**'HAASS AND AFTER: WHAT WAY NOW?'**

The Haass/O’Sullivan talks have ended, and the blame game is starting.

This is not the time to sit and wait for the next event to come around.

Two things are absolutely necessary.

First, there should be an assessment of the Haass text, <http://www.northernireland.gov.uk/haass.pdf> now that the dust has settled.  And second, we should see whether there are any aspects on which we can take the initiative.

That is why this one-day seminar on Saturday, 11 January 2014 is being arranged by a group outside the new majoritarian orthodoxy and structures in the legal, human rights and academic worlds. It will be held under the well-known Chatham House Rule, to allow for open discussion and also for unattributed reporting – “When a meeting, or part thereof, is held under the Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed”.

The 'round table' is for a critique of the Haass Process generally and draft 7 (the published draft) in particular; it is not proposed to make the position of any political party the specific target of critique; its purpose is not for 'point scoring' against any of the Panel Participants; and those invited are understood to be participating in their individual capacities and not to be representing the views of any party or organisation of which they may be a member.

Our aim is to encourage discourse and, if feasible, to prepare a compendium of papers and perhaps a summary of discussions on a rapporteur basis.

The venue is the Hilsborowe Room (1st floor) at Malone House in the Barnett Demesne, BT9 5PB. The event will run from 10am to 4.15pm with an optional light lunch from 12.30-1.30 (if booked £10; there is a café in the building). Attendance fee £10.

Those invited will be a mixture of reasonable people drawn from the world of academia, politics and political advisers, journalism and beyond; some historians, some lawyers, some commentators tending not to the statist or transitional justice end of the discussion but more to the reasonable; to reconciliation; and agreeing to disagree. The ultimate purpose is to get a working form of governance for Northern Ireland. One that understands our different pasts.

The speakers will be Henry Patterson, Austen Morgan, Jeff Dudgeon, Andrew Charles, Neil Faris, Arthur Aughey, David Hoey and Bill Smith. Brian Garrett will act as chair/facilitator.

Please remember to bring your own downloaded copy of draft 7. There will be at least ten minutes for discussion and questions after each presentation plus morning and afternoon round-ups.

Mission statement: The group does not represent any consensus of beliefs. We do not expect that listeners will sympathise with all the sentiments they hear, for some of the audience will flatly disagree with others, but we hold that while keeping clear of mere vagaries, we can do more to inform public opinion by a broad hospitality to divergent ideas than by identifying ourselves with one school. We do not accept responsibility for the views expressed in any presentation or discussion. What we do accept is the responsibility for giving them a chance to be stated.

**PROGRAMME - TIMES**

10-10.15am Chairman’s opening remarks

10.15-10.45am Jeffrey Dudgeon

10.45-11.15am Neil Faris

11.15-11.45am Andrew Charles

11.45-12.15pm Henry Patterson

12.15-12.30pm Morning round-up

12.30-1.30pm Lunch

1.30- 2pm Austen Morgan

2-2.30pm David Hoey

2.30-3pm Arthur Aughey

3-3.30pm Bill Smith

3.30-4pm Afternoon round up

4.15pm Close

**MORNING**

**Brian Garrett** (**Chair/facilitator)** is a Senior Consultant Solicitor with Elliott, Duffy, Garrett (and the firm’s co-founder), Fellow of the Chartered Institute of Arbitrators, a Parole Commissioner (Northern Ireland) until 2013, and a former chair of the Northern Ireland Labour Party. A Deputy County Court Judge until 2010, he has been President of the Irish Association for Cultural Economic and Social Relations, a member of the Standing Advisory Commission on Human Rights in Northern Ireland and is chairman of the Tyrone Guthrie Centre, Annaghmakerrig, Co Monaghan. He was a Visiting Fellow in International Affairs at Harvard.

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

**Jeffrey Dudgeon** was the successful plaintiff at the European Court of Human Rights in Strasbourg whose 1981 judgment led to the decriminalisation of homosexuality in Northern Ireland. He is the author of *Roger Casement: The Black Diaries - With a Study of his Background, Sexuality, and Irish Political Life* (2002) and one-time Northern secretary of the Irish Association. Awarded an MBE in the 2012 Honours List for services to the LGBT community in Northern Ireland, he was one of the Ulster Unionist Party’s representatives at the Haass talks. His website <http://jeffdudgeon.com/> carries extensive material on the continuing Casement controversies and current political issues. Chairman of South Belfast UUA, he is a prospective candidate for Belfast City Council’s Balmoral DEA. He is speaking in a personal capacity.

***‘The Hidden Dangers of Haass Draft 7’***

**Neil Faris** practises as a solicitor (on a part time basis) in Belfast in public law and areas of commercial and property law. He also advises and assists other solicitors in major transaction work – he does not act directly for clients. Neil has extensive experience of public law in regard to Northern Ireland’s past – and possible future. As an example he was a member of the Bill of Rights Forum, nominated by CBI Northern Ireland.

*‘****Flags and Parades: the Old Adage’***

**Andrew Charles** graduated from Queen's University Belfast in 2006 with a BA Hons degree in Politics and Social Policy. He worked in academia before completing a postgraduate qualification in Social Research Methods in 2009. From 2009 and 2012 he worked in public affairs and consultancy, largely based at Parliament Buildings. He now works in the public sector and is completing a PhD on Northern Ireland and Cyprus.

Flags and parades, two of the three issues Haass was tasked with 'resolving' both appear to be very current, yet are also an old adage. They were delegated to Haass effectively after the year that was; beginning with the 'flag protests' from December 2012 and the parades dispute in North Belfast when three Ligoniel lodges were not permitted to return by their normal route in July. Yet, flags and parades have been visible, public displays of identity for centuries and are not unique to Northern Ireland. The presenter seeks to ask: could the Haass delegates really resolve some very old issues which are central to competing notions of identity and which are effectively 'tools' of conflict?

***'The Past is not the main problem: A Critique of Haass’s ‘Contending with the Past’***

**Henry Patterson** is Professor Emeritus of Irish Politics at UU and author of numerous books and articles on modern Irish history and politics. His most recent book is ‘Ireland's Violent Frontier: The Border and Anglo-Irish Relations during the Troubles’ (Palgrave, 2013).

According to the Haass document, Northern Ireland is prevented from moving forward by the incubus of the past. This presentation argues that the problems over ‘Contending with the Past’ lie not in the past or our history but in present real political conflicts. If we look at the origins of the Haass initiative it is clear that the past as defined in the document had very little to do with the forces that led to the initiative. At its core were the flag protests and the longer-standing sore over marches. It is now claimed that Unionists’ prevarication or rejection of the document is being determined by narrow electoral concerns and the pressure of extreme loyalism. There is an element of truth in this but equally it can be argued that both Sinn Fein and the SDLP have embraced the document because it is structurally and tonally more sympathetic to their understanding of the Troubles and the way ahead. Arguments over Contending with the Past reflect not so much the real difficulties which truth recovery presents in a society after decades of violence but rather the specifically political problem that the dominant ways of presenting the issues of the past are seen as structurally biased against the state and unionists.

**AFTERNOON**

***'What's Wrong with Haass?'***

**Austen Morgan** is a barrister in London and Belfast, and author of ‘The Belfast Agreement: a practical legal analysis’ (London 2000).

**David Hoey** studied Law at QUB and was employed in Public Affairs and international corporate marketing/PR for many years before returning to live in Northern Ireland. He worked from 1998-2008 on Parades issues in Londonderry and elsewhere. No is longer a member of any political party, he blogs and tweets as @thedissenter.

***‘Understanding backwards, living forward: ARKIV\* and moving on from Haass/O’Sullivan’***

**Arthur Aughey** is Professor of Politics at the University of Ulster and Senior Fellow at the Centre for British Politics at the University of Hull. He was formerly a member of the Northern Ireland Community Relations Council, of the NI committee of the Irish Association and until recently a member of the NI Advisory Committee of the British Council. In 2000-2001, he was part of the DCAL Working Group on the Bicentenary of the Irish Act of Union. He was also a founder member of the Cadogan Group which provided an intellectual analysis of Northern Ireland politics during the 1990s and early 2000s. He has published widely on Northern Ireland politics, British Conservatism and constitutional change in the UK.

***‘Haass: ‘No’ or ‘Yes But’?’***

**Dr. Bill Smith** is a political scientist and public policy analyst with extensive experience in government. Born in Belfast, he earned his doctorate at Stanford. He has worked for the Northern Ireland government, Assembly and the European Commission. He is a Senior Research Fellow at the School of Politics, International Relations and Philosophy at Queens University Belfast. Bill is the author of *The British State and the Northern Ireland Crisis 1969-1973: from Violence to Power-sharing* (US Institute of Peace, 2011).

**\*ARKIV**

**A Historical Clarification Commission**

Rationale:

The Haass/O’Sullivan paper argues that a ‘civic vision is needed’ to ‘contend’ with or work through the past; the ‘moment’ has come, it claims, to institute a ‘systematic’ process. This is to be welcomed. It also argues that only ‘through gaining the fullest possible picture of what happened during the conflict and why can Northern Ireland begin to constructively confront its past’; that this ‘process should be conducted with sensitivity and rigorous intellectual integrity. Its purpose is to understand context and contribute to public awareness of history, both now and for subsequent generations’; and that members of an Independent Commission for Information Retrieval (ICIR) should have backgrounds that draw on ‘analytical skills, including lawyers, historians, and other academics’. So far so good. However Arkiv suggests that, in this proposal for an ICIR, the Haass/O’Sullivan paper has misunderstood what is required. The reasons are as follows.

It gives precedence to an identification of themes implying prejudgement; these themes, proposed by others on a political basis, contradict the engagement to consider only what the evidence obliges one to believe; there will be intense political pressure to promote particular hypotheses; this will encourage ideological-led rather than investigative-led history; and, as a consequence, the ‘past’ will not be taken out of politics but drawn very much to the centre of it. Moreover, the importance given to ‘individual narratives’ – while valuable in part – risks fragmenting (and further segregating) public awareness of history. A Historical Clarification Commission (HCC) would seek to take the past out of the centre of contemporary politics in Northern Ireland and allow politicians to get on with governing, not ‘held back’ by the past (as Haass/O’Sullivan fear).

Objectives:

The HCC would not be about formulating an *official* history. It would be about writing an *authoritative* history – meaning that its findings would not be unchallengeable but would provide the evidential benchmark against which (what some have called) ‘permissible lies’ about the past would be tested. It would comprise three elements: archival research, oral testimony and public engagement

*Archival research*: studying the public record and producing a narrative account that emphasises chronology and agency, a development of the Haass/O’Sullivan suggestion of Historical Timeline Group. The purpose would be to contextualise events and to avoid an exclusive focus on ‘conflict’. The themes or patterns of the past would be exclusively a product of this research.

*Oral testimony*: engaging all relevant persons and organisations. Anonymity would be guaranteed (and engagement encouraged) by granting testimonies protected immunity on the principle of full disclosure.

*Public engagement*: the establishment of an archive (housing primary and secondary evidence) and promotion of outreach programmes involving, for example, schools and the media. This could be managed by an expanded Public Record Office.

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<http://arkivni.wordpress.com/>