

## **LEGACY**

**The SDLP believes that the needs of victims and survivors should be paramount. This is a fundamental requirement that should inform outcomes.**

The challenge is to comprehensively and ethically address the legacy of the past and the needs of victims and survivors. This would be one of the single greatest contributions to reconciliation and healing.

In each legacy negotiation and elsewhere the SDLP has produced detailed proposals on legacy structures and how to maximise the opportunities for justice, accountability and acknowledgement. Across existing and proposed structures - inquests, OHA, HIU, ICIR, IRG, PONI, PSNI - there is still work to be advanced and concluded on powers, staffing, workings, funding and various other matters. This needs to be done to achieve the best outcomes for victims and survivors and for the Past to be decisively addressed.

We have been consistent in our positions on legacy evident in our many papers over many years. The SDLP have always acknowledged where legacy proposals were strong but committed the party to seek to rectify where proposals were weak. That remains our approach.

### **Addressing the Past should be victim centred and victim led**

- The SDLP has argued that a victim centred and led approach was required. This should have produced a parallel process to the political negotiations enabling victim input to legacy design and content. The absence of this approach has denied to victims and survivors a proper input into the content and design on legacy proposals.
- The party believes that in too many ways victims and survivors have been on the outside. They should be on the inside in terms of design and content.

### **Inquests**

- The SDLP have fully acknowledged the strong and structured approach of the Lord Chief Justice and judicial colleagues on inquest reform. The impediment to taking forward this programme of work is a political and government failure.
- The funding of inquests should be a separate budget line from the funding of other legacy requirements. Inquest funding should not be hostage to political failure or government resistance. The monies requested by the Lord Chief Justice should be released forthwith and international legal obligations honoured.

### **Funding and timeframe**

- The £150 million legacy contribution from London is transparently inadequate. We believe that there must also be a very significant uplift on the £150 million due to a number of factors and changed circumstances since Stormont House. There should also be a provision for a regular annual funding review. The needs of victims and survivors will endure long into the future. So too must funding.
- The draft Legacy Bill proposed a five-year timeline for legacy structures with an extension of one year. It is the firm view of the SDLP that properly addressing the Past cannot be on the cheap or done in haste. We believe that the timeframe should be six years in the first instance with the provision to extend to eight and then ten years with annual review thereafter.

## **Disclosure**

- Issues of disclosure should be the responsibility of the Director of the HIU as head of an investigatory body. This is the model in place with the Police Ombudsman.
- The architecture of national security embedded in the HIU and across proposed legacy structures is an attempt to repeatedly close down the HIU Director and others in how they conduct their affair including and up to the content of a family report.
- The disclosure model is fundamentally flawed – which if not fixed will lead to flawed outcomes including the content of family reports.
- The issue of disclosure is more than one of national security. The co-operation of organisations and agencies - state and non-state - with legacy structures, to provide all necessary information and to properly assist inquiry will be essential if the needs of victims and survivors are to be met. There has been limited attention paid to these requirements. There should be answers to the legitimate questions that shall be raised.

## **Consultation**

- Any consultation should be comprehensive, properly structured and have the genuine intention of enabling an input that can enhance the content of legislation.
- The risk of a hard landing in the consultation on contentious issues – on funding, cases to be investigated by the HIU, disclosure matters, timeframe, national security etc. – should be recognised. This is why more effort to get more of legacy right before consultation is crucial.

## **Mental Trauma Service**

- The SDLP welcome that Peace monies are now being distribute but there needs to be discussions on future funding due to the impact Brexit could have on funding streams.
- The Mental Trauma Service appears more virtual than real, lacks funding and a robust approach to dealing with higher level trauma. The experience of victims and survivors will endure for years and across generations. This reality should inform the scale of response, one clearly still lacking.

## **Victims pensions**

- The SDLP supports a consultation of a proposed victims pension.

## **Commentary**

Yet the risk continues that the Past will be addressed on terms that protect vested interests not on the basis of the justice, accountability and acknowledgement required by and owed to victims and survivors. There is often a mutual interest between state agencies on the one hand and illegal groups on the other- particularly those who held positions of 'command and control' - to resist truth and justice. They cannot prevail.