Political Reconciliation in Northern Ireland and the Bloody Sunday Inquiry

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On 29 January 1998, Tony Blair announced the establishment of a new judicial inquiry chaired by Lord Saville of Newdigate into the killings of thirteen unarmed civil rights demonstrators in Derry on 30 January 1972, claiming that

> "Our concern now is simply to establish the truth, and to close this painful chapter once and for all [...] I believe that it is in everyone's interests that the truth be established and told. That is also the way forward to the necessary reconciliation that will be such an important part of building a secure future for the people of Northern Ireland."[1]

Establishing the truth was not the only motive for re-opening the inquiry into Bloody Sunday; the announcement came at a pivotal point in the negotiations leading to the Belfast Agreement in April 1998, and played a key role in easing Anglo-Irish relations and relations with the Nationalist community and their political representatives in Northern Ireland. However, the apparent belief that establishing the truth of what had happened twenty six years earlier would lead to reconciliation in Northern Ireland is one which requires some examination, as it raises questions about the nature and interpretations of the conflict in Northern Ireland (thus the nature of reconcilia-

1 Tony Blair, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 502.

tion there), the impact of the past on contemporary politics and society, and how this legacy can be dealt with in a way that promotes reconciliation rather than recrimination. This chapter assesses the state and nature of reconciliation in Northern Ireland, before examining the problem of dealing with the legacy of conflict and the initiatives which have aimed to address this issue. Finally, a case study of the Bloody Sunday Inquiry is employed to examine the use of public inquiries as a means of dealing with the past. The Bloody Sunday Inquiry was not the sole government initiative to address the past; Ken Bloomfield produced a report on the issue in April 1998, while the Consultative Group on the Past, chaired by Robin Eames and Denis Bradley, issued its recommendations in January 2009. Neither was it the only initiative aimed at addressing nationalist grievances; the government introduced a series of measures, including parading legislation, and policing and justice reforms. Although the Bloody Sunday Inquiry was not operating in a vacuum, and cannot therefore be used as the only marker of reconciliation, it does highlight the problems posed by the past for reconciliation, and the difficulties involved in addressing the legacy of the Troubles.

THE STATE AND NATURE OF RECONCILIATION IN NORTHERN IRELAND

In some ways, the Northern Ireland peace process itself can be understood as a process of reconciliation. Republicans reconciled their aspiration for a united Ireland to the fact that a majority of the population of Northern Ireland supported the union with Great Britain, and decided to pursue constitutional, rather than violent, means of achieving Irish unity, with the exception of a small minority of dissidents. For their part, the majority of Unionists agreed to share power with Republicans, and formerly implacable political opponents began to work together in a power-sharing executive at Stormont. Diplomatic relations between the United Kingdom and the Republic of Ireland have been largely normalised, epitomised by the first state visit of a British monarch to the Republic of Ireland for one hundred years in May 2011. Of Bloomfield's four peace processes – the peace process, the political process, the international process, and the community process –

three appear near completion.[2] However, the fourth process, the community process, provides the

"greatest grounds for continuing concern [...] Sectarian segregation is still deeply entrenched; physical separation between hostile communities remains inevitable in too many areas; contentious marches and parades heighten tension and reinforce animosity".[3]

The number of peace walls constructed after the paramilitary ceasefires in 1994 provided a stark visual and physical reminder of the continuing divisions between the two communities in Northern Ireland.[4] In 2010, the Northern Ireland Life and Times survey reported that fifty five per cent of respondents lived in areas where the majority of their neighbours were of the same religion, while sixty-one per cent said that all or most of their friends were of the same religion as them.[5] One could even interpret the existence of the power-sharing executive led by the Democratic Unionist Party (DUP) and Sinn Féin as representative of this failure of social reconciliation, as the presence of two sectarian blocs forced to share power with each other.

Connolly suggests that reconciliation has three main elements: "a lack of bitterness in political and other public relationships, a dialogue between former enemies based on the present rather than the past, and a single, uni-

2 Kenneth Bloomfield, *A Tragedy of Errors: The Government and Misgovernment of Northern Ireland* (Liverpool: Liverpool University Press, 2007), 3. Bloomfield was the head of the Northern Ireland Civil Service from 1984 to 1991, was appointed Victims Commissioner for Northern Ireland in 1997 and was also a member of the Independent Commission for the Location of Victims' Remains.

3 Ibid.

4 BBC News, The walls that don't come down, 2011, http://news.bbc.co.uk/1/hi/northern_ireland/8121362.stm, accessed 20 May.

5 http://www.ark.ac.uk/nilt/2010/Community_Relations/SRELNGH.html, http://www.ark.ac.uk/nilt/2010/Community_Relations/SRELFRND.html, accessed 28 November 2011.

fied version of past events".[6] Using this definition, it is clear that reconciliation in Northern Ireland is incomplete. The comments of Tom Elliott, then leader of the Ulster Unionist Party, after the 2011 Northern Ireland Assembly elections, when he described Sinn Féin supporters as "scum" and said that he "would not forget" the past, reveal both bitterness and a failure to engage with his former enemies "based on the present rather than the past".[7] Powell has made the point that the two communities have their own "internally consistent and mutually exclusive" histories of Northern Ireland, indicating the absence of a "single, unified version of past events", which Connolly suggests is a necessary element of reconciliation.[8] Although it is debatable whether this is even possible, given the plurality of histories in any society, the use of these different pasts to legitimise and reinforce division is clearly antithetical to reconciliation. However, if one adopts Porter's argument about the two connotations of reconciliation, where "the negative connotation highlights our being reconciled *to* some state of affairs – such as one in which the claims of difference can no longer be dismissed or ignored – the positive connotation highlights our being reconciled *with* those who are different from us", perhaps post-conflict Northern Ireland offers an example where the negative connotation of reconciliation is dominant.[9] Unionists and Nationalists are becoming reconciled *to* each other, but not yet *with* each other.

Kelly and Hamber argue that reconciliation can be achieved by pursuing five interrelated strands: developing a shared vision of an interdependent and fair society; acknowledging and dealing with the past; building positive relationships; encouraging significant cultural and attitudinal

6 Christopher K. Connolly, Living on the Past: The Role of Truth Commissions in Post-Conflict Societies and the Case Study of Northern Ireland, *Cornell International Law Journal 39* (2006), 401-433, here: 410.

7 BBC News, Tom Elliott attacks 'Sinn Fein scum', http://www.bbc.co.uk/news/uk-northern-ireland-13323770, accessed 20 May 2011.

8 Jonathan Powell, *Great Hatred, Little Room: Making Peace in Northern Ireland* (London: Bodley Head, 2008), 58. Powell was Tony Blair's Chief of Staff and played a key role in facilitating discussion between the parties from 1997 to 2007.

9 Norman Porter, *The Elusive Quest* (Belfast: Blackstaff Press, 2003), 66. Italics in original.

change; and engaging in substantial social, economic and political change.[10] The British government has been particularly involved in promoting social, economic and political change in Northern Ireland, as part of its engagement in the peace process, through a series of confidence-building measures aimed at addressing the alienation of nationalists from the state. This programme included legislation to deal with contentious parades, the incorporation of the European Convention on Human Rights into UK law, the encouragement of a Bill of Rights for Northern Ireland, policing reform, prison reform, de-escalation of military operations in Northern Ireland in accordance with the levels of violence, a review of emergency powers legislation, and action on employment equality.[11] Barton and McCully point out that the existence of two parallel and separate educational systems in Northern Ireland is often blamed for the perpetuation of community divisions, and therefore initiatives in educational policy aimed at overcoming those divisions, such as the mandated cross-curricular themes of Education for Mutual Understanding and Cultural Heritage, introduced in the 1989 Education Reform (Northern Ireland) Order, are "regularly promoted as important contributors to peace and reconciliation".[12] These initiatives were intended to play an important role in encouraging changes in attitudes, the construction of positive relationships with those from different traditions and in the development of a shared vision of an interdependent and fair society.

The failure of the various parties to the conflict to engage wholeheartedly in addressing the legacy of the past has nevertheless meant that reconciliation remains an elusive goal. This is partly linked to the existence of two competing narratives of the conflict in Northern Ireland, which present the conflict either as an internal conflict between Nationalists and Union-

10 Gráinne Kelly and Brandon Hamber, *Reconciliation: a working definition* (Belfast: Democratic Dialogue, 2004).

11 Colin Knox and Pádraic Quirk, *Peace Building in Northern Ireland, Israel and South Africa: Transition, Transformation and Reconciliation* (Basingstoke: Macmillan, 2000), 46.

12 Keith C. Barton and Alan McCully, History Teaching and the Perpetuation of Memories: The Northern Ireland Experience, in: *The Role of Memory in Ethnic Conflict*, ed. Ed Cairns and Mícheál D. Roe (Basingstoke: Palgrave Macmillan, 2003), 107-124, here: 107-108.

ists, or as one in which external actors and forces, particularly the British state and British imperialism, played a significant role.[13] These competing narratives have an impact on understandings of who is to be reconciled in Northern Ireland. In an internal conflict analysis, reconciliation is primarily between Nationalists and Unionists within Northern Ireland, whereas in an analysis, which highlights, for example, the role of British imperialism, reconciliation must include British state actors. Connolly argues that the failure to address the legacies of the conflict means that "Northern Ireland has yet to establish 'truth' in the form of a broadly-acceptable narrative of the Troubles upon which peace and reconciliation may be built".[14] This suggests that in the absence of a shared interpretation of the past (or at least interpretations which are not diametrically opposed to one another), a post-conflict society cannot move towards a shared future. It also has an effect on some of the other strands of reconciliation outlined by Kelly and Hamber. Building positive relationships based on trust and tolerance, and changing cultures and attitudes are difficult where suspicion, prejudice and intolerance remain due to the legacy of past conflict. Cairns and Roe argue that unless the past, and memories of the past, are addressed,

> "groups are often left with a sense of 'victimhood' that stems from unacknowledged and unreconciled historic losses. These in turn present a powerful barrier to traditional methods of peacemaking and diplomacy and create new senses of wrong and injustice thus creating the potential for future conflict."[15]

Where loss and suffering is unacknowledged, groups and individuals remain alienated from the post-conflict society.

Although there have been initiatives dealing with discrete aspects of the past, for example, the Bloody Sunday Inquiry, there has been no initiative introduced to deal comprehensively, with the participation of all parties to the conflict, with the legacy of the past. This is partly due to the absence of

13 Bill Rolston, Assembling the jigsaw: truth, justice and transition in the North of Ireland, *Race and Class* 44, 1 (2002), 87-105, here: 88.

14 Connolly, Living on the Past, 414.

15 Ed Cairns and Mícheál D. Roe, Introduction: Why Memories in Conflict?, in: *The Role of Memory in Ethnic Conflict*, ed. Ed Cairns and Mícheál D. Roe (Basingstoke: Palgrave Macmillan, 2003), 3-8, here: 4-5.

consensus on who constitute the victims of the conflict. Although the draft Bill of Rights for Northern Ireland suggests that "the loss and suffering of *all* victims of that conflict and the responsibility of *State and non-State participants* are appropriately and independently established and/or acknowledged",[16] Hamber refers to the notion of a hierarchy of victims in Northern Ireland where some groups refer to themselves as 'innocent' victims, which implies that 'guilty' victims also exist.[17] He also argues that "[M]any victims of paramilitary violence feel that their suffering is seen as less important in light of the concessions to political (largely Republican) prisoners";[18] in this way, concessions and measures such as prisoner releases have had a negative impact on the way in which the past is perceived and addressed.

The perception of ignored victimhood also exists for victims of state violence, who "feel they have always been secondary victims because the hegemony of the British state remains".[19] This is also linked to the issue of the two discourses about the Northern Ireland conflict; where the internal conflict narrative is dominant, the role of state violence in the problem of the past is ignored, and victims of state violence marginalised. In addition, there is reluctance amongst the parties to the conflict to engage in questions of truth recovery, particularly Sinn Féin and the British state.[20] The combined effect is that the past has been exploited for political advantage; as Marie Breen Smyth argues, "the uses to which suffering has been put in

16 Making a Bill of Rights for Northern Ireland: A Consultation by the Northern Ireland Human Rights Commission (Belfast: Northern Ireland Human Rights Commission, 2001), Cl. 8 (a) 1. Emphasis added.

17 Brandon Hamber, Dealing with the Past: Rights and Reasons: Challenges for Truth Recovery in South Africa and Northern Ireland, *Fordham International Law Journal* 26 (2002-2003), 1074-1094, here: 1090.

18 Ibid.

19 Ibid.

20 Christine Bell, Dealing with the Past in Northern Ireland, *Fordham International Law Journal* 26 (2002-2003), 1095-1147, here: 1107. In contrast, Lawther suggests that it is, in fact, Unionists and Loyalists who are opposed to the introduction of formal truth recovery processes; Cheryl Lawther, Unionism, Truth Recovery and the Fearful Past, *Irish Political Studies* 26, 3 (2011), 361-382, here: 362.

Northern Ireland have often served an agenda more preoccupied with political advantage than with healing or reconciliation".[21] For example, in March 2011, Martin McGuinness and the DUP's Gregory Campbell clashed in an Assembly debate on the past when Campbell asked McGuinness to make an "unambiguous statement of his involvement" in the Troubles; in response, McGuinness accused Campbell of being "embedded in the past".[22]

DEALING WITH THE LEGACY OF THE PAST IN NORTHERN IRELAND

Despite reluctance to examine the past comprehensively, there have been several initiatives examining aspects of the past in Northern Ireland. Within civil society, these have frequently taken the form of community storytelling and oral history groups, such as the Dúchas Oral History Group which recorded testimonies about experiences of the conflict in nationalist West Belfast,[23] and the Ardoyne Commemoration Project, which collected stories from the friends and relatives of all those from Ardoyne in North Belfast who died during the conflict.[24] Although these are often based within specific communities, such as that of nationalist West Belfast, and have therefore developed "specifically to address the historical experience of particular communities", Graham Dawson suggests that this form of truth recovery need not necessarily be divisive, as it creates opportunities for "encountering other perspectives and narratives".[25]

21 Marie Breen Smyth, *Truth Recovery and Justice After Conflict: Managing Violent Pasts* (London: Routledge, 2007), 85.

22 Martin McGuinness and Gregory Campbell clash, http://www.belfasttelegraph.co.uk/news/politics/martin-mcguinness-and-gregory-campbell-clash-15106734.html, accessed 28 November 2011.

23 http://www.rascal.ac.uk/index.php?CollectionID=205&navOp=locID&navVar=39, accessed 18 May 2011.

24 Ardoyne Commemoration Project, *Ardoyne: The Untold Truth* (Belfast: Beyond The Pale, 2001), http://cain.ulst.ac.uk/issues/victims/ardoyne/ardoyne02a.htm, accessed 25 May 2011.

25 Graham Dawson, *Making peace with the past: Memory, trauma and the Irish Troubles* (Manchester: Manchester University Press, 2007), 25.

Alternatively, there are groups which campaign on behalf of specific groups of victims, such as Relatives for Justice (RFJ), campaigning for the recognition of victims of state violence,[26] and Families Acting for Innocent Relatives (FAIR), who call for the recognition of the suffering of Unionists in South Armagh.[27] However, Eilish McCabe of RFJ has pointed out that Unionist victims' groups often refuse to cooperate with groups who have connections to Republican paramilitaries; Dawson argues that "this attitude demonizes not only the Republican paramilitaries, but nationalist families and whole communities […] In doing so, it reconstitutes traditional sectarian divisions and hampers any possibility of cross-community reconciliation."[28] Tonge highlights a similar problem for civil society groups engaged in conflict resolution; such groups need to develop "sufficient cross-community contacts to make the group appear non-sectarian and afford [them] a genuine prospect of ameliorating the conflict from below".[29] Where civil society groups are drawn solely from one community, particularly when addressing the problem of the past, the danger is that the group will focus on the experience of their own community to the exclusion of other communities, and thus precludes the development of the "single, unified version of past events" which Connolly argues is necessary for reconciliation.

The past has also been examined through state-sponsored initiatives, from apologies for specific events to commissions on the past and inquiries into particularly controversial deaths. In October 1997, Kenneth Bloomfield was appointed as Victims' Commissioner and asked "to look at possible ways to recognise the pain and suffering felt by victims of violence arising from the troubles of the last thirty years, including those who have died or been injured in the service of the community".[30] Bloomfield reported in

26 Rolston, Assembling the jigsaw, 95.

27 http://victims.org.uk/s08zhk/index.php?option=com_content&task=view&id=1&Itemid=2, accessed 25 May 2011.

28 Dawson, *Making peace with the past*, 285.

29 Jonathan Tonge, *The New Northern Irish Politics?* (Basingstoke: Palgrave Macmillan, 2005), 215.

30 We Will Remember Them: Report of the Northern Ireland Victims' Commissioner, http://cain.ulst.ac.uk/issues/victims/docs/bloomfield98.pdf, accessed 25 May 2011.

April 1998, but was heavily criticised for reinforcing the notion of the hierarchy of victims; Lundy and McGovern suggest that this approach "sowed anew the old seeds of ostracism" by implying that there were more deserving victims, and therefore less deserving victims.[31] The Consultative Group on the Past, established in June 2007 to examine the legacy of the past in Northern Ireland, sought to move away from the hierarchy of victims perception, demonstrated by the recommendation of a £12,000 recognition payment to the relatives of all those killed during the conflict.[32] However, this particular recommendation proved highly controversial, as Unionist leaders vehemently criticised the suggestion that the families of dead paramilitaries should be treated the same as the families of civilians killed by paramilitary actions.[33]

As various recommendations for dealing with the legacy of the past in a comprehensive manner failed to meet with sufficient cross-community consensus, the past has instead been dealt with through examining discrete events, for example, the inquiries into Bloody Sunday, Billy Wright, Rosemary Nelson and Robert Hamill, as well as commissions dealing with specific groups of victims, such as the Independent Commission for the Locations of Victims' Remains (ICLVR), focusing on the Disappeared.[34] Bell suggests that this approach to dealing with the past was part of the confidence-building strategy of the British government in relation to the peace process, that it amounts to little more than a "balancing of Unionist and Nationalist demands" and therefore has done little to discourage the politicisa-

31 Patricia Lundy and Mark McGovern, The Politics of Memory in Post-Conflict Northern Ireland, *Peace Review* 13, 1 (2001), 27-33, here: 29.

32 Report of the Consultative Group on the Past: Executive Summary, http://cain.ulst.ac.uk/victims/docs/consultative_group/cgp_230109_report_sum.pdf, accessed 25 May 2011.

33 For example, Nigel Dodds of the DUP, who argued that "[T]here can be no moral equivalence between the people who were murdered in the Shankill Road bombing and the criminal Thomas Begley who murdered them", BBC News, Reaction to Eames/Bradley Report, http://news.bbc.co.uk/1/hi/northern_ireland/7856590.stm, accessed 25 May 2011.

34 The term *Disappeared* refers to "those killed and buried in secret by proscribed organisations prior to 10 April 1998 as a result of the Northern Ireland conflict", http://www.iclvr.ie/, accessed 25 May 2011.

tion of the past.[35] The only initiative which sought to examine comprehensively and systematically every death relating to the Troubles was the Historical Enquiries Team of the Police Service of Northern Ireland; however, the team's objective was to establish the circumstances of each death, rather than to promote reconciliation.[36]

CASE STUDY: THE BLOODY SUNDAY INQUIRY

On 30 January 1972, members of the First Battalion of the British Army Parachute Regiment opened fire on an anti-internment march organised by the Northern Ireland Civil Rights Association (NICRA) after a small group of protesters were involved in low-level rioting and stone-throwing. Thirteen unarmed men were shot dead and a further fifteen people were wounded, one of whom later died of his injuries. The next day, the Home Secretary, Reginald Maudling, announced that an independent inquiry would be established to examine the "circumstances of the march and the incidents leading up to the casualties which resulted".[37] This inquiry was established under the chairmanship of the Lord Chief Justice, John Widgery, but could hardly be described as independent. In a meeting with Widgery, the Prime Minister, Edward Heath, instructed him to remember during his inquiry that "we were in Northern Ireland fighting not only a military war but a propaganda war".[38] Central to this propaganda war was the internal conflict narrative that Britain was a "neutral umpire between two warring tribes" in Northern Ireland.[39] Accordingly, the Widgery Report exonerated the soldiers, claiming that "[T]here is no reason to suppose that the soldiers would

35 Bell, Dealing with the Past in Northern Ireland, 1101.

36 Introduction from the Chief Constable, http://www.psni.police.uk/historical-enquiries-team, accessed 27 May 2011.

37 Reginald Maudling, House of Commons, *Hansard*, 31 January 1972, Vol. 830, Col. 33.

38 Edward Heath, 1 February 1972, quoted in Dermot P.J. Walsh, *Bloody Sunday and the Rule of Law in Northern Ireland* (Basingstoke: Macmillan, 2000), 63.

39 Rolston, Assembling the jigsaw, 88.

have opened fire if they had not been fired upon first".[40] Instead, Widgery concluded that "[t]here would have been no deaths in Londonderry on 30 January if those who organised the illegal march had not thereby created a highly dangerous situation in which a clash between demonstrators and the security forces was almost inevitable".[41] Thus the organisers and the marchers were condemned for engineering the situation, while the soldiers, though occasionally criticised for firing which "bordered on the reckless", were cleared of responsibility for the deaths and injuries sustained on Bloody Sunday.[42]

The combination of Bloody Sunday and the Widgery Report had profound consequences for the relationship between the Nationalist community in Northern Ireland and the British state. It demonstrated that

> "the rule of law had been completely abandoned by Britain in its attempt to shore up unionist power in the State and that consequently, a state of war existed. For some, the killings on Bloody Sunday justified the use of violence against the State. For others, they indicated that peaceful protest was impossible and eventually the non-violent street protest of the civil rights movement withered away."[43]

In doing so, it cemented the alienation of Nationalists from the British state, and increased doubts that they would ever be treated fairly within the United Kingdom. Furthermore, it had implications for the relationship between Nationalists and Unionists, as many Unionists adopted the official version of Bloody Sunday, as instituted in the Widgery Report, and blamed the protesters for the events of that day.[44] Dawson points out that although "there have always been some Protestants and Unionists sympathetic to the suffer-

40 Lord Widgery, Report of the Tribunal appointed to inquire into the events on Sunday, 30th January 1972, which led to loss of life in connection with the procession in Londonderry on that day (London: Her Majesty's Stationery Office, 1972), http://cain.ulst.ac.uk/hmso/widgery.htm, accessed 25 May 2011.

41 Ibid.

42 Ibid.

43 Angela Hegarty, The Government of Memory: Public Inquiries and the Limits of Justice in Northern Ireland, *Fordham International Law Journal* 26 (2002-2003), 1148-1192, here: 1167.

44 Dawson, *Making peace with the past*, 90.

ing and injustice endured on and after Bloody Sunday, for many years this was given no effective public voice. Recognition of the atrocity was at best grudging."[45] This presents another example of the difficulty of reconciliation "when a section of the population can continue to deny that the state ever acted wrongly whilst another section feels their suffering has never been acknowledged".[46] With the British state denying its culpability in the events of Bloody Sunday and the majority of Unionists supporting this denial, the families of those killed on Bloody Sunday and the wider Nationalist community felt that their suffering had been denied and marginalised.

The sense of injustice engendered by Bloody Sunday and the Widgery Report meant that the families and the Nationalist community adopted "alternative ways to remember it and to tell its version of the truth".[47] Annual commemorative marches were organised in Derry, initially by NICRA and then by Sinn Féin, from 1973 to 1989. The strong association of the Bloody Sunday campaign with Sinn Féin during a period when Sinn Féin was unrepentantly supportive of the IRA and armed struggle meant that the campaign did not attract much support or sympathy outside militant Nationalism. However, there was no specific organisation campaigning on behalf of the Bloody Sunday victims "as a cause in itself" until 1987, when the Bloody Sunday Initiative (BSI) was established.[48] The BSI realised that "if the campaign was to succeed it would have to be made accessible to individuals and interest groups outside Republicanism" and therefore took over the organisation of the annual commemoration in 1989 and began to lead the campaign for the institution of a new public inquiry into Bloody Sunday.[49] McCann suggests that this was "symbolic of a shift back from outright rejection of the legal and constitutional system, and tentatively towards the pursuit of remedies within the system".[50]

45 Ibid., 121.

46 Lundy and McGovern, The Politics of Memory, 30.

47 Hegarty, The Government of Memory, 1170.

48 *The Bloody Sunday Inquiry: The Families Speak Out*, ed. Eamonn McCann (London: Pluto Press, 2006), 8. McCann was one of the organisers of the civil rights march on 30 January 1972 and was a prominent campaigner for a new inquiry into Bloody Sunday.

49 Ibid., 7.

50 Ibid., 8.

In parallel with the shift towards searching for remedies within the framework of the UK state and legal system and with the efforts to broaden the campaign's support base, the Bloody Sunday campaign attracted increasing support within Northern Ireland, in the Republic of Ireland and in Britain. In 1992, former Northern Ireland minister Peter Bottomley asked whether there would be a re-examining of the conclusions of the Widgery Tribunal.[51] This request was echoed by his fellow chair of the cross-party New Consensus group, Harry Barnes, who wrote to the Prime Minister, John Major.[52] In the same year, the leader of the Social Democratic and Labour Party (SDLP), John Hume, wrote to Major to request a new inquiry; although the request was denied, Major acknowledged that all those killed on Bloody Sunday should be regarded as innocent of the allegations that they had been handling explosives and firearms.[53] The Irish Government also pursued the call for a new inquiry through diplomatic channels, and submitted a report of all the new evidence about Bloody Sunday to the British government in June 1997. The report concluded that Widgery "must be replaced by a clear and truthful account of events on that day, so that its poisonous legacy can be set aside and the wounds left by it can begin to be healed".[54]

While the expectation of the two governments in Dublin and London was that granting a new inquiry would aid reconciliation, the Bloody Sunday campaigners had different expectations. Hegarty points out that "it is sometimes the case that people call for public inquiries because they believe that *they* know the essential truth about a situation and simply want the state to 'own up'. Long campaigns for 'the truth' or for new public inquiries to be set up also heighten this expectation."[55] The Bloody Sunday

51 Peter Bottomley, House of Commons, *Hansard*, 7 February 1992, Vol. 203, Col. 325W.

52 Michael Mates, House of Commons, *Hansard*, 15 June 1992, Vol. 289, Col. 383W.

53 McCann, *The Bloody Sunday Inquiry*, 11. McCann suggests that Major thought that this acknowledgement would bring the matter to a close.

54 Department of the Taoiseach, *Bloody Sunday and the Report of the Widgery Tribunal: The Irish Government's Assessment of the New Material* (Dublin: Department of the Taoiseach, 1997).

55 Hegarty, The Government of Memory, 1158. Italics in original.

families had been campaigning for twenty-six years by the time Blair announced the Bloody Sunday Inquiry in January 1998. Hegarty argued in a later article that the families also expected the new inquiry to "operate much more as a truth commission than an orthodox public inquiry and that there would be less investigation of the events and rather more exposition of the local version".[56] This is echoed by McCann, who argued that "[C]ampaigners in Derry hadn't demanded a new inquiry because they wanted to be told the truth. They didn't need a report from Lord Saville to find out what happened, but to find out whether the state would acknowledge what happened."[57] The expectation was that the narrative that the campaigners had maintained since 1972, in opposition to the official state version of Bloody Sunday, would finally be officially recognised and acknowledged as the truth.

Despite not coinciding with the reasoning of the Bloody Sunday families and campaigners, the Bloody Sunday Inquiry also played a significant role in the Northern Ireland peace process. In his covering letter for the report sent to the British government, the Taoiseach Bertie Ahern wrote that "I believe that your approach to this issue can help to remove a source of profound distress not only to the relatives but to the nationalist community generally".[58] This implied that a new public inquiry into Bloody Sunday might conciliate wider Nationalist opinion and increase Nationalist confidence and support for the peace process. Walsh suggested that "[I]f justice is finally done with respect to Bloody Sunday, it is reasonable to suppose that nationalists will be more willing to place their trust in the promise of equal citizenship and the new political, social and cultural environment inherent in the peace agreement."[59] Blair wrote that his motivation for establishing the new inquiry was to "assuage Nationalist opinion", but that "pressure from the Irish" also played a role in his decision.[60] The Irish government announced that their report on the new evidence would be published, and Walsh argues that "[I]t was hardly a coincidence […] that the

56 Angela Hegarty, Truth, Law and Official Denial: The Case of Bloody Sunday, *Criminal Law Forum* 15 (2004), 199-246, here: 225.

57 McCann, *The Bloody Sunday Inquiry*, 7.

58 Ibid., 17.

59 Walsh, *Bloody Sunday and the Rule of Law*, 284.

60 Tony Blair, *A Journey* (London: Hutchinson, 2010), 165.

UK government announced the establishment of a new public judicial inquiry on the eve of the twenty-sixth anniversary, the same day that the Irish government published its report."[61] The fact that the new inquiry was established partly in response to pressure from the Irish government may have contributed to the opposition to the inquiry mounted by anti-agreement Unionists, who encouraged their followers to see it as "part-and-parcel of a wider sell-out of Protestant-Unionist interests" alongside parading legislation, policing reform and prisoner releases.[62]

Another role that the Bloody Sunday Inquiry played in the peace process was to "demonstrate to nationalists and republicans that we were even-handed and that the British government no longer had anything to hide".[63] This acknowledges that the Widgery Report had represented an effort on the part of the British government to obscure what had happened on Bloody Sunday. It is, however, interesting that Powell suggests that the Bloody Sunday Inquiry would demonstrate British neutrality in relation to Unionists and Nationalists in its handling of the peace process; in contrast, Dawson argues that the Bloody Sunday Inquiry "required a major shift in stance, away from the state's ideological self-representation as the honest broker and towards an admission of its role as an active party to the conflict".[64] Powell's description of the Weston Park talks in 2001 is more illuminating regarding his depiction of British even-handedness:

"[The] SDLP had pressed hard for inquiries into murder cases where there was a suspicion of collusion by the security forces, including the case of Patrick Finucane […] We were very reluctant to agree to this. After the continuing Bloody Sunday inquiry, the last thing Northern Ireland needed to do was to spend more of its time

61 Walsh, *Bloody Sunday and the Rule of Law*, 296.

62 McCann, *The Bloody Sunday Inquiry*, 18. The Parades Commission was established in 1998 to regulate contentious parades in Northern Ireland; Unionists viewed it as an attack on their culture. The policing reforms recommended by the Patten Commission in 1999 were criticised by Unionists as an insult to the role of the RUC in combating terrorism during the Troubles. The release of Republican prisoners from 2000 onwards was also opposed by Unionists, given the failure of the IRA to commit fully to decommissioning.

63 Powell, *Great Hatred, Little Room*, 45.

64 Dawson, *Making peace with the past*, 81.

looking back rather than preparing for the future. But in the end, in order to get the SDLP to accept the police reforms, we had to support the idea of an international judge looking at whether there were grounds for public inquiries into a series of individual cases. For their part, the Unionists wanted the list of cases to be considered to include Billy Wright, the LVF [Loyalist Volunteer Force] leader murdered in the Maze prison, to balance the otherwise exclusively Catholic bias."[65]

With regards to these inquiries, British even-handedness amounted to little more than trying to balance Nationalist and Unionist demands.

The balancing act approach was evident in other areas of the British government's involvement in the peace process; the former Northern Ireland Secretary, Mo Mowlam, wrote that the role of the British government was "like walking a tightrope, weighing the interests of one side against another and trying not to lose anyone".[66] One of the drawbacks of this approach, however, was that it was difficult to balance the demands of the two sides. Mowlam argued that it was "easier to move on some of the nationalists' issues – because they were often about making N. Ireland a fairer and more equal place to live for everyone – than on unionist demands".[67] Nationalist demands required recognisable change, whereas Unionist demands involved maintaining the status quo; as a result, the level of proposed change was frequently insufficient for Nationalists, but too much for many Unionists. As Porter argues, the balancing act approach can mean that "reconciliation ceases to function as a substantive moral ideal entailing a genuine reaching out to others and the requirements of balancing and inclusion are easily reduced to tactical ploys useful in the game of maximising one's cultural and political advantage".[68] Understanding this point is essential in understanding the differing reception of the Bloody Sunday Inquiry in the two communities in Northern Ireland (and, to a certain extent, amongst the two main political parties in Britain), and the reasons for its failure to fulfil the projected aim of promoting reconciliation.

The differences in reception are particularly evident in the parliamentary debates surrounding the announcement of the Bloody Sunday Inquiry

65 Powell, *Great Hatred, Little Room*, 199.

66 Mo Mowlam, *Momentum* (London: Hodder and Staughton, 2003), 164.

67 Ibid., 167.

68 Porter, *The Elusive Quest*, 78.

and the announcement of the report, and in the reactions in Northern Ireland, Britain and the Republic of Ireland. McCann highlighted the spectrum of opinion in the responses to the inquiry in Northern Ireland in his description of the Inquiry as "an achievement in which the Catholic/Nationalist community might rejoice and which Protestants/Unionists might accept, whether grudgingly or in a spirit of generosity, in the interests of the new accord".[69] Given the nature of zero-sum politics in divided societies such as Northern Ireland, the simple fact that the Bloody Sunday Inquiry was welcomed by the Nationalist community was sufficient reason for it to be opposed by sections of the Unionist community, as any gain for one community was interpreted as necessarily entailing a loss for the other.

At the very least, the establishment of the Bloody Sunday Inquiry was interpreted by many Unionists as indifference to the suffering sustained by the families of other victims of the Troubles, particularly those from the security forces. The DUP MP Sammy Wilson asked why it was considered necessary to re-open the inquiry into Bloody Sunday when "it was not considered necessary to hold an inquiry into the deaths of many RUC [Royal Ulster Constabulary] soldiers and innocent civilians who had been killed by terrorists".[70] This opinion is particularly echoed by those victims' groups who represent Protestant and Unionist victims, for example, Leslie Finlay, a representative of the West Tyrone-based victims' group, Voice:

> "These big inquiries now that I hear tell about, on Bloody Sunday and Pat Finucane and Rosemary Nelson, all right, then, they can enquire as much as they like, these people, but [...] [there] were no enquiries in Castlederg [...] over twenty murders in the Castlederg area and they couldn't get anybody out to investigate it."[71]

As Dawson argues, "Protestant and Unionist victims also have tended to respond to the success of those campaigns where some public recognition has been secured from the State [...] as a denial and exacerbation of their own communities' memories of trauma, suffering and loss".[72] The perception

69 McCann, *The Bloody Sunday Inquiry*, 18.

70 Sammy Wilson, House of Commons, *Hansard*, 3 November 2010, Vol. 517, Col. 967.

71 Leslie Finlay, quoted in Dawson, *Making peace with the past*, 286.

72 Ibid.

that the British government's approach to the past and truth recovery was too heavily focused on addressing the grievances of the Nationalist community was elaborated by Jim Shannon:

"I want truth for the people at Darkley Hall, the people at La Mon, the people who were at Enniskillen on Remembrance Sunday, and the people who were murdered at Ballydugan. I want the truth for all those people. If we are to have truth, we must have it for everyone, not just for selected people. The fact that this process seems to be trying to obtain the truth for selected people is what annoys me."[73]

The dangers of this perception going unaddressed were highlighted by the leader of the Irish Labour Party, Eamon Gilmore:

"I recognise that righting one particular wrong done to one particular group is a sensitive issue when so many wrongs have been done to so many other innocent victims. Some people in the Unionist community have criticised the cost of the Saville inquiry and the extent of the media attention given to the killings on Bloody Sunday. They can point, accurately, to the contrast with so many major atrocities involving paramilitaries, which received much less attention."[74]

This highlights the hazards of an approach to the past, indeed an approach to peace-making and reconciliation, which relies on the balancing of interests.

Another factor in the differing reception of the Bloody Sunday Inquiry was due to its role in building the confidence of the Nationalist community in the peace process. Jeremy Corbyn suggested that the Bloody Sunday Inquiry "will help to give an awful lot of people confidence that the Government are serious about the search for peace in Northern Ireland".[75] Indeed, Corbyn's colleague and former Northern Ireland Secretary, Paul Murphy even proposed that had the Bloody Sunday Inquiry not been established,

73 Jim Shannon, House of Commons, *Hansard*, 3 November 2010, Vol. 517, Col. 988.

74 Eamon Gilmore, Dáil Éireann, 30 June 2010, Vol. 714, Number 1, Col. 40.

75 Jeremy Corbyn, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 514.

"there would not have been a successful peace process".[76] Although the Bloody Sunday families felt that the inquiry should not take place solely as a confidence-building measure,[77] they also acknowledged that

"even if the establishment of the Inquiry came about as part of the manoeuvring and quid pro quo of the peace process, and was not simply the results of our own efforts, the fact remains that the British government was willing to take this step towards some sort of resolution, and we in the spirit of reconciliation have to accept that".[78]

However, the role of the Inquiry as a confidence-building measure contributed to its negative reception amongst Unionists. An editorial in the Unionist-leaning *Daily Telegraph* argued that

"The decision to launch the Bloody Sunday Inquiry, the plans for demilitarisation as a bargaining chip with terrorists and the suggestions that there should be a 'day of reconciliation', in which British soldiers are somehow equated with the IRA, are all offensive and all highly political. They show that our security policy is now not shaped by a sense of the national interest and by the need to keep the peace, but an obsession with a process of concession that has no bottom line."[79]

The *News Letter* pointed out that "Bloody Sunday has become so bound up in republican propaganda that unionists find it difficult to sympathise with the plight of relatives who are seeking an official apology from the Government".[80] Rather being seen as "a search for truth and justice, which surely is in the interests of all the people of Northern Ireland, whatever their political or religious beliefs",[81] the Bloody Sunday Inquiry was interpreted by many Unionists as "a one-sided sop to buy nationalist and Republican

76 Paul Murphy, House of Commons, *Hansard*, 3 November 2010, Vol. 517, Col. 966.

77 According to Harry Barnes, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 512.

78 Liam Wray, quoted in McCann, *The Bloody Sunday Inquiry*, 157.

79 Editorial: Spineless wonders, *Daily Telegraph*, 15 March 2000.

80 Apology needed for Bloody Sunday, *News Letter*, 3 February 1997.

81 Dennis Canavan, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 510.

support for the peace process".[82] Given the Inquiry's role in building Nationalist confidence in the talks leading to the Belfast Agreement, it is unsurprising that the Inquiry was primarily opposed by anti-Agreement Unionists.

Finally, there was considerable scepticism over whether the Bloody Sunday Inquiry would result in the anticipated outcome of societal healing and reconciliation. Views on this tended to be split along communal lines, with John Hume arguing that the Inquiry would hopefully "be a major part of the healing process in our divided community".[83] By contrast, his Unionist counterpart, David Trimble, suggested that this hope was misplaced, and that "[O]pening old wounds like this is more likely to do more harm than good".[84] This was echoed by Conservative MP John Wilkinson who argued that "reinvestigating these matters will just exacerbate the pain, sorrow and grief, and lead to further alienation of loyal people in Northern Ireland".[85] Although scepticism tended to be located within the Unionist community, Jean Hegarty, one of the Bloody Sunday campaigners, suggested that reconciliation through the Bloody Sunday Inquiry was impossible "because I don't think feelings in Derry towards the army about Bloody Sunday have changed. And the Inquiry has probably alienated the Unionist community even more."[86]

The range of opinion, and often bitter feelings, towards the Bloody Sunday Inquiry is indicative of the difficulties surrounding the achievement of political and social reconciliation in Northern Ireland. It has raised many questions over the use of public inquiries as a method of dealing with the legacy of the past. As Lord Bew, one of the historical advisers to the Bloody Sunday Inquiry, has pointed out,

82 Dawson, *Making peace with the past*, 202.

83 John Hume, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 504.

84 David Trimble, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 504.

85 John Wilkinson, House of Commons, *Hansard*, 29 January 1998, Vol. 305, Col. 513.

86 Jean Hegarty, quoted in McCann, *The Bloody Sunday Inquiry*, 154.

"[T]he government has a legacy from the Bloody Sunday Tribunal – not just the heavy financial cost – but also the claims from other victims of the 'Troubles' to have their stories respected by the state. It has unfinished business here, and it needs to reflect on the way it has gone about its work thus far."[87]

Breen Smyth has related these issues to the question of reconciliation, and how new approaches might be developed:

"Concern about the scale and costs associated with the Bloody Sunday Inquiry [...] have led some to question the feasibility of judicial, adversarial processes as the way forward in dealing with Northern Ireland's past. Concern about the adversarial approach and its culture which is largely antithetical to negotiation, compromise or resolution have led some towards favouring a restorative over a retributive model. Others favour a more interactive, dialogical approach, where the history is rewritten by participation at all levels of society through a narrative process."[88]

By contrast with public inquiries, the latter model would theoretically lead to the development of a shared history, and thus a shared present and future.

CONCLUSIONS

It would be unfair to suggest that there have been no successes in the current approaches to the legacy of the Northern Ireland conflict. The Bloody Sunday families welcomed the Saville Report and the subsequent apology from Prime Minister David Cameron, with the majority finding some degree of closure in the report; Tony Doherty, one of the campaigners, suggested that

"The vast majority of the families felt that what we had brought about, what we had achieved on 15 June, with the Saville Report as an exoneration, with the words of

87 Paul Bew, The Role of the Historical Adviser and the Bloody Sunday Tribunal, *Historical Research* 78, 199 (2005), 113-127, here: 116.

88 Breen Smyth, *Truth Recovery and Justice*, 179-80.

David Cameron, with apology and accepting political responsibility for the atrocity of Bloody Sunday, that it was now time for us all to consider moving on."[89]

The work of the ICLVR in locating the remains of the Disappeared, and the role of the Historical Enquiries Team (HET), have both been welcomed by the families and friends of those killed as a result of the conflict. The role of the various civil society groups, both single- and cross-community, has been important in supporting families and victims, in raising awareness of the issues involved, and in engaging with state-sponsored initiatives on dealing with the past. The state-sponsored initiatives, such as the Bloomfield Report and the work of the Consultative Group on the Past, have highlighted the issues surrounding the past and the difficulties involved in addressing those issues.

However, the consultations of these initiatives have also revealed the wide disparity in attitudes towards the past and how to deal with the legacy of conflict, and the single-community victims' groups in particular have often played a role in reinforcing the social divide, rather than overcoming it. As Breen Smyth argues, both civil society and state-sponsored initiatives for dealing with the past "have failed to achieve a comprehensive paradigm shift in the wider society, but rather have been configured into the conflict itself, which persists, at least in the minds and rhetoric of the main protagonists and their followers".[90] The past remains an arena of conflict, which reflects the nature of the peace process as a means of transforming the Northern Ireland conflict from violence to politics, rather than resolving said conflict. The lack of consensus over suggested means of examining and dealing with the legacy of the past is an example of the conflict being continued by other means and is reflective of the lack of reconciliation that addressing the past is supposed to engender.

89 BBC News, 'Last' Bloody Sunday march takes place in Derry, http://www.bbc.co.uk/news/uk-northern-ireland-12319055, accessed 25 May 2011.

90 Breen Smyth, *Truth Recovery and Justice*, 93.