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Challenges and Rewards of Engagement with Academia and the Wider Community: An Interview with Mr Brian Gormally, Director of Northern Ireland's Committee on the Administration of Justice

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Abstract

The Committee on the Administration of Justice (CAJ) is one of Northern Ireland's leading human rights organisations fighting for political and social change. In this interview, Mr Brian Gormally discusses the difference between 'hard' and 'soft' law, and how his organisation applies legal theory to the lived experience of Northern Irish communities in its work. In outlining some of the CAJ's recent projects – such as its Model Implementation Bill for the Stormont House Agreement – Mr Gormally describes successful working relationships with academia, politicians, civil society and members of the community. It is also noted that the CAJ engages with the community in a specific and strategic way; rather than targeting the general public, the organisation produces information and research for those with their hands on the levers of power. Nevertheless, Mr Gormally identifies some striking differences in public attitudes towards human rights between England and Northern Ireland, and praises the community sector in the Republic of Ireland for crafting personal and anecdotal narratives to help win the same-sex marriage referendum. Finally, Mr Gormally describes the benefits and challenges of working closely with academia, concluding that such collaboration feels natural and has resulted in long and successful relationships with local academic institutions.

Keywords: Community Engagement; Northern Ireland; Committee on the Administration of Justice; Stormont House Agreement; Model Implementation Bill; Troubles; Legacy Issues; Engagement Between Academia and the Community; Human Rights in Northern Ireland; BrexitLawNI.

1. Introduction

The Committee on the Administration of Justice (CAJ) was established in Northern Ireland in 1981 as a response to repeated human rights violations in the country during the Troubles – the 30-year sectarian conflict between unionists and nationalists over Northern Ireland's membership of the United Kingdom (UK). The organisation works between unionist and nationalist communities on human rights issues

related to peace and conflict, including subjects related to state impunity, accountable policing, freedom of expression and equality. The CAJ lobbies local, national and international government to enact legislative change, publishes high-quality reports and research and provides information, advice and representation to the victims of human rights abuses in Northern Ireland. In so doing, the organisation works closely with academic partners; the majority of its Board of Directors

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comprises academics from Queen’s University Belfast (QUB) and Ulster University (UU).

The organisation has forged a strong and productive relationship with academia in Northern Ireland over several decades. On 13 June 1981, the CAJ held a conference on the topic of the administration of justice under emergency laws at the QUB Students’ Union (CAJ, 1981). Its work in partnership with QUB has continued in the years since, including revisiting the human rights provisions of the 1998 Belfast/Good Friday Agreement (CAJ, 2013), the development of a Model Bill and a joint project – also in partnership with UU – on the legal implications of Brexit for Northern Ireland.

In recent months, the CAJ has authored publications relating to the Covid-19 pandemic. Briefing notes examine the UK’s use of emergency powers and how these have been put into practice in Northern Ireland (CAJ, 2020a), as well as exploring the implications of travel-related quarantine for those moving between the Common Travel Area (CTA) of the UK and Ireland (CAJ 2020b). Alongside Amnesty International UK and the trade union UNISON, the CAJ has called for a public enquiry into the handling of the pandemic in care homes across the country, following news from the Northern Ireland Statistics and Research Agency (NISRA) that care homes residents have accounted for 51.4% of Covid-19 related deaths in Northern Ireland – the highest proportion of care home deaths throughout the UK (NISRA, 2020, p. 9). The overarching purpose of the CAJ’s recent work in this area has been to urge the country’s political and social institutions to take a rights-based approach to tackling the pandemic.

On 13 January 2020, IMPACT Journal met with the Director of the CAJ, Brian Gormally, to discuss legal and theoretical approaches to the ongoing work of the organisation, as well as the challenges and rewards of engagement with academia and the wider community.

2. From Theory to Practice

“Our *modus operandi*,” Mr Gormally explains, “is basically to start off from a position of international human rights standards.” Such legally-binding obligations and standards are commonly referred to as ‘hard law’, and are contained in national and international treaties and conventions, such as the European Convention of Human Rights or the International Covenant on Civil and Political Rights. After having established the facts of the hard law, the CAJ considers a range of international ‘soft law’ – agreements, United Nations Special Rapporteur reports and commentaries that are not legally binding. “You’ve also got jurisprudence and various international courts, and so on,” Mr Gormally adds. “That’s the first intellectual task, to establish what the standards are. Then, secondly, to look at the reality on the ground.”

The CAJ’s ongoing work on the implementation of the Stormont House Agreement of December 2014 serves as an

effective example. The Stormont House Agreement was created to help resolve identity issues, reach an agreement on welfare reform and make local government finance more sustainable. In doing so, the Agreement proposed the establishment of four new institutions to fairly deal with Northern Ireland’s past and promote reconciliation: an Implementation and Reconciliation Group, an Oral History Archive, an Independent Commission on Information Retrieval and Historical Investigations Unit.

The CAJ’s Model Implementation Bill (2015a) demonstrated how the Stormont House Agreement’s legacy mechanisms could be implemented in a human rights compliant way – in other words, mixing hard and soft law to find a solution that works in a unique post-conflict setting. Because the Model Bill was addressing the issue of past deaths, Mr Gormally explained that the team looked at the right to life and Article 2 of the European Convention on Human Rights jurisprudence (Council of Europe, 1950). The CAJ had previously explored the situation on the ground and the existing patchwork system for dealing with the past in a previous publication co-produced with QUB called ‘The Apparatus of Impunity?’ (CAJ, 2015b). “Then you look at what the gap is and develop policy around that. In other words, what needs to change?”

The Model Bill team working on addressing that legislative gap included academics and legal professionals, as well as a barrister specialising in Parliamentary drafting. “It was a very interesting exercise, that interchange between what we wanted to achieve policy-wise and how we would put that in legal wording,” Mr Gormally reflects. “But you’ve got to think, if you’re writing legislation, how will this institution actually work on the ground?” To that end, proposals were discussed with victims and survivors, politicians, civil society, and non-governmental organisations (NGOs). The Model Bill was formally launched in October 2015 at an event at the House of Lords. However, progress on the Bill halted in 2015, in large part due to disagreements on the right way to balance the state’s national security interests against the right to information being sought by family members of Troubles victims.

Finally, in 2018, the Northern Ireland Office (NIO) published a consultation paper, seeking views on its draft Northern Ireland (Stormont House Agreement) Bill (Northern Ireland Office 2018). Once again, the CAJ worked with QUB and UU to produce a response to the Bill, highlighting the strengths and weaknesses of each of the four new institutions in depth. The response made almost 50 recommendations for changes to the Bill (see CAJ, 2018a for further detail).

At the time of interview, the NI Executive – the devolved government of NI – had just published its New Decade, New Approach agreement as a basis upon which to restore Stormont’s devolved government after three years of inaction. The cross-party deal contained several legacy proposals that committed to finally implementing the Stormont House Agreement within 100 days. This commitment was warmly

welcomed by the CAJ. “That’s excellent because it’s the most specific commitment that we’ve had,” Mr Gormally notes. “Using ‘100 days’ rather than three months was obviously to emphasise the fact that they’re going to do it quickly. We’ve been in contact for the last five years with the drafters, and so on. All of a sudden and, to an extent, out of the blue, we’ve got this very specific commitment.”

However, in March the NIO somewhat unexpectedly announced that the UK government would be taking a new approach to legacy in Northern Ireland (Northern Ireland Office, 2020). A new Bill introduced a presumptive five-year time limit on prosecutions against members of the UK armed forces who served overseas. Once again, the CAJ worked with local academics to produce a response to the proposals, which considered the extent to which they are consistent with the Good Friday Agreement, Stormont House Agreement and European Convention of Human Rights (CAJ, 2020c). The organisation continues to fight against impunity, advocating for a rights-based approach to dealing with Northern Ireland’s past.

Although the CAJ is heavily and actively involved in legacy issues – and, indeed, other related areas such as accountable policing – Mr Gormally is careful to delineate the kind of support the CAJ provides to victims from that provided by local victims’ rights organisations. “The main way that we would engage with victims, for example, is as their legal representatives.” In contrast to organisations like the Pat Finucane Centre, Relatives for Justice or WAVE Trauma Centre that offer pastoral care and support for victims, the CAJ engages with victims through a more tightly defined lawyer/client relationship. Mr Gormally adds, “We always say we are not a victims’ organisation. We’re a campaigning organisation that represents victims at strategic litigation.”

Mr Gormally notes that this point of difference creates the potential for tension between the CAJ’s role as legal representation and its role as an advocacy organisation. In practice, a client could ask the CAJ to make an appeal against a legal judgement that, should it fail, may undermine its wider campaign.

3. Engaging the Community

Given the importance of the CAJ’s work on a number of human rights and justice issues that are of great – and, often, personal – interest to the many disparate groups of people, we asked Mr Gormally to identify a target audience for the organisation’s detailed yet clear reports and publications. “The target we’re going for is not the general public,” he explains. “The target would be opinion-formers, politicians. People who, in a sense, are engaged but need some level of backup. I think they are normally the kind of people we engage with, whether they be local or national parliamentary officials or government departments. Obviously, colleagues, peers in academia or NGOs but mainly those who have their hands on the levers of power.”

One multi-faceted and complex issue on which the CAJ have been lobbying is the withdrawal of the UK from the European Union (also known as Brexit) and its political and social implications for Northern Ireland. After having produced a number of briefing notes, some of which were submitted to UK and Irish parliamentary committees and the House of Lords, the CAJ partnered with QUB and UU to establish the BrexitLawNI project in 2017. The objective of the project was to examine the “constitutional, conflict transformation, human rights and equality consequences of Brexit” (CAJ, 2018b, p. 13). The project entailed six public town hall meetings, in addition to lobbying work in Brussels, London, Dublin and Belfast. Its main output came in the form of six policy papers, published in 2018, on Brexit’s potential influence on the peace process, North-South relations, socioeconomic rights, racism and xenophobia, border controls and free movement, and human rights and equality. The CAJ also published videos and blogs on each of these themes, which are stored in an archive on the BrexitLawNI website library. “The subject-specific reports were based on reasonably rigorous analysis and research but were done in what you might call a middling format,” Mr Gormally explains. “Not page after page of references, on the one hand, but not idiots’ guides, either. What I think we were trying to aim at were people who had a level of interest and knowledge but wanted reasonably authoritative material on particular issues. I think that worked quite well.”

The issue of public engagement and pitching content at the right level is one that presents both challenges and opportunities for the CAJ. “I think it’s really quite interesting, this question of communication,” Mr Gormally reflects. “We have about 3,500 Twitter followers, which is alright, but they would tend to be people who are engaged, rather than Joe Public. Why would you follow the CAJ unless you were a bit interested in human rights, either in general or because you work for an organisation that sees the relevance of human rights to their particular work?” Mr Gormally notes that the human rights field in England is particularly concerned with how to influence public opinion as a result of negative media representation. “In England, there’s hostility developed by the tabloid press over many, many decades against the very concept of human rights.”

The political system itself reflects the apparent truth of Mr Gormally’s statement. High-profile commentators like Monica McWilliams in Northern Ireland and Alan Miller in Scotland assert the value of the UK’s Human Rights Act, which is enshrined in devolved legislation through the Scotland Act 1998, the Government of Wales Act 1998 and the Good Friday Agreement and Northern Ireland Act 1998. By contrast, Lord Lester of Herne Hill asserts that many politicians take an “intellectually hostile” attitude to rights-based political theories and cultures. Such a viewpoint is “deep within the English political and philosophical psyche” (Donald et al., 2012, p. 158).

Such perspectives towards human rights are less common in Northern Ireland. “All the polling that’s done here says that people think human rights are really important, even though human rights are perhaps even more politicised here than they are in England. It’s in a different way,” Mr Gormally added. Polling conducted by Northern Ireland’s Human Rights Consortium shows that not only do human rights enjoy widespread support in the country, but they are one of few issues that unify the divided population; 87% of Catholic respondents and 82% of Protestant respondents stated their belief that protecting human rights in Northern Ireland was a “positive” or “very positive” thing (Human Rights Consortium, 2017). “You can go to [a local political party] and say, ‘Are human rights important?’ They would say yes. They may have a very different conception of what they mean by that, but the very concept is not ruled out in the same way it can be in England.”

Mr Gormally highlights important lessons to be learned from the Republic of Ireland. “The other big influence here on the question of communication, I would suggest, has been the experience in the South, particularly around the equal marriage campaign. That was a very careful, very creditable campaign. The lessons from that are the power of anecdote, stories. Making the public presentation very much about stories, rather than theoretical positions.”

These lessons apply in the specific context of lobbying the public during referenda, which Mr Gormally notes are increasingly rare. It is essential for NGOs to consider the specific needs of their various audiences and the accessibility of their language. “There is a risk of diluting your message. You want to use real stories and real people – which is a good method of communication – but you also need analysis. I don’t think, on the whole, that the people who come to the CAJ see our role as popularising the issues. However, we also need to not seal ourselves into our own bubble by the language we use. There is a problem when you get human rights activists together. ‘I’ll see your Article 2, and what about Article 10, section (1), paragraph (b)?’ This kind of stuff, where people talk in these acronyms or references that are completely exclusive to anybody who doesn’t live and breathe the stuff.”

4. Collaboration with Academics

Mr Gormally states that the work of the CAJ fits neatly into academia, identifying several benefits of engaging with the local academic community. First, this brings added expertise. “It’s not that we need academics to give us the intellectual brainpower, but it expands it – it’s a multiplier effect. We’ve got a staff of seven, all different posts. If you’re working with three or four top notch academics, it simply expands the amount of available computing power, if you like.”

On a practical level, partnering with academic institutions unlocks access to financial resources. “There’s quite often access to grant money that only an academic institution can apply to. The biggest in our area would be the ESRC [Economic and Social Research Council], which funded our

BrexitLawNI project. You can’t just apply to that as an NGO, generally speaking. It’s got to be an academic institution, so there’s a practical question of hook up there.”

Collaborative working grants NGOs access to a number of opportunities ordinarily available within academic circles and can also expand the reach of an organisation’s research and ongoing work. “We would hold a lot of our conferences at QUB,” Mr Gormally explains. “There’s also, depending on the nature of the engagement, access into academia as a sector. Academics go to conferences, write articles and reference journals. They get, therefore, a spread, so there’s an impact aspect by somebody like us hooking up with the university.” Mr Gormally notes that the academic sector also benefits from that impact factor. “We’re in civil society and are disseminating the ideas that come out of the collaboration, actively campaigning.” For example, the BrexitLawNI project was part of a UK-wide initiative around Brexit called ‘The UK in a Changing Europe’. Based at King’s College London, the initiative aims to provide impartial information, insight, and analysis on UK-EU relations. Through BrexitLawNI, the CAJ was linked in with the initiative’s events and publications.

Finally, engaging with academia allows NGOs to reap the benefits of that culture – namely, expertise, resources and opportunities – while avoiding the administrative burdens and bureaucracy associated with the university sector. “There’s plenty of administration of our own,” Mr Gormally clarifies, “but we’re not part of the in-fighting, the bureaucratic stuff and the management aspects that are part and parcel of being part of a big institution. We can dip in and dip out, in a way. To put it another way, just the fun aspects,” he jokes. Because of its position as a community and rights-based organisation, the CAJ’s work is alive to the reality of the situations it seeks to analyse and the lived experiences of victims and survivors. By contrast, some academic work in the field of humanities and social science is often considered impractical or irrelevant. “I suppose that frustration can be expressed in what you often hear – ‘Typical academics!’ What do people mean by that? They mean remote from reality. They mean following an idea because it’s interesting rather than because it’s relevant.” Luckily for the CAJ, Mr Gormally states, the academics with whom his organisation works are also long-term activists.

The CAJ and other community organisations in Northern Ireland are interviewed by many local and international PhD students and researchers. “We do get people interviewing us all the time. It’s not difficult for us because, apart from anything else, it’s our job to disseminate what we’re doing but, obviously, we do get numerous PhD students and people, often from abroad, saying, ‘We’re very interested in your peace process. Can we talk to you about it?’”

Mr Gormally notes that the development of ethics committees has significantly impacted the relationship between academia and the community over recent years. “More at a community level, victims’ organisations or ex-prisoner organisations would be forever having academics coming in and researching them. There can be a certain level of fatigue about that. There

would have perhaps been in the past stuff about academics not being sensitive to what they were researching, and people's needs. Maybe coming in with big boots on in sensitive areas. I think probably with the development of ethics committees and so on, that's probably considerably less."

However, while students and early career academic researchers are often constrained by more risk-averse ethics committees, as an independent NGO the CAJ is able to undertake challenging research without having to present its plans before such committees. "I wouldn't want to be constrained by the risk-averse thing of some ethics committees. That is a downside," Mr Gormally reflects. "I'm willing to be constrained by ethics. We would interact all the time with people like ex-prisoners or paramilitary members. You have to be able to take risks, but I completely understand why a university has a responsibility to protect researchers. While hopefully we operate ethically, a university as a big institution has to have systems which, in a sense, are designed to deal with hard cases."

It should be noted, of course, that ethical approval systems in universities are not only designed to protect researchers but also to ensure that they approach research participants in an honest and respectful way. Ethics committees provide guidelines for the safe and responsible conduct of research to high ethical standards.

"I really do think that there are very few negatives in our relationship with academia in general, and QUB in particular," Mr Gormally concludes. "We really see the value. To be honest, there's almost nothing we do in isolation. A lot of our equality work is with equality NGOs and sometimes with academics who specialise in that area. For us, collaboration is natural because it just works."

Conclusion

The CAJ's long and successful relationship with academia in Northern Ireland is a testament to the power of effective collaboration between community organisations and the academic sector. This relationship has undoubtedly been strengthened by the presence of academic researchers on the CAJ's board of directors, as well as projects undertaken in partnership with local universities, such as BrexitLawNI. As well as the advantages of technical expertise, academia has been able to offer the CAJ practical help, such as access to funding and conference venues. Perhaps the most beneficial result of the collaboration, however, has been access to new networks and new avenues of outreach into the community – something that is invaluable for community organisations and academic institutions alike.

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