

Factsheet on the Draft Agreement of 31 December 2013

Overview

- The May 2013 “Together: Building a United Community” strategy called for the formation of a Panel of Parties in the NI Executive to recommend ways forward on parades and protests, flags and emblems, and the past. The First Minister and deputy First Minister invited Richard Haass and Meghan O’Sullivan to serve as chair and vice chair of the Panel.
- The Panel’s work took nearly six months, including 33 days of meetings and negotiations, and involved some 100 meetings with 500 people and 600 submissions from interested groups and the public.
- The Panel worked to produce a substantive accord that would:
 - Help Northern Ireland meet some of its most vexing challenges;
 - Do so in a way that reduced sectarianism and promoted reconciliation and a shared future; and
 - Be acceptable to all five parties of the Executive.
- As a five-party document, the proposed agreement necessarily required compromise on some preferences, but not core principles, by all involved. To reach an agreement that would win the approval of all, no party could achieve all it wanted and not all issues could be addressed.

Parades, Select Commemorations, and Related Protests

The draft agreement:

- Recognises parading as an important cultural and historical tradition for many in Northern Ireland that enjoys protection under European and international human rights law.
- Notes the wide variety of other rights potentially affected by parades and other events and calls for a new consensus based on rights, responsibilities, and relationships.
- Streamlines and normalises the vast majority of events, which are non-contentious, while increasing transparency and accountability.
- Devolves authority from the Parades Commission to the government in Belfast:
 - The Office for Parades, Select Commemorations, and Related Protests would have responsibility for receiving event notifications and promoting dialogue and mediation among event organisers and local communities.
 - The Authority for Public Events Adjudication would in some cases set conditions on the relatively small number of events requiring special treatment. Decisions would be taken by a seven-member panel led by a legally-qualified person. All affected parties could pursue an internal review and judicial review.
- Includes principles for a new code of conduct to be enshrined in law.

Flags and Emblems

- This area proved the most difficult in which to reach consensus; there was no accord on policies surrounding the flying of flags on official buildings or the unofficial display of flags and emblems in public space.
- Views on this issue were closely tied to larger debates about sovereignty, identity, and related matters that were beyond the remit of these talks.
- The draft agreement establishes a Commission on Identity, Culture, and Tradition to hold public discussions on those issues throughout Northern Ireland.
- The Commission would:
 - Bring the public more directly into considered debate on flags, emblems and other cultural symbols;
 - Include members from inside and outside government; and
 - Submit a report after 18 months on issues including but not limited to flags; emblems; Irish and other languages, including Ulster Scots; a Bill of Rights; gender; public holidays, possibly including a day of remembrance or reflection; and memorabilia and other items in public buildings.
- The First Minister and deputy First Minister are to bring any recommendations receiving broad support on the Commission to the NI Executive for further action.

Contending with the Past

The draft agreement makes substantial progress in addressing the past. It:

- Accords victims and survivors of the conflict special consideration, making their individual choices paramount wherever possible.
- Welcomes the ongoing review of the Victims and Survivors Service and pledges to promptly consider recommended reforms.
- Calls for the establishment of a comprehensive Mental Trauma Service.
- Ensures the avenue of justice remains open by:
 - Establishing a Historical Investigations Unit (HIU), with the full investigative powers of the Police Service of Northern Ireland (PSNI), to take over the cases now being addressed by the Historical Enquiries Team (HET) and the historical unit of the Police Ombudsman of Northern Ireland (PONI).
 - Where the evidence warrants, the HIU could refer cases to the Public Prosecution Service.
 - HIU would consider cases in chronological order, beginning where HET left off; in extreme cases of old age or illness, cases could be brought forward in the queue.
 - After the HIU has completed reviews of all outstanding HET and PONI cases, it would consider requests for re-reviews of cases previously examined by the HET or PONI.
 - Should resources permit, it would also consider requests for reviews of cases involving serious injury but not death.
- Calls for an Independent Commission for Information Retrieval (ICIR) to enable victims and survivors to seek and privately receive information about conflict-related events. The ICIR:
 - Does not provide amnesty for those who come forward with information about the conflict.
 - Does provide those coming forward with limited immunity, also known as inadmissibility, for statements. The information provided to ICIR could not be used in court, but prosecution would still be possible based on evidence obtained through other means.
 - Would also use information it recovers, plus public records and interviews it conducts independently, to assess the presence of certain patterns or themes involving governments and paramilitary organisations in conflict-related cases. It would also report on the degree of cooperation with this process by governments and paramilitary organisations.
- Calls for public statements of acknowledgment by those involved in the conflict, encouraging them to take responsibility for what they have done and express remorse for the pain they have caused.
- Pledges to facilitate the collection of individual narratives of the conflict and to establish an archive for their preservation.

Conclusion and Implementation

The draft agreement:

- Seeks to build on the successes of the Belfast/Good Friday Agreement and other previous pacts by advancing the unfinished work of Northern Ireland's peace process.
- Is the product of work informed by a sense of urgency given the tension and violence of the past year and the need to contend with the past before the passage of time makes this even more difficult.
- Is not self-implementing, but requires approval, resources, and support for implementation in Northern Ireland and, for certain elements, in Westminster and elsewhere.
- Establishes an Implementation and Reconciliation Group to monitor the agreement's implementation and take further steps to promote reconciliation.
- Would leave the people of Northern Ireland considerably better off than they are today by tackling the difficult issues that continue to divide society.