asked people to judge his report by answering the question ‘Are you better off with it’ ‘or better off without it?’

The longer you look at the report the more you decide to answer the question by saying ‘without it’.

In the first instance it did not and made no attempt to resolve Camp Twaddell. Secondly on the flag protests, he chose not to apply any pressure on the Alliance Party to return to the status quo ante, as was suggested, at least until the May elections - as would be done in any industrial dispute.

To put the Alliance Party’s outrageous flag licensing proposals into draft 2 [see below] showed a degree of silliness. That party can’t fess up too being rejectionists. Haass didn’t fail to call a spade a spade on *The View* in relation to that party. Their rejection still smarted with him.

Implementation Group – 5-party group one way to discuss things – none exists not even for SPADS. This is perhaps where we can start the long march toward turning Consociationalism into at least.

*[****Alliance*** *are in denial over their role. They were the first Haass rejectionists, the only party who wouldn't compromise, thus pulling the plug on Haass's efforts on the night. An agreement was scuppered by that party’s refusal to agree the final 7th draft. The two nationalist parties were well satisfied with it and they could not be seen to go against the US team sent in by Obama. (St Patrick's Day invitations to the White House duly protected.)*

*At the talks’ end point on New Year’s eve morning, Haass could have said there was a deal potentially to be made and flown home in hope if not in triumph. But the Alliance Party refused to agree the text as it no longer took up their flag licensing suggestions (see below) and was too pro-unionist on parades. So the talks collapsed and the momentum was lost. Middle class moderates display their class hatreds openly now (and of Muslims). Ms Long and her fellow negotiator Chris Lyttle MLA have become monomaniacs on flag issues.*

*The two Unionist parties said they would have to put the text to their party officers and executives as they did but only the UUP said directly that it rejected the text.*

*Scarred by the outworkings of the flag protests - criminal and democratic, the Alliance Party is now authoritarian and illiberal. They need to find their core values again. Otherwise they are a separate third force of militant moderates given to indulging in class war.]*

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The DUP rejection remains a mystery.

[‘Through our Minds’ the Rainbow scoping exercise on ‘LGBT Emotional Health and Wellbeing Needs’ was launched by Mike Nesbitt.]