**STORMONT HOUSE AGREEMENT**

A year ago the party executive was asked to note the Haass report. I was happy with that non-committal position.

Despite Haass calling it an agreement, there had been no agreement.

I had spent from September to December 2013, as one of the Party’s team at the Haass Talks, trying to get as benign a text as possible, knowing that if there was no agreement, what Haass put on paper could not fail to be an agenda for the next set of talks.

In the event, the party rejected the Haass report in January 2014. Talks recommenced last autumn.

The Stormont House Agreement is Haass thinned down without the unpleasant and one-sided verbiage and of course with a significant (new) financial section - and certain wins for the party.

On Parades, it represents if anything, something of a retrogressive step, putting the matter back to OFMDFM and, inappropriately to the Office of Legislative Counsel (para. 18). The OLC advises on law not on policy. The suggestion that a Code of Conduct should be put in law is another worrying aspect.

Obviously on flags and the Ligoniel lodges getting home there were to be no wins for Unionism.

On the past, the proposals are complex and costly and in one major respect they fail to address a key issue. That is inquests, which are not to be included in the Historical Investigation Unit (HIU).

Inquests are the Crown Jewels for Republicans, in their strenuous and unceasing efforts to rewrite history and turn the IRA into a body, morally and historically equivalent to the security forces.

Sinn Fein and the IRA argue that Article 2 of the European Convention on Human Rights insists inquests must continue separately, and, seemingly, for ever, with more and more being re-opened.

Article 2 does not require this as the NIO opening document for these talks of 18 November on the past indicates when it suggested putting inquests into HIU as one option:

“Implement HIU as proposed by Haass O’Sullivan draft 7. This model leaves legacy inquests ongoing as a separate process. Some parties also want further clarity on the accountability mechanisms that would be used in relation to HIU.

**Implement HIU in a modified form so that it can take on the backlog of legacy inquest cases, through legislation if required. Such a mechanism must be capable of meeting human rights obligations.** This would reduce the reliance on court processes to address legacy issues – although judicial review and other existing routes of legal challenge would remain available.”

[Para. 31 SHA “Legacy inquests will continue as a separate process to the HIU. Recent domestic and European judgments have demonstrated that the legacy inquest process is not providing access to a sufficiently effective investigation within an acceptable timeframe. In light of this, the Executive will take appropriate steps to improve the way the legacy inquest function is conducted to comply with ECHR Article 2 requirements.”]

Legacy inquests will continue as a separate process to the HIU.

I worked long and hard to try and get London to query and resist the Republican dogma of Article 2 ‘human rights compliance’, and they obviously had come round to our position, but plainly Sinn Fein piled on the pressure to keep inquests out of HIU.

Without inquests, HIU is simply a merger of HET and PONI and sadly of little significance.

However it seems retired police officers and civil servants will be protected from arbitrary arrest and compellability in the new system - despite the malign efforts of David Ford and the Police Ombudsman, Michael Maguire (who will probably end up in overall charge of HIU). This is good.

The NIO has relented (para. 37) on avoiding the handover of MI5 and the Army files (their Crown Jewels formerly) and it remains to be seen how the PM can safeguard in legislation those whose lives will be at risk, if and when, their details go out to solicitors and others.

The staffing of all these bodies will be of paramount importance and we must maintain pressure to ensure they do not become the exclusive preserve of Republican lawyers and radical academics.

In the months ahead, the UUP will be faced with a mountain of legislation on all these matters, in both the Assembly and Westminster.

It is better that we go into those debates able to argue both for and against aspects of Stormont House.

There is no need to tie our hands before these debates. This is an agreement of the two main parties, the DUP and Sinn Fein. It is their job to enact it.

For our party to oppose aspects of it and have the freedom to do so, is politically mature.

Cllr Jeffrey Dudgeon

3 January 2015

[As a Belfast councillor I have reservations about Belfast Harbour being sold to finance some of the proposed changes.]