

METHODIST CHURCH IN IRELAND

Legacy paper (for NI Affairs Committee)

INTRODUCTION

The Methodist Church in Ireland have always tried to play a constructive role in the complicated and contested space that is politics on this island.

We have always called our people to be prayerful and courageous. Our theological position drawn from Scripture and the example of our Lord Jesus Christ, challenges us to love our neighbor and even our enemy. A phrase of John Wesley's, that trips easily off the tongue, but in truth is far from easy to enact, is that Methodists are called to be *'the friends of all and the enemies of none.'*

Throughout the Troubles and since the Good Friday Agreement this theological understanding has had a number of practical expressions.

- We have tried to care for the wounded and broken-hearted, following the example of the Lord. Our pastoral care has not always been perfect, but it is at the heart of what we try to do as a church.

Psalm 147:3 He heals the broken-hearted and binds up their wounds.

- We used as a motto – 'Healing the Hurts'. This has many aspects. The hurts of the troubles are physical, mental, emotional and spiritual. They affect individuals, families, local communities and society as a whole. The means of healing may vary from one situation to another – though the path is rarely easy. We have tried to combine truth with compassion and bring hope into the darkness.

It is perhaps not for us to say how successful we have been in these endeavors, though some have kindly observed that the Methodists punch above their weight. In part, that may be because we are by far the smallest of the 'four main churches'. As such we may be perceived as less of a threat and also, we may seem to hold the middle ground. It is surely true that, we have had over the decades a number of remarkable individuals, who have played significant roles in public and in private behind the scenes – folk like Sadie Patterson, Eric Gallagher and Harold Good. There have of course, been many others who have contributed faithfully and the value of their work is perhaps only known unto God.

LEGACY – DEALING WITH THE PAST

We feel it is always important in these discussions to be reminded of the scale of those who have suffered most and by whose hand this suffering was inflicted.

We want to remember all the 3,532 people who have died in the years of the Troubles 1968-2001 in Northern Ireland (Eames & Bradley 2009) that has affected so many families:

- 2,055 deaths [58%] from republican paramilitary groups
- 1,020 deaths [29%] from loyalist groups
- 368 deaths [10%] from security forces
- 80 persons unknown [2%]

We also want to acknowledge the human suffering that lies behind those statistics. In addition to those who have died, almost 50,000 people have been physically wounded and there have been over 30,000 shootings. We have probably not been fully aware of how traumatic this has been for so many families living in Northern Ireland because it remains hidden or silent in each community. It is estimated that one in three people of all ages have been directly or indirectly affected and one third of survivors have spoken of serious suicidal thoughts. The political failure to agree a post-conflict reconciliation process means that much trauma continues unprocessed to this day and not talked about, both at an individual level for victims/survivors and at a collective societal level for each community. We don't believe collective amnesia of what happened enables all of us to move on and lift the burden of the violent past. We simply must do it with urgency.

Before coming to some specific comments on the issues before the NI Select Affairs Committee, in the light of the Secretary of State's statement of 18 March, it may be helpful to tease out a little the question – twenty two years after the Belfast Good Friday Agreement, who are the Legacy structures now designed for? Needs are changing in terms of who wants investigations because of their need for legal justice and who wants truth recovery to put their mind at rest or to achieve relational justice with combatants. To help our thinking, we have laid out the differing perspectives of the four main 'groups'. Among them, many still have unmet needs which must be satisfied by an overarching institutional legacy framework.

Who are the Legacy structures for?

1. VICTIMS

- Those who have 'moved on' / come to terms with loss / don't want the past 'dug up again'.
- Those for whom legacy is a 'live issue'.
 - want justice; full investigations; prosecutions - guilty in jail for as long as possible
 - accept that justice is almost impossible
 - content to leave the past alone (may need and want support in the present / future)
 - want truth / information about the past – prepared to engage with a truth recovery process
 - find truth that brings closure
 - find truth that opens up other issues (no closure)

2. COMBATANTS

- LEGAL → did a difficult job within the law, need recognition for their service and suffering
 - may have bent or broken the rules (in what they regarded as a 'dirty war')
- ILLEGAL → something to hide and not willing to co-operate with truth recovery
 - willing to tell truth to families? apology? immunity from prosecution

3. POLITICIANS

- those who have never and will never support use of violence for political ends
- those who supported use of violence in the past (? may do in some circumstances in the future)
 - the danger of re-writing history and avoiding responsibility

4. GENERAL SOCIETY

- a new generation who are not interested in the past (? Danger of ignorance leading to complacency)
- those who lived through the troubles
 - not deeply affected at the times and not so interested in legacy
 - still traumatized and in need of support - resolving legacy may be very helpful
 - seriously affected by the troubles, but in a better place now – may have various views on legacy (as victims above)

Whatever the experience of the troubles, surely all thoughtful people will be aware of the danger of history repeating itself and the risk of widespread violence in Ireland is a possibility we cannot ignore. Dealing well with legacy will be a vital part of averting that danger.

OUR CONCERNS

The layout above highlights not just the different groups that may have competing interests in the Legacy debate but also the differing and complex views within the same 'category'.

With sensitivity to this background we would like to make the following observations and comments about dealing with the legacy of the past, particularly in light of the Secretary of State's statement of 18 March.

- A. Building on previous legacy proposals. We lament the inability to implement previous genuine efforts dealing with the legacy question and to bring the matter at the high political level to any kind of agreed conclusion. The Eames / Bradley report (2009); the Historical Enquiries Team (suspended 2014); the Haass / O'Sullivan talks (2013); and the Stormont House Agreement (2014) have all 'stumbled' for differing reasons. Each had very significant merits which may have been lost in the row over some contested elements. Any successful mechanism for dealing with legacy will surely have to pick up exactly the same themes again.
- B. We need urgent implementation. As Christians, we are called to support the healing of pain, bereavement and loss as well as engage in the ministry of reconciliation. There is an urgency about providing a legal architecture for legacy of violence cases because we have reached the outer limits of people's memory and recall. There is a huge political and moral responsibility on all of us not to delay any longer. Future generations will not thank the generation who experienced the Troubles for avoiding the task of working through legacy issues.
- C. Our previous call for a stay on prosecutions. In our MCI submission to the Legacy consultation in September 2018, we were of the view that the suggested Historical Investigation Unit was deeply problematic. We listed 15 factors that undermined the delivery of legal justice for victims, making it nearly impossible. These included overly optimistic budget and time-scale projections, together with a remote possibility of a successful prosecution in a very small number of cases. This led us to call for a more financially efficient and timely approach to obtain truth recovery for victims. A stay on prosecutions (and the legal proceedings they would have required) seemed to us to open up a far greater chance of a useful investigation to get at the facts that might bring a degree of resolution to a far greater number of victims and their families.
- D. ECHR Article 2 compliance. When we came to this view, we had not fully appreciated the implications of Article 2 of the European Convention of Human Rights which was signed by the United Kingdom. This places an obligation on the state to ensure that an independent, effective, prompt and transparent investigation is carried out into any

death caused by the state or where it appears that the state has failed to protect someone. The state's obligation to protect the right to life also extends to an obligation to investigate deaths in certain circumstances caused by private non-state actors (McEvoy et al 2020). This is particularly pertinent in cases where there may never have been any meaningful investigation since the time of the incident.

- E. Kenova methodology. We have been encouraged by some insights we have gained into Operation Kenova. It has not reported yet but through informal contacts we have been impressed by the way that former Chief Constable Jon Boutcher has led his team and been able to uncover information previously 'hidden' and the way the team have liaised with families, communicating effectively with them and building confidence. These are two vital ingredients for any future structures.

- F. Lack of detail. We are perplexed by the statement from the Secretary of State for NI on 18 March. After the massive response to the consultation of September 2018 it is surprising that the SoS's statement is less than two pages long! In the grapevine, two very cynical views dominate the discussion: (1) It is driven by the Ministry of Defence and their need to protect British soldiers and other members of the security forces who have served in NI. (2) Knowing that the proposals will be further legally and politically challenged, taking perhaps several years, it is simply a ploy to 'kick the can down the road.' One or both of these views may have substance, but at this point we hope for better. We are prepared to listen and ask questions to see if the filling out of the proposals will in fact lead rapidly to a mechanism for dealing with the legacy of the past that will substantially meet the needs of the victims and society as a whole.

- G. Shift resources into reconciliation. We want to see resources put into a reconciliation approach between victim/survivors and former combatants rather than the legal/court route. While the Secretary of State supports this ambition in his statement, there are no details provided. For this to happen, the provision for limited immunity provided in the Stormont House Agreement is required so as to encourage former combatants to come forward to share their story and respond to the concerns of the victim. The ICIR (or whatever structure is put in place) needs to have a flexible terms of reference to enable person-to-person storytelling rather than a words-only page providing the information of the event. Reconciliation comes through humanising moments of listening as well as back-and-forth dialogue.

In conclusion, we wish the committee well in their work and pray that it will contribute positively to an outcome that is sensitive to the needs of victims, enables truth to be told, helps to build lasting peace and reconciliation for our grandchildren. Dealing with the past well is important so that we can all embrace the future without rancor.

Reference: Kieran McEvoy et al. Prosecutions, Imprisonment and the Stormont House Agreement: A Critical Analysis of Proposals on Dealing with the Past (April 2020)

May 2020

