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Tithe an Oireachtais: Joint Committee on the Implementation of the Good Friday Agreement

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Key Issues:

1. Potential role of the Oral History Archive (OHA) proposed under the terms of the Stormont House Agreement to reach out to diverse communities (including victims) and to advance reconciliation
2. Key concerns with the proposed model
3. Link between the Oral History Archive and the Implementation and Reconciliation Group
4. Statements of Acknowledgment

ANNA BRYSON is a Senior Lecturer in the School of Law at Queen's University Belfast. She has published three books including (with Seán McConville) *The Routledge Guide to Interviewing: Oral History, Social Enquiry and Investigation*. Her recent article "Victims, Violence and Voice: Transitional Justice, Oral History and Dealing with the Past" (*Hastings International and Comparative Law Review*) explores the ethical dimensions of sensitive field research and the theoretical intersections between law, history and the interview. Since 2014 Anna has been working together with colleagues from QUB, Ulster University and the Committee on the Administration of Justice to develop a Model Bill for the Dealing with the Past elements of the Stormont House Agreement. Her ongoing work on the proposed Oral History Archive was acknowledged in 2016 with the award of a QUB Vice-Chancellor's Research Impact Prize. Anna is one of two Northern Ireland representatives for the Oral History Society, a founding director of the Oral History Network of Ireland, and an active member of the Healing Through Remembering Stories Network. She has served on the advisory board of more than a dozen Northern Ireland conflict-related research projects and is a member of the AHRC Peer Review College.

1. Potential role of the Oral History Archive (OHA) to reach out to diverse communities (including victims) and to advance reconciliation

- a. Debates on the legacy mechanisms proposed under the terms of the Stormont House Agreement have largely focused on the Historical Investigations Unit (HIU) and the Independent Commission on Information Retrieval (ICIR). Less attention has been paid to the Oral History Archive (OHA), a body tasked with providing ‘a central place for people from all backgrounds to share experiences and narratives relating to the Troubles and to draw together existing oral history projects.’
- b. This archive presents an important opportunity to preserve our shared cultural heritage, to acknowledge and address the suffering of victims and survivors across Ireland and Britain, and ultimately to further the cause of reconciliation.
- c. The scope of the HIU and ICIR is necessarily limited: they have specific prosecutorial and truth recovery functions.
- d. The Oral History Archive by contrast holds the potential to broaden the canvas on dealing with the past and to address hitherto neglected themes such as rural experiences of conflict, gender dimensions of violence, mental health, and generational shifts.
- e. Building on a significant corpus of existing accounts and resources it can get beyond narrow political interpretations of the past and provide important alternatives for those whose experience may not be directly relevant to the work of the HIU or ICIR, and who wish to avail of the opportunity to tell their story in full and in context at a time and place that best suits their needs.
- f. Storytelling and oral history initiatives are internationally recognised as an important and distinctive element of peacebuilding and reconciliation. In the course of the last twenty years I have (for successive projects) conducted more than 150 one-to-one interviews with a diverse range of people (including victims and survivors, well known politicians, former combatants and ex-prisoners, emergency service workers, teachers, clergy and homemakers). I have seen at first-hand how powerful and valuable it is to give voice to individuals who have been hitherto silenced, occluded or ignored. Far from being a ‘soft option’, this mechanism offers something quite different to that of the other mechanisms. It takes the longer view, defies simplistic and mono-causal explanations of conflict, and opens up opportunities to hear ‘the other’s’ voice - in all its ‘messy’ complexity - and thus to touch on aspects of our shared humanity.

2. Key concerns with the proposed model

- a. A key principle agreed upon by the five main political parties and the British and Irish governments and enshrined in the Stormont House Agreement is that ‘the Archive will be **independent** and **free from political interference** (para 24, SHA).
- b. In my experience in working across very diverse conflict-related oral history projects I know that if there is consensus on anything it is that political interference must be avoided at all costs. This point was reinforced in the extensive consultations that we engaged in as part of our work on the ‘Model Bill’ legislation project. At a Masterclass organised by the WAVE Tramua Centre, for example, victims urged us to do our utmost to ensure that the oral history archive did not become manipulated by vested political interests.

- c. In the previously leaked version of the Stormont House Agreement legislation, it was proposed to house the Oral History Archive in the Public Records Office of Northern Ireland, under 'charge and superintendence' of the Director of that organisation, known as the Deputy Keeper. The 'Keeper' to whom the Deputy Keeper of PRONI is answerable is the Minister of the Department of Communities. It has been suggested that the parent department may not give the Deputy Keeper and direction in respect of his / her duties in relation to the Archive but this is countered by another clause in the last leaked version of the official draft legislation that gives statutory power to the Minister to make the rules that will govern the organisation of the archive, and the performance of the Deputy Keeper in relation to his / her duties. I have argued elsewhere that what is being proposed thus amounts to a mere 'fig-leaf' of independence.
- d. The overall design and feel of the model proposed to date is 'top-down' and 'state-centric'. We know from both national and international experience how quickly mechanisms of this nature – be they truth and reconciliation commissions or oral history archives – get labelled – as elitist or otherwise exclusionary. We know also that in work of this nature second chances are hard to come by.
- e. If the Archive must be housed in the Public Records Office of Northern Ireland, under the 'charge and superintendence' of the Deputy Keeper (likely to be a career civil servant with no particular grounding in oral history, transitional justice, peace and conflict studies, or even archive studies), it is vital that the powers of both the Deputy Keeper and the state is tempered by an independent steering group with real and demonstrable powers of oversight (function and remit of the Archive, governance, code of practice and operation). Appointments to this board should not be in the gift of the Deputy Keeper and / or the Minister for Communities. Rather they should be made in accordance with public appointments criteria. The relevant criteria for appointment should be set out in the legislation, and should ensure that learning from previously funded oral history projects is brought to bear on this Archive. Granted real and meaningful powers of oversight, this steering group would serve a crucial function in helping to establish and develop: an appropriate vision for this Archive; a sensible acquisitions policy; creative and imaginative ways of engaging with existing groups and organisations; and means of garnering the support and trust of previously unheard voices, including victims and survivors.
- f. To ensure adherence to international best practice at every stage of the process provision must also be made for a detailed code of practice (with particular guidelines for work with specific groups such as victims and young people). This should acknowledge the need for adherence to robust ethical and legal guidelines but at the same time recognise that the Archive should enjoy a degree of flexibility and creativity in terms of its modes of engagement. The 'Model Bill' group thus proposed a 'training the trainers' model. This was partly to facilitate and enable the good work that has been done and continues to be done by existing oral history and storytelling groups. It also speaks to the reality that many individuals and victims in particular will only agree to participate if they can speak to a familiar and trusted interviewer.

3. Link between the Oral History Archive and the Implementation and Reconciliation Group (IRG)

- a. The SHA stated that an Implementation and Reconciliation Group (IRG) would be established ‘to oversee themes, archives and information recovery.’ After a period of five years this group is to commission a report on themes. It was anticipated that the evidence base for these should emanate from ‘any of the legacy mechanisms’. It was stressed that ‘this process should be conducted with sensitivity and rigorous intellectual integrity, devoid of any political interference’. Again, there is a potential counter in that the eleven strong body will include persons nominated by First and deputy First Minister (the chair) and by the DUP, Sinn Fein, the SDLP, the UUP, the Alliance Party, and the UK and Irish governments. A key challenge will be to ensure that the appointment process enshrined in legislation ensures that evidence of academic rigour outweighs political bias. We have suggested that bodies such as the Research Councils in the UK and the Royal Irish Academy offer instructive and proven models for assessment of the appropriate standards.
- b. In view of the suggestion that the other legacy mechanisms will provide much of the evidence base for the final report on patterns and themes, it is important to reflect on the link between the Oral History Archive and the Implementation and Reconciliation Group.
- c. In the previously linked drafts of the official legislation there was no reference to the potential role of the OHA in feeding patterns and themes – and in particular how interviewees and / or topics might be identified and prioritised. All such powers to decide on which records are of ‘lasting historical significance’ and are thus admissible, and indeed which records should be destroyed, was reserved to the Deputy Keeper.
- d. We have cautioned against the dangers of a lazy reliance on self-selection and instead suggest that the steering group should help to establish robust criteria for acquisitions policy, with reference to a clearly defined vision and set of objectives for the Archive.

4. Statements of Acknowledgement

- a. The Stormont House Agreement states that ‘in the context of the work of the IRG, the UK and Irish Governments will consider statements of acknowledgement and would expect others to do the same’. If members are interested I would be happy to talk further about work that Prof. McEvoy and I are involved in relating to ‘apologies and the past’.

Relevant Publications by Anna Bryson

2017. ‘Transitional Justice, Historicity and Praxis in Dealing with the Past in Northern Ireland’
In *Transitional Justice Beyond Blueprints: Cultural and Political Contexts* ed. Claire Garbett and Sari Wastell (Routledge, Transitional Justice Series)
2016. ‘Victims, Violence and Voice: Transitional Justice, Oral History and Dealing with the Past’ (sole-author),
Hastings International and Comparative Law Journal, vol. 39 (2), pp. 299-353
2016. ‘The Stormont House Agreement: Justice, Truth and Dealing with the Past’ (with Kieran McEvoy), *Northern Ireland Legal Quarterly*, vol. 67(1), pp. 67-90
2016. ‘The Stormont House Agreement: Model Bill’ (with Kieran McEvoy, Louise Mallinder, Brian Gormally, Daniel Holder and Jeremy Hill), *Northern Ireland Legal Quarterly*, vol. 67(1), pp. 1-36.
2016. ‘The Stormont House Agreement: Explanatory Framework’ (with Kieran McEvoy, Louise Mallinder, Brian Gormally, Daniel Holder and Jeremy Hill) *Northern Ireland Legal Quarterly*, vol. 67(1), pp. 37-66.
2014. ‘The Interview: A Tool for Peacebuilding? Reflections on the Peace Process, Layers of Meaning Project (sole-author), *Journal of Cross Border Studies in Ireland*, no. 9, pp. 79-90
- 2014 *The Routledge Guide to Interviewing: Oral History, Social Enquiry and Investigation* (with Seán McConville). London: Routledge, pp.160