



Northern Ireland
Assembly

**COMMITTEE
FOR THE OFFICE OF THE
FIRST MINISTER AND DEPUTY
FIRST MINISTER**

**OFFICIAL REPORT
(Hansard)**

**Commission for Victims and Survivors
for Northern Ireland**

22 September 2010

NORTHERN IRELAND ASSEMBLY

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DEPUTY FIRST MINISTER**

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Members present for all or part of the proceedings:

Mr Danny Kennedy (Chairperson)
Ms Martina Anderson
Mr Allan Bresland
Mr Trevor Clarke
Mr Tom Elliott
Mrs Dolores Kelly
Mr Barry McElduff
Mr Francie Molloy
Mr George Robinson
Mr Jimmy Spratt

Witnesses:

Ms Patricia MacBride)
Mr Brendan McCallister) Commission for Victims and Survivors for Northern Ireland
Mrs Bertha McDougall)

The Chairperson (Mr Kennedy):

I apologise for the slight delay in starting this session. You are here to discuss your document 'Dealing with the Past', and I thank you for making yourselves available. The session is being recorded by Hansard. You may wish to make an opening statement and then take some questions.

Ms Patricia MacBride (Commission for Victims and Survivors for Northern Ireland):

Thank you, Chairperson and members of the Committee, for inviting us here today. My colleague commissioner McCallister will make an opening statement on the advice that we submitted, and we will then be happy to take questions.

Mr Brendan McAllister (Commission for Victims and Survivors for Northern Ireland):

Thank you. On 30 June 2010, in accordance with the duties and responsibilities conferred on us by the Victims and Survivors (Northern Ireland) Order 2006 and the Commission for Victims and Survivors Act (Northern Ireland) 2008 and in furtherance of Executive policy on victims and survivors, we submitted advice on dealing with past to the Secretary of State and to the First Minister and deputy First Minister.

The formation of a collective view among the commissioners took place over the two years since our appointment in 2008. It was influenced by lengthy consideration of the Eames/Bradley report, discussions with political and civic leaders and, most significantly, sustained engagement with members of the pilot forum for victims and survivors. Members will have received a copy of our advice document. Today's session provides a timely opportunity to draw your attention to its salient points.

What is our current predicament regarding the past? It seems to us that most citizens, communities and institutions are understandably preoccupied with the economic and social demands of the present to such an extent that the past often appears as an unwelcome drain on people's energy and resources. The past is a highly contentious subject. It is certainly not a shared space: rather, it evokes conflicting emotions, a sense of injustice, frustration and, ultimately, disagreement in a society struggling to sustain a peace that, while not perfect, requires people to co-operate at all levels across the boundaries of deeply laid divisions after a generation of being pitted against each other. Nowhere is that challenge felt more keenly than in political life, especially across the devolved Administration, where erstwhile enemies who remain political opponents must strive to work together in a coalition.

Therefore, there is a case to be made for leaving the past alone, lest it impose an intolerable burden on our society in these early years of peace. Yet, for a significant number of our citizens, the past is simply not yet a past. Those people are commonly known as victims or survivors. They come from all the traditions of this society, but they share a common desire for answers and

explanations regarding atrocities that, for them, are very personal tragedies affecting the whole of their lives — past, present and future.

Beyond the needs of individuals and families, the legacy of the past affects the lives of all our citizens and communities. Therefore, there is a need to ensure that the proposed policy on cohesion, sharing and integration addresses the impact of the past on society. Furthermore, the commission is concerned that current arrangements for dealing with the past are too narrow and piecemeal. Civic society organisations are getting on with the business of developing a methodology for storytelling, healing and reconciliation on the ground, but they need more support from government policy and a commitment of resources for the longer term beyond peace funding.

With regard to statutory provision, the state is developing a new infrastructure for victims with the establishment of the commission, the forum and the new victims' service. With regard to the justice system, we have the Historical Enquiries Team (HET), the Police Ombudsman, the PSNI and the Coroners Service. However, we in the commission have concerns about duplication between those agencies. Our concerns relate to efficiency, terms of reference, independence, funding and the need for a more comprehensive interdisciplinary victim-centred approach to the past.

In summary, we believe that current arrangements for dealing with the past are failing to adequately serve the needs of victims and the needs of society, whose ongoing transition from violent conflict to peace and stability is in danger of being taken for granted. In political terms, dealing with the past presents a potential threat to political stability. However, there is a deeper, longer-term danger that the past will continue to drip into the present and future in ways that perpetuate division and make for even more conflict.

What do we need to do? The Commission for Victims and Survivors suggests the following action steps. We advise the Secretary of State to engage with political parties to explore ways to conduct cross-party talks about the issues involved in dealing with the past. We suggest that the Secretary of State should strive to act in partnership with his counterpart in the Irish Government, since the issues of the past go beyond Northern Ireland. In the course of their deliberations, politicians should avail themselves of advice from people in positions of leadership in society and from individuals who are strategically closer to grass roots community life. Out of such dialogue,

we hope to see the eventual emergence of a civic and political consensus on dealing with the past, although, paradoxically, that could involve agreement on areas of disagreement. However, even that would bring a useful clarity to the problem. We would like to see new agreed arrangements in place by the end of 2011 to specifically address the key themes of citizens and communities, justice and truth, victims and survivors, and peace and reconciliation.

In the absence of cross-party commitment to work with the two Governments in discussion about approaches to the past, the Commission for Victims and Survivors will endeavour to develop its own programme of activities within the framework of the Executive's 10-year policy for victims. However, such a scenario would fall some way short of the comprehensive treatment that we believe the past requires.

We have outlined in our advice a number of insights that have informed our approach, and I draw the Committee's attention to them. All who are in need arising from the conflict should receive assistance, regardless of the circumstances behind their need. No one should be exempt from accountability for the past. The justice system on its own cannot meet all the needs of victims or resolve all the issues of the past. Truth is complicated and requires careful examination.

We can see an example of that with regards to the Claudy bombing, about which the Police Ombudsman's report has revealed important information but left many questions unanswered. It is useful to take Claudy as a timely example of a number of key tasks that need to be addressed for victims. First, there is the need to ensure that the continuing investigation of the Claudy bombing is as robust as possible. Secondly, there is always value in recovering important information, and the Police Ombudsman's report has already done that.

The information that was revealed a couple of weeks ago could be summed up as follows: a Catholic priest was a prime suspect; operational detectives wanted to arrest and question him; the RUC command overruled them and deferred to the Northern Ireland Office; the Northern Ireland Office discussions involved a Cabinet Minister, a cardinal and a Chief Constable; and the suspect was removed from the jurisdiction. The revelation of such basic facts can cause outrage and even perpetuate exclusive understandings of the past. It points to another key task: the examination of the facts. There is a need to develop a better grasp of the context and complexities of the situation at that time. However, there are no mechanisms to effectively engage the police, the

Catholic Church, the Government and, indeed, those with insight as to why three bombs were placed in the village of Claudy in 1972. We would like to see the development of arrangements and methodologies that enable information about the past to be examined so that we can reach important understandings about events that retain a critical significance for our society.

An effective approach to the past will be based upon political and civic consensus. It will require mechanisms that are independent and non-partisan, and an environment in which individuals and organisations are supportive and collaborative on behalf of the common good. The past should be dealt with in a proportionate manner, taking due account of financial constraints and the overwhelming need for all of us to live in the present rather than fixate on the past. There should be leadership from the two Governments, engagement between political leaders and assistance from civic society.

Finally, I shall remind you of our main proposals. First, it is important to establish a civic vision for dealing with the past as an antidote to the danger of approaching it with entrenched minds. We believe that the aim of dealing with the past should be to promote peace and reconciliation. Secondly, we would like the Minister of Justice to commission a strategic review of the HET, with a view to improving its efficiency and terms of reference. Thirdly, we would like consideration to be given to building on the work of the HET by developing an agency that could promote a more thorough examination of events that retain a critical significance in our society. Such an agency would be more independent than the HET and, thereby, would have greater potential to secure co-operation across the community. We also believe that the working practices of the HET, which are police-based, need to be developed into a more interdisciplinary way of working so that the needs of victims' families are more adequately addressed. Fourthly, if such an independent agency were to be established, we would see no need for further public inquiries into the past. Fifthly, we would like to see a mechanism established to monitor and encourage key Departments to include dealing with the past as an aspect of their respective policy frameworks and work programmes.

Thank you, Chairman and members, for your attention and interest.

The Chairperson:

Thank you, Mr McAllister, and your colleagues. I apologise because, at one point during your presentation, I showed a degree of cynicism. It was a cynical political reaction, and it was not

meant, in any sense, to be discourteous to you.

You provided advice to the Secretary of State and to the First Minister and deputy First Minister without really being invited to do so. You did so on your own initiative and based on your interpretation of the Act under which your body was brought into being. What has been the reaction thus far from the two groups — the Secretary of State and OFMDFM — at which your report was directed?

Ms MacBride:

In the first instance, the development of the project to give advice grew out of the publication of the Eames/Bradley Consultative Group of the Past's report and the consultation that was undertaken as part of that by the Northern Ireland Office and which was the initial basis on which the commission, along with many other people, responded. The process then expanded, and, through our conversations with political parties, community and voluntary organisations and victims and survivors, it developed into a much greater piece of work than simply commenting on the 31 specific recommendations of the Eames/Bradley group.

In addition, the commission has a duty to promote the interests of victims and survivors. The Executive's 10-year strategy for victims and survivors is about dealing with the issues of the past, meeting present need and building for the future, so developing our work is very much part of that. We engaged with the First Minister and deputy First Minister in presenting this advice, and we have spoken to the Secretary of State and the Northern Ireland Office about it. Those discussions are ongoing, and many of you will be aware that we continue to hold bilateral discussions with each of the political parties in the Executive. We made a series of recommendations on which we are getting feedback, and we hope to be in a position to conclude those discussions very shortly.

The Chairperson:

What reaction has there been to your suggestion for all-party talks/negotiations on the issue?

Mr B McAllister:

So far, there has been no commitment from either the Secretary of State or the Office of the First Minister and deputy First Minister. However, as my colleague said, discussions are ongoing.

Mr Spratt:

Thanks to the three commissioners for the presentation. I want to raise a few issues. It seems to me that you are trying to reinvent the wheel. Eames/Bradley is dead in the water; it is not going any place.

With regard to what you have done, my problem is that I do not see that very much has happened to get money to the victims at the coalface who need to be supported. Can you tell me what you, as a group, have done about a comprehensive needs assessment of who exactly requires support? My understanding from previous briefings to the Committee was that you used to be four but now are three and that Mr Nesbitt was carrying out the comprehensive needs assessment. Has he left that in a fit state for some of the rest of you to trundle on with it? Where are we with that? Quite simply, I do not know where we are with it, and we need to know.

I am looking at paragraphs 169 to 172 on page 37 of your report. The community that I come from is very sceptical about any serious attempt being made by republicans to give any account of themselves for the past. That has now been ably demonstrated: Bloody Sunday, £300 million later; £30 million later; many more millions later. Those paragraphs clearly indicate where we are. Will it be just the state that has to play its part in any sort of truth for the future? There is no indication of any commitment from the republican community, except to try to undermine, at every available opportunity, the security forces and the work that was done over many years and to question and make all sorts of airy-fairy suggestions of collusion and all sorts of things.

You cannot have a process unless all the players are playing on a level playing field. There is no indication that that will happen. Speaking from a purely party perspective, I am not sure that we want to get involved with anything else. Civic society tried to help us with the Eames/Bradley group. I do not know what that cost, but I suspect that it was a few million pounds. That did not really get us any place.

The Chairperson:

Could I ask you to come to a question?

Mr Spratt:

What I am getting at is that you are reinventing the wheel and now want another series of discussions. Meanwhile, the victims at the coalface are not getting what they should be getting.

You have been in office for a period of time; it is time to start producing the goods. Where is the comprehensive needs assessment? I know that you have other stuff coming through, but you need to be delivering now rather than trying to reinvent something that will trundle on for another three or four years and, quite frankly, get us nowhere.

Ms MacBride:

I will answer your initial question about the comprehensive needs assessment, and perhaps my colleague will talk to you about the other issues that you raised.

The commission produced an initial iterative review of needs. We also carried out an analysis of the funding that was spent in the victims sector in the past 10 years and how that met need. We briefed the First Minister and deputy First Minister in June on the progress on the comprehensive needs assessment. We have had ongoing liaison with departmental officials about the content of the first iteration of the comprehensive needs assessment. We are on target to deliver that to them as agreed in a matter of days. So, the process of delivering a comprehensive needs assessment is well advanced.

As I said, that is a first iteration of a document. The process will have to be ongoing. If the needs of victims and survivors are being met by those who serve them, their needs will change as we go through the process of setting up a new victims' service. We must look at how we are going to meet future need as well as current need. The commission is well on target, as agreed with the Department and with Ministers, to provide that evidence base and to continue to do so over a rolling three-year period. We are quite confident about that, but we are less confident that the delivery mechanisms will be in place in time to do that.

Mrs McDougall:

Mr Spratt was concerned about funding not reaching victims and survivors. That has always been a significant issue. We have been working with the memorial fund and determining priorities in that regard. One of our particular priorities is the seriously injured. My understanding is that the fund is waiting on the signing off of funding for that. Funding is certainly going out. We have been listening to our pilot forum, and it has been very clear that funding should go where there is a need. We are already working with the memorial fund and the Department to look at which schemes need to be developed or amended and at how they will work in the new service when it comes online. We will continue that work over the next few months.

Mr Spratt:

The forum was heavily predicated on the involvement of groups. How would individuals be involved, Bertha?

Mrs McDougall:

No; the forum was a mixture of individuals and people from groups. However, when people were asked to come along to the pilot forum, they were asked to do so as individuals. People with experience of being involved in groups would, obviously, bring that experience along, but we had quite a mix. We have made a commitment to finish with the forum in June because there are other people who were keen to be members of it. However, we now have a transition group, which will meet for the first time tomorrow. We will take the issues to that group each month and ensure that there is an opportunity for the wider sector to continue to feed back.

Mr B McAllister:

In answer to Mr Spratt's question, I am personally concerned that people may begin to scapegoat the commissioners for all the ills of the victims sector and the shortcomings in provision for victims. I must point out that we are not a victims' service; that has yet to be established. We are doing our best to get it established, and that is a big piece of work. Our plans for the forum, which we outlined to the Committee on several occasions in the past, are on schedule. We are doing that work carefully and deliberately. We are also on schedule with the programme for the delivery of the comprehensive needs assessment, on which we briefed the Ministers in June.

I do not, therefore, accept the criticisms that have been made, but I recognise that Mr Spratt is reflecting a general concern about provision for victims in Northern Ireland, which we share. However, we are a strategic development body, and it takes some time to take the piecemeal approach that was taken over a long period in the past and replace it with a rational programme. We always anticipated that ours would be a commission that, over its four years, would deliver most of its product in the final, or, perhaps, third year. At the moment, that is the way that things are turning out, as we expected. However, we realise that that sometimes tests public patience.

Mr Spratt's wider comments about the past illustrate what we have tried to reflect in our report, which is that there is widespread and deep scepticism, particularly in the unionist community, about the idea of addressing truth in a way that holds everyone to account. Especially in the unionist tradition, the problem is that there is a perception that those who

advocate examining the past are in favour of a one-way street of information, in which only the state is held to account. We name that in our report as a matter for you, as political leaders, to engage with one another on. Until that difficult conversation takes place and political leaders reach a common ground on the matter, the current situation will continue. It is a situation that we believe is unsatisfactory, especially for victims.

Mr Molloy:

I thank the commissioners for their report. It points out all the difficulties but does not seem to come to too many conclusions. I thought that, as a strategic body, the commission would have reached those conclusions by this stage.

I have a number of questions. The first relates to the report of the Eames/Bradley Consultative Group on the Past and its proposal for a recognition payment of £12,000. In your report, you say that that became a scandal and agree with the Secretary of State on the matter. Does that not show that you do not have independence and that you have the same problem as the Eames/Bradley group, which was directed by the British Secretary of State? I also note that, a number of times in the report, you mention the British Secretary of State as though he were a neutral person in the situation.

Mr Spratt made a point earlier that I would like to pick up on, although from a slightly different angle. There was mention of differences and people failing to see an opportunity for the truth to come out, yet, in your report, you raise one issue of concern to the nationalist community — the Ballymurphy killings, which you referred to in paragraph 163. I could name at least a dozen similar killings that occurred in the murder triangle. In paragraph 172 of the report, you raise a number of different issues of concern to the unionist community. Balance seems to be a difficulty from your point of view.

You also seem to think that, unless there is agreement from unionists on how the truth will be told, the process will go nowhere. That gives a veto to unionists who do not want an international investigation into the past. The commission seems to think that there only needs to be agreement between the political parties here, as though the problem were just with them. The international dimension seems to have been lost.

Mr Spratt:

What is that? What is the international dimension?

The Chairperson:

OK. I can see that we are making early progress.

Mr B McAllister:

I want to reply to a number of the points that Mr Molloy raised. He made the observation that, for a strategic body, we have not drawn many conclusions. I draw his attention to the list of proposals that we made in the report and, in particular, to paragraph 69, in which we set out a way forward. We also state a preference for the HET to be developed into a wider agency. So, as far as we are concerned, we have been conclusive. However, we also emphasised the difference between us and the Eames/Bradley group. Although, in many ways, we recommend that people study the analysis of the Eames/Bradley group, we do not agree with its strategy, which was basically for government to impose a large new legacy commission on Northern Ireland, without buy-in from politicians, civic society and the community. We do not believe that that buy-in exists at the moment, and some of the comments made today confirm that. Therefore, we think that there is an onus on you to engage with each other over the next year while we make our contribution as best we can.

With regard to the question about the use of the word “scandal” in the section on the £12,000 recognition payment, we chose our words carefully in the report. We did not say that the proposal made by the Eames/Bradley group was itself a scandal; rather, we said that it led to a scandal in our society, because people were split on the issue and the community divided. That was unhelpful. It was the last intention of the Eames/Bradley group to add to the division of the past, but, in the event, that one recommendation prevented a wider debate on the group’s other 30 recommendations, so that was hardly a successful strategy on its part.

With regard to the neutrality of the Secretary of State, again, I would encourage you to read our report more closely. We point out in the report that there is a difficulty with the perceived neutrality of government. We agree with you that that is a contentious matter. We gave a number of unionist examples, or rather examples of issues that have particular significance in the unionist tradition. If you look at the wider context of that section of the report, you will see that we are talking about a perceived deficit in an approach to the past that tends to extol the virtues of

examining matters that are important to the nationalist tradition but that pays insufficient attention to matters that are important to the unionist tradition. That is the context of that —

Mr Molloy:

Could I interrupt you for just a minute? You have listed the attacks on Tullyvallen Orange Hall and Darkley Gospel Hall. A couple of nights before that attack, two young GAA supporters on their way home from Dublin were murdered at Tullyvallen, yet there is no mention whatsoever of the events that surrounded the attack at Tullyvallen Orange Hall. In fact, it was the other way round with regard to the two footballers. Why pick out one or two individual issues in an area? For instance, I mentioned the murder triangle, where no attempt whatsoever was made to try to apprehend those from the security services or from loyalist paramilitary groups who were involved in the murder of Catholics in the area.

Mr B McAllister:

When discussing these various atrocities in a public forum such as this, we must all remember that there are human beings and families involved for whom even listening to a discussion like this —

The Chairperson:

I was going to draw that to the attention of members.

Mr Molloy:

Chairperson, let us be honest: this is a public document, which they have put in the public domain. Therefore, I have the right to question it in the public domain.

The Chairperson:

There is a difficulty in highlighting specific cases that have the potential to cause emotional distress for the families who are left behind.

Mr Molloy:

There is a list of examples.

Mr Spratt:

The Unionist community has not had £300 million spent on any inquiries. I think that there is a

bigger balance on the other side.

Mr B McAllister:

We cited examples in the context of the report. It is not that I want to take issue with any of the examples that you have raised, Mr Molloy. I hope that, if you consult your constituents, you will find that we deal with everybody across the community without fear or favour. We are concerned about everybody's pain. We were simply citing examples —

Mr Molloy:

One on the nationalist side.

Mr B McAllister:

We were simply citing examples in the context of a point that was being made in the report. Through a more careful reading of the report, you will, perhaps, see the point that we are making.

Mr Molloy:

Could I suggest that a more careful printing of the report might have been of benefit as well?

Ms MacBride:

I want to return briefly to the Eames/Bradley group's recommendation that there should be a recognition payment. Initially, we in the commission supported the recommendation because we felt that it was a pragmatic way of meeting need among victims and survivors. However, as we went out to consultation with the wider sector, talking to victims and survivors, groups advocating on their behalf as well as to the forum, we very quickly came to recognise that the proposal was flawed because it did not address the needs of those who were seriously injured. It was not really addressing all of the need that we felt it could have addressed, so we changed our minds about it. That is the good thing about consultation; you can change your mind and say, "Yes, we understand your perspective".

In addressing that situation, we tried to come up with creative ways of meeting the needs of, for example, the seriously injured through new and additional funds that are being directed through the Northern Ireland Memorial Fund and by ensuring that there is a robust evidence base for a comprehensive needs assessment so that it can establish what the needs of those with serious physical injuries are and how they can best be addressed through service provision. It is

important to clarify that that is not saying no: it is saying that it is not going far enough. There are a lot more people out there who deserve recognition.

Mrs D Kelly:

I am somewhat uneasy about the way in which members almost appear to be beating up the commission when there has been a lack of political will to drive forward a lot of the recommendations that have been out there for a considerable time. We could all engage in “whataboutery” if we were to dissect the report line by line.

I welcome the recommendation that there will be no amnesty. That is important, because people do not want to have something that happened to them or to one of their loved ones blocked out.

It is my impression that the lack of autonomy or independence for the commission is having a detrimental impact on the implementation of recommendations. When the commission was being established, we raised concerns about how arm’s length it was from the Department and whether that would prove to be an obstacle in progressing the implementation of some very straightforward recommendations. I share some of Mr Spratt’s concerns that the money for victims is not meeting some pragmatic needs, such as health and social care needs. I have constituents who need housing adaptations or who need to know that, if they live in private rather than social housing, they will have security of tenure.

Not so long ago, we heard from the First Minister and the deputy First Minister about the increased funding for the victims sector. However, some of us would like to know what difference that funding is making to the lives of individuals as opposed to organisations — not that I am decrying the work of many of the organisations. Many of us want to know that the money is going to the people who need it most; victims and survivors and their families.

Am I right in saying that the victims’ service was to have been established by May 2008? As I understand it, it is not the fault of the commission that that service has not been established. Therefore, perhaps we could hear just what the obstacles to progress have been.

Mrs McDougall:

There are two issues. First, there was the £36 million that was allocated in the previous

comprehensive spending review, and that was to work alongside the setting up of the new service. However, as you said, the service was not set up. Plans are currently in place and a project board has been set up, with a view to the new service commencing in April 2011 and other aspects coming on board, the first of which would be individual assessment.

We are greatly concerned by the delay. Earlier today, I spoke to someone about that, because we in the commission have been looking at how we can get that service under way, how we can co-ordinate it with the new forum, which should also be in place by April 2011, and how we can co-ordinate it with the funding that goes to individuals. We will have to wait and see how that funding is delivered. My understanding is that the model for the service has still not been decided on. If you remember, options were given, and one of the options was for a non-departmental public body (NDPB). At the moment, we have nothing further on that or on any of the decisions that are being made.

Mrs D Kelly:

Chairman, could we take that up with the First and deputy First Ministers? That is critical.

Mr Spratt:

How can any of that work be done by the Department if you have not even completed a comprehensive needs assessment?

Ms MacBride:

As I said in answer to an earlier question, we have given Ministers a briefing and we have been in negotiations and discussions with departmental officials. The evidence base is being formed and they will have that in a matter of days. Therefore, there will be no delay in establishing the service because of a lack of data being provided by the commission.

Mr Spratt:

My point, Patricia, is that the Department is only getting that information in the next few days, yet you said that the service was supposed to have been established in 2008.

Ms MacBride:

If we had given the Department data from a comprehensive needs assessment six months ago, there still would have been no delivery mechanism in place to meet the needs that we have

identified.

Mr Molloy:

Have we come down to a blame process?

Mrs McDougall:

It is a chicken-and-egg situation. However, we have to recognise that, if there is a model, regardless of whether it is an NDPB, decisions will have to be taken and a process will have to be gone through. Whatever is established, there will have to be procurement and tendering. It is a very long process. Therefore, it will not happen overnight. We are now left in the position of ensuring that, regardless of the particular model that may be put in place, we go ahead in 2011 with aspects of the service and start building upon it. The aspect that the Ministers would like to focus on first is individual assessment. However, lots of underpinning work has to be done to be able to deliver that. The service needs to be established as a priority.

Mrs D Kelly:

I would like some clarity on the £32 million in additional funding. Is that money being spent elsewhere through other mechanisms, or is it still ring-fenced?

Mrs McDougall:

The £32 million has been used for groups and for the memorial fund. As I said, the memorial fund is awaiting the signing off of further funding for the rest of the year. The schemes are being looked at. That funding ends with this comprehensive spending review. However, the money has been spent.

The Chairperson:

It has been brought forward.

Mr T Clarke:

I want to follow on from what Jimmy said. Surely the Department would have been better placed to carry that programme forward if the needs assessment had been completed earlier. The victims' service was to have been formed in June of this year, but part of that was to be informed by the report that you were to provide. When was the deadline? Did you have a target date for delivery of the needs assessment?

Ms MacBride:

The target date for delivering this iteration was always September 2010. That has not changed, and it will not slip. It will be with the Department in a matter of days.

Mr T Clarke:

So the deadline was always September 2010.

I should, at this point, declare an interest as a member of a victims' group. This is the first time that I have met you, but I am sorry, I have a criticism. The fact that the commission broadly accepted the notion of a one-off £12,000 recognition payment to victims — as opposed to meeting their general needs — suggests that you were ill-informed about those needs. Some people do not need any money; they need other services. It is not so much about money as it is about services. That is part of what you should have been delivering, rather than making a broad statement that you are in favour of a £12,000 payment and then drawing back from that statement. That suggests to me that you were ill-informed about the real needs of the victims sector.

Mrs McDougall:

In the early days of the conflict, compensation for many, many people was nil or very limited. We saw that payment, albeit differently from Eames/Bradley, as a pragmatic way to enable those people to have some dignity. One of the issues that victims and survivors keep raising with us is that, regardless of what they need — and those needs must be met — they do not wish to go to anybody with a begging bowl to say that they need this or that. Therefore, we saw the payment as a way in which many of the victims and survivors who came to us could have at least some financial backing that would enable them to have a better quality of life.

Although we talked a lot to individuals prior to the payment being proposed, we found afterwards that many families were completely split about the issue. There was certainly a lot of conflict, and the proposed payment would have created more. Many families said to us, "Yes, we would really like that. It would be great", but somebody else in the family would say, "No, we do not want to touch it; we see it as blood money". We found that there was a whole range of issues, and we tried to address all aspects of them. As Patricia said, a particular concern was that there was nothing for the seriously injured, and that is an aspect on which we have been working this year.

Mr T Clarke:

I am ignorant as to what your total remit is; do you engage directly with victims rather than with victims' organisations? Sometimes victims' organisations do not necessarily speak for the true victims. There seems to be a core of people who get involved with some organisations, and there is a suggestion from the wider group of victims that the spread is uneven and that they are being left out.

Mrs McDougall:

Many individuals contact our office, and we deal with issues arising from that. As I said, we were very concerned to ensure that representatives of individuals were on the pilot forum, so a lot of the work that we —

Mr T Clarke:

Sorry, may I come in there: how do you do that part? How do you identify representatives of individuals?

Mrs McDougall:

You are asking me an impossible question. There is no individual who can represent all individuals.

Mr T Clarke:

No, but you said that you had some who represented individuals. How did you identify those people?

Mrs McDougall:

We identified those people either because they had contacted our office on particular issues or through people working in the sector who had indicated to us that those people have a contribution to make. We have found that the needs of individuals are, as you suggested, very individual. One person may need social support, while another may need financial support. In the pilot forum, we found that we achieved a representation of many of the needs, and the quiet individuals who spoke frequently articulated what many individuals felt.

You said that individuals can feel that they are left out of groups, and that certainly came through in the pilot forum. Many individuals also said that they did not wish to be part of a

group, so, again, it is a matter of reaching out to those people. Part of the work that we have undertaken in relation to the seriously injured involves trying to identify the number of people who are seriously injured and the support that they are being given. Our experience is that they are being given very little support at the moment.

Ms M Anderson:

I ask the witnesses to focus their responses on the section of the report that deals with the way forward. People from the republican and nationalist community who view the British Government as a protagonist in the conflict will take exception to the recommendation that:

“the British Government, acting with the support of the Irish Government”
should consider a number of actions on the way forward. Had you been listening to the republican community, you would have included a reference to the need for an international independent commission to be established by a reputable international body, such as the UN. Families who seek the truth, whether they are from the unionist community or the nationalist/republican community, need to have confidence that the people who are trying to deliver the truth to them are objective facilitators. For the republican community, that is preferable to recommending that the British Government should adopt certain actions. There is a deficit in that regard.

I am glad that Jimmy Spratt has come back into the room, because I want to point out that there is a need for us, as a society, to recognise that, whether someone is the sister, brother, mother or father of a murdered IRA volunteer or the sister, brother, mother or father of a murdered RUC man or woman, their pain and suffering is the same. There is no hierarchy of pain in our society.

Mr T Clarke:

Does that include the ones who blew themselves up?

The Chairperson:

Order, please.

Ms M Anderson:

A lot of people in our society have been hurt. The families of those people —

Mr T Clarke:

Are you suggesting that that includes people who blew themselves up while trying to kill members of the security forces?

The Chairperson:

I ask —

Ms M Anderson:

Trevor, the families of those people —

The Chairperson:

I ask —

Mr T Clarke:

They were on a campaign to murder other people —

Ms M Anderson:

The families —

The Chairperson:

Order, please. To be fair to the commissioners, they are here to answer questions.

Ms M Anderson:

I did ask some questions.

The Chairperson:

I know that, but this is an opportunity for questions to the commissioners, not for an interchange between members.

Ms M Anderson:

I was asking the commissioners questions and agreeing with them on the need for a wider discussion, but that discussion needs to take account of the pain that is being felt by families across society; mothers, fathers, brothers and sisters —

Mr T Clarke:

Were they let down by their actions? Is that what you are saying?

The Chairperson:

Order, please.

Ms M Anderson:

— regardless of the circumstances that led to their deaths. There are people in our society who, after many years, are still waiting on a mere inquest into the —

Mr T Clarke:

They were let down by their actions.

Ms M Anderson:

— into the death of their loved ones.

Mr T Clarke:

They were let down by their own actions.

Ms M Anderson:

Into the death —

The Chairperson:

Sorry. I appeal to members —

Ms M Anderson:

Trevor, I find your comments absolutely insulting. I ask you not to interrupt me because I am trying to —

Mr T Clarke:

I find your comments insulting.

The Chairperson:

Order. The discussion is between members and members of the commission. That is where it is

and that is where it should be. It should largely consist of questions to the commissioners.

Ms M Anderson:

We were all allowed to make comments, so I was only making a comment. I appreciate what —

The Chairperson:

I have given members licence to make comments.

Ms M Anderson:

I appreciate what you are saying. I have a question for the commissioners about the section of the document that deals with the way forward. Have you heard the views of the republican and nationalist communities, particularly the republican community, on the actions that you have called on the British Government to take? Have you heard the republican community's views about the British Government being a protagonist throughout the conflict?

Ms MacBride:

I want to put very clearly on record — this echoes my colleague's opening remarks — that it is very much the commission's opinion that all who are in need arising from the conflict should receive assistance, regardless of the circumstances behind their need. We make no judgement call on the provenance of that need. There should not be anyone who is exempt from accountability for the past. An effective approach to dealing with the past will be based on political and civic consensus. It will require independent and non-partisan mechanisms and an environment in which organisations and individuals are supportive of and collaborative with each other.

We have heard the specific issue about the British Government. We heard those discussions, but, as a strategic body, we have to arrive at a place where we think people can find common ground. We in the commission can make as many recommendations as we choose and we can seek to impose a solution such as that which was suggested by the Eames/Bradley Consultative Group on the Past, yet find that there is no consensus. Therefore, we are saying that there needs to be a political way forward and that the way to achieve that is through government. For a start, we have no legislative power to impose a solution. That has to come through government, whether through the British and Irish Governments working together or through the Assembly. That is where the change will be effected.

We want to see an effective approach to dealing with the past through which that consensus is developed. We need leadership from government to do that. We are trying to bring with us the voice of the grass roots, the voices that we have heard, and develop a commonality as far as we can.

Ms M Anderson:

Your assessment was that there could be commonality regarding the recommendation that the British Government should seek to take action. You believed that the republican community —

Ms MacBride:

With the support of the Irish Government, we felt that that could command sufficient confidence to move forward.

Mr B McAllister:

I am anxious that there not be a misunderstanding of the intention of our recommendation. A lot of the concerns that Ms Anderson articulated were very much on our minds. At the moment, responsibility for the past is a reserved matter for the British Government. Under law, our job as commissioners is to advise the Secretary of State for Northern Ireland and the Executive. Therefore, in the earlier part of our report, we were very conscious of the difficulties with any role that the British Government may play in any process.

We are advising the British Government to take responsibility — a responsibility that they currently have — for discussions about arrangements for the past. We fully expected that republicans, and, indeed, perhaps nationalists, would raise in those discussions the issue of the unsuitability of the British Government's role in future arrangements. We expected that that would be a matter for political leaders to discuss. The only recommendation that we were asking the British Government to take on, in partnership with the Irish Government, was the recommendation to facilitate discussions about future arrangements — not stay responsible for them. We fully expected that matter to be addressed in the political dialogue.

Again, we are very conscious that the proposal for an international commission or approach is a Sinn Féin proposal. We stopped short of saying that because we identified a deeper principle called independence. We expected that, in any discussion about how mechanisms could be

independent, it may well be said that the best way to ensure independence is to have an international dimension. However, we felt that that was something that we needed to leave for political leaders to discuss.

Again, I draw your attention to the difference between advising government to take responsibility for allowing talks to happen so that arrangements can be agreed and assuming that out of those discussions the British Government would continue to play a role.

The Chairperson:

There is one other issue, which concerns the victims and survivors' service. The Department issued a press release on 21 July confirming that a steering group had been set up to oversee the design and implementation of the service and that seven working groups would be convened. Can you update us or shed any light on any progress with the seven groups or even on their make-up?

Mrs McDougall:

The steering group has been set up, and a group is working on individual assessment. The steering group meets this week, and reports will be prepared on individual assessment, because that is a priority. Not all the groups are set up. It is planned that they will come online at a certain stage of implementation. They are in the process of beginning to set up another couple of groups. The individual assessment group, which meets again on Friday, was set up to look at ways in which individual assessment could be undertaken and to make recommendations to the steering group. The steering group will address those matters tomorrow.

Mr Spratt:

It would also be helpful to get information about the new forum that has been set up. I am not sure whether its members' names are in the public domain.

Mr B McAllister:

The proposals for the new forum are still under discussion by my colleagues and me. We will observe a protocol of engaging with the First Minister and deputy First Minister first, but we expect to brief the Committee on that at the earliest opportunity. At this stage, however, no people have been identified to sit on the new forum.

Mr Spratt:

There used to be a rotation of the role of chairperson of the commission. You were four and are now three. Is that rotation still in operation?

Ms MacBride:

Yes. I am the current chairperson, and I will be succeeded by commissioner McAllister in April.

Mr B McAllister:

God willing.

The Chairperson:

That is a yearly process. Thank you very much indeed for your attendance. Good afternoon. See you soon.