



Northern Ireland
Assembly

25 YEARS

A New Beginning

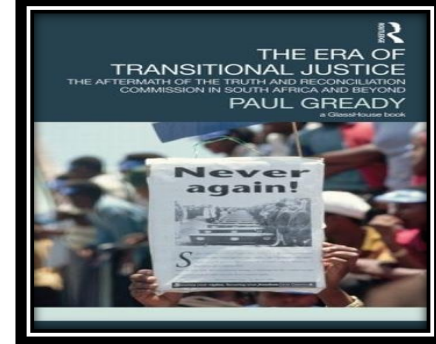
Dealing with the Legacy of the Past: A Critical Examination of the Role of Oral History in Advancing Reconciliation

Dr Anna Bryson

QUB Law

What do we mean by 'Reconciliation'?

- Within transitional justice (TJ), there has been strong support internationally for efforts to advance personal, communal and social 'reconciliation' – recognizing that holding all of those guilty to account may not be possible. Strongly associated with the SATRC.
- However, a weak conceptualisation of 'reconciliation' continues to bedevil TJ debates' (Gready, 2011)
- Academic interpretations range from 'thin' or 'minimal' reconciliation (non-violent co-existence) to 'thick' or profound variants (characterized by higher levels of mutual respect, co-operation, trust and forgiveness (Nobles, 2010)
- Some benchmark progress in accordance with extent to which there is: rejection or reduction of stereotyping and prejudice; increase in political tolerance; increase in support for human rights principles; and extension of legitimacy of democratic institutions (Gibson, 2004).



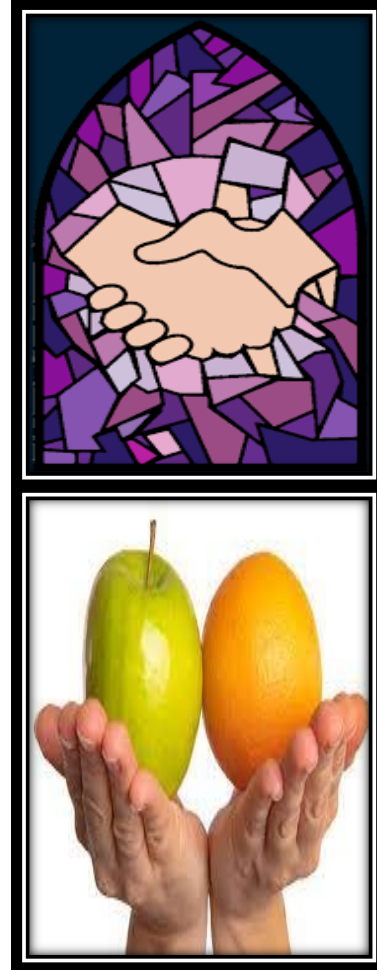
Ignatieff (1996): Individual V Collective Reconciliation

- ‘We vest our **nations** with consciences, identities and memories as if they were **individuals**.’
- He argues that justice and truth should be pursued but questions whether or not they necessarily advance reconciliation. ‘Justice should be done insofar as possible and it will serve the interests of truth but **we cannot assume that truth will heal**.’
- ‘The past is an argument and the function of truth commissions, like the function of honest historians, is simply to purify the argument, to **narrow the range of permissible lies**’.
- In Latin America truth commissions used ‘to indulge in the illusion that they had put the past behind them. [They] allowed exactly the kind of **false reconciliation** with the past they had been expressly created to forestall’.



Reconciliation in the NI Context

- Reconciliation as a term has arguably been ‘used and abused’ in NI. Historically framed as ‘community relations’ (McEvoy & McConnachie, 2006)
- In Britain, community relations in 1960s overlapped strongly with race relations and debates on the 1968 Race Relations Act (Little, 2013)
- In NI - linked to a state-sponsored focus on a ‘two traditions’ / ‘two tribes’ / ‘orange and green’ conceptualisation of the conflict (O’Neill, 1967, Whyte, 1990) and a suspicion of ‘grassroots’ efforts at community leadership (Gallagher, 1995)



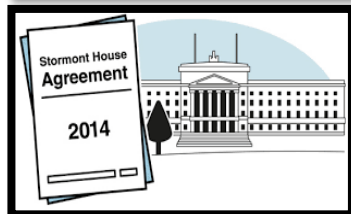
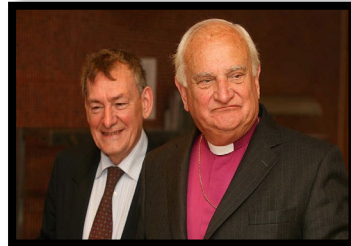
Community Relations –V– Rights & Equality

- ‘Community relations became a term used simultaneously to describe a vague “general vision”, to which everyone subscribed, and a variety of haphazard practices aimed at “harmony” that allowed everyone to remain publicly detached and knowingly cynical’ (Morrow et al, 2003)
- Key tension between the notion of reconciliation that could be advanced by improving community relations and reconciliation that could be advanced by safeguarding human rights and equality (deciding ‘whether to focus on the *existence* of two communities or *inequality* between them’, CAJ 2013)
- McCrudden notes that in 1998 ‘discussions about equality and human rights moved from the margins into the mainstream’ and ultimately became a central component of the Belfast / Good Friday Agreement (McCrudden, 2001).



Oral History & Efforts to Deal with the Past since 1998

Year	Significant Effort	Key Features
1999-	Healing Through Remembering	Exploring Options for 'Making Peace with the Past'
Early 2000s	Package of Measures to Address Legacy Issues	Pressure from ECtHR > public inquiries, inquests, 'Disappeared Commission', OPONI, HET, LIB etc.
2009	Eames - Bradley Report	Independent Legacy Commission & Reconciliation Form (storytelling a key strand - but £12k payment controversial)
2013	Haass - O'Sullivan negotiations	Debated inclusion of a HIU, ICIR, Themes Unit, Narratives and Archives , IRG Mental Trauma Service
2014	Stormont House Agreement	HIU, ICIR, OHA and IRG and acknowledgment
2018	Public Consultation	17,000 responses to Draft Bill (broad support for SHA)
2020	New Decade New Approach	Promise to bring forward SHA legislation within 100 days
2020	WMS (March) and later Command Paper (July)	Abandonment of SHA. Sweeping amnesty ('Pinochet Plus' - e.g. applied to 5 years and excluded cases before courts)
2022	NI Legacy & Reconciliation Bill	Independent Commission for Reconciliation and Information Recovery (ICRIR) and conditional immunity – includes proposals on oral history & memorialisation



Types of Post-Conflict Oral History

- Storytelling Versus Oral History (process / preservation)
- Single Identity Work / Cross-Community / Cross-Border Work e.g. Peace III PPLOM Project
- Academic / Community Work e.g. Prison Memory Archive
- Focus on Particular Institutions e.g. RUC George Cross Society / GAA Project
- Focus on Particular Themes e.g. WAVE projects
- Integrated with Creative Arts e.g. SEFF Quilt; Theatres of Witness
- Integrative Work e.g. Accounts of the Conflict
- Facilitation Work e.g. Stories Network, OHS, OHNI, VSS NI



What *Bona Fide* Oral History Initiatives Can Contribute

Broadening the canvas on 'dealing with the past' to include:

- > Rural and urban perspectives (beyond Belfast)
- > Gender perspectives (e.g. extraORDINARYwomen project, Linen Hall)
- > Intergenerational perspectives (schools-based initiatives)
- > Allowing victims to get beyond reductionist labels (e.g. Alan McBride)
- > Voices that have been overlooked, ignored or silenced ('being heard')
- > Mental health perspectives (beyond 'direct' or obvious victims)
- > Illuminating 'the grey zone' in which structural inequalities & oppression play out in the complexities of 'everyday life' (Levi, 1986)



How Can Oral History Contribute to Reconciliation?

- Provides individuals with an opportunity to reflect on the contextual complexities of their past (bulwark against a narrow legal focus)
- Restoring dignity and agency to individual victims and survivors
- Incrementally, this work can open up a space for mature and measured reflection within families, communities, workplaces etc.
- Depending on the extent to which these stories are shared this impact can ripple outwards to multiple different audiences
- Assuming the testimonies are archived, it can contribute to a forward-facing version of reconciliation that enables future generations to better understand the perspective of those who experienced conflict
- Can facilitate multiple points of engagement (academics, lawyers, artists...)
- Acknowledges that reconciliation is an open-ended **process**



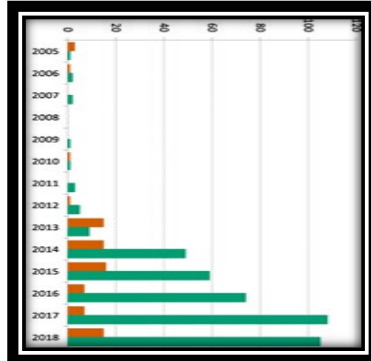
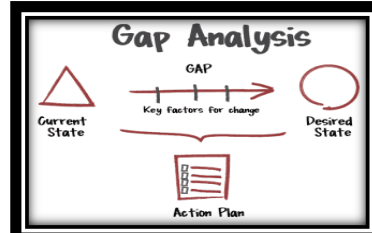
Safeguards to Advance Reconciliation / Avoid Harm

- It must be **independent** and **free from political interference** (McBride et al, 2016)
 - There must be a **clear vision** for the broader programme of work, setting out the **motivation, aims and objectives**
 - Appointments must be made in line with **clear and transparent criteria**
 - It must acknowledge the work that has been done and continues to be done, working with and through existing groups – **hub and spokes model**
 - Constant **vigilance about silences and gaps**, seeking out narratives that **challenge and disrupt** as well as those that **confirm**
 - Facilitating opportunities to hear **‘the other’** and to engage with **uncomfortable and challenging narratives** (resourcing a central digitised archive)
 - Advanced **training on legal, ethical and practical** issues including awareness of how to engage with **traumatic memory**
 - Recognition that this is one way to address the past – it is **not a substitute for other avenues to truth and justice**
-



Historians & the 2022 NI Legacy and Reconciliation Bill (Part 4: Memorialising the Troubles)

- Part 4 of the Bill provides for **oral history initiatives** (gap review, encouragement of public engagement with existing oral history records, training, creation of new oral history records)
- It also provides for a **memorialisation strategy** designed to ‘promote reconciliation’, possibly including a museum
- Finally it provides for **academic research** on the **patterns and themes** of the conflict - although this work must notably take account of the information accruing to the Independent Commission for Reconciliation and Information Recovery (ICRIR)



Concerns re. Lack of Independence & Link to ECHR

Independence

- SoSNI will designate persons to take forward this work
- SoSNI will respond to the proposed ‘memorialisation strategy’ and decide which elements to action.

Motivation

- **“We must halt the rewriting of history and set the events of the Troubles in their appropriate historical context. That is why the Bill will also set up a major new oral history initiative.”** (SoSNI, 9 June 2022).

Legal Cover (Memo on Compliance with ECHR)

- “the Department considers that the **conditional immunity scheme...[is] a proportionate means of achieving and facilitating truth recovery and reconciliation in NI.**”
- Is this a genuine attempt to facilitate truth recovery and reconciliation and - if not - is it a cynical attempt to provide **legal and political cover for immunity scheme?**

Post-Conflict Oral History in Context

- Post-conflict oral history can provide valuable opportunities for those who have been ‘hidden from history’ to bring their experiences to light
- It enables us to broaden and stretch the canvas for ‘dealing with the past’ – acknowledging messy and complex individual realities and cumulatively informing work on broader patterns and themes
- We need, however, to be cautious about conflating this work with bland and generalised notions of broader societal reconciliation
- The NI case-study further underlines the potential for historians and historical research to be indirectly instrumentalised in pursuit of the type of ‘false reconciliation’ Ignatieff identified in the Latin American context.

