

Implementing the Stormont House Agreement: Model Legislation and Treaty on Dealing with the Past in Northern Ireland

Background

This project has developed from a partnership between civil society and academia. For a number of years, the Queen's University School of Law and Ulster University Transitional Justice Institute project on Amnesties, Prosecutions and the Public Interest in the Northern Ireland Transition (funded by the Arts and Humanities Research Council) provided technical and legal information to civil society and politicians on a range of dealing with the past related themes.

Building on that work, in mid-2014 the team from Queen's and Ulster University joined with local non-governmental organisation, the Committee on the Administration of Justice to work on a project on dealing with the past supported by the QUB Business Alliance Fund and the QUB Collaborative Development Fund. The first output from this collaboration was a report detailing the limitations of existing dealing with the past mechanisms – the *Apparatus of Impunity* launched at Queen's in January 2015. The second major output is the model 'Dealing with the Past' Bill. The model bill includes provisions on four new institutions that are envisaged in the Stormont House Agreement:

- Historical Investigations Unit
- Independent Commission on Information Retrieval (included in both the model bill and a model treaty appended to the bill)
- Oral History Archive
- Implementation and Reconciliation Group

The output is accompanied by Explanatory Notes. All documents are available on the CAJ website: <http://www.caj.org.uk/contents/1289>

Purpose and Process

The purpose of drafting a Model Bill was to explore in the necessary level of detail how the past-related elements of the Stormont House Agreement could be implemented in practice, in a way that would be human rights compliant and answer the needs of victims and broader society. It was decided to take on the responsibility of putting forward practical proposals, within the parameters of the Agreement, rather than producing what the drafters would think of as a perfect model. The idea was to influence the official drafting of legislation while reflecting a human rights based approach and the perspective of civil society. During the drafting process, the team held meetings to share the work in progress and to consult with the Department of Justice, the Northern Ireland Office, the Irish Department of Foreign Affairs, the Legacy Practitioners Group of NGOs, lawyers and academics, political representatives and other stakeholders. We also shared a draft version of the model bill at a high profile conference in May 2015.

Drafting Committee

Those involved in the drafting committee of the model bill are:

- Professor Kieran McEvoy (QUB)
- Daniel Holder (CAJ)
- Professor Louise Mallinder (TJI, UU)
- Brian Gormally (CAJ)
- Jeremy Hill (Visiting Fellow, TJI)
- Gemma McKeown (CAJ)
- Anna Bryson (QUB)
- Daniel Greenberg (Barrister specialising in legislation)