

LESSONS FROM RWANDA: WHY THE U.K. SHOULD PROMOTE RECONCILIATION THROUGH LOCALIZED STRATEGIES IN PLACE OF PROSECUTORIAL AMNESTY

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INTRODUCTION

The United Kingdom (“U.K.”) has a long, rich, and complicated history, but is likely better known contemporarily through its icons, the late Queen Elizabeth II and Big Ben, for example. Beyond that surface, formulated through its time as an expansive empire, is the complexity and controversy that comes with being the U.K., a prominent global hegemonic power throughout generations. One such complexity that has spanned centuries is the demarcation between Northern Ireland (“N.I.”) and the Republic of Ireland.

In early September 2023, the U.K.’s House of Commons (“Parliament”) passed the Northern Ireland Troubles (Legacy and Reconciliation) Act (“the Act”), intending to promote reconciliation between the U.K. and N.I. given the thirty-year conflict known as the Troubles.¹ Having received royal assent from King Charles III, and thus, becoming law, the Act establishes “an Independent Commission for Reconciliation and Information Recovery, limiting criminal investigations, legal proceedings, inquests and police complaints.”² Given the emotional and physical pain left by the Troubles, Parliament’s latest attempt at creating reconciliation amongst those involved has been received negatively

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¹ See Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, c. 41, § 1 (UK) (Sept. 18, 2023), <https://www.legislation.gov.uk/ukpga/2023/41/enacted>.

² *Id.* long tit.

and remains controversial across the entire island of Ireland.³ Even with the change in government that occurred in July 2024, and the subsequent promises to repeal the Troubles Act, significant work will have to be done to repair the bonds the Act damaged, alongside the continued necessity of striving for reconciliation.⁴

Meanwhile, several thousand miles to its south, Rwanda has approached conflict, tragedy, and reconciliation markedly differently. Following the Rwandan genocide in 1994, public gatherings known as Gacaca Courts were formed, allowing criminals to confess to their crimes, while also apologizing to the families of the victims.⁵ Judges mediated the court hearing, asking for confessions to be told, and for survivors to pardon the offenders, all while in a public setting.⁶ If criminals were untruthful or did not admit to their crimes, those in attendance would hold them accountable for their actions.⁷ The Catholic Church, and its local priests, served as a large influence in pursuing reconciliation among Rwandans following the genocide.⁸

This paper examines whether the U.K. and N.I. can learn a more effective form of reconciliation following the Troubles than the termination of criminal investigations in the Act, taking lessons from the reconciliation efforts that came after the Rwandan genocide. Part I will cover the background of reconciliation as a legal concept, the Troubles, the Act in more in-depth, and the Rwandan genocide. Part II will be an analysis of why the U.K. and N.I. should continue to work towards productive reconciliation by utilizing localized reconciliation strategies, taking direct lessons from the Gacaca courts, and understanding modern-day obstacles to reconciliation. Lastly, this note will conclude by articulating why reconciliation in Northern Ireland requires a more careful governmental approach to achieve true reconciliation.

³ See *Northern Ireland Troubles: Controversy Legacy Bill Passes Through Commons*, BBC (Sept. 6, 2023), <https://www.bbc.com/news/uk-northern-ireland-66720994>.

⁴ See Brendan Hughes & Raymona Crozier, *Benn Will Not Put Timeline on Repeal of Troubles Act*, BBC (July 17, 2024), <https://www.bbc.com/news/articles/cevw4w8xkz8o> (“In his speech, King Charles said: ‘In consultation with all parties, measures will be brought forward to begin the process of repealing and replacing the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023.’”); see also *How Labour Beat the Conservatives in Britain After 14 Years, By the Numbers*, THE ASSOCIATED PRESS (July 5, 2024, 2:55 PM), <https://apnews.com/article/united-kingdom-election-parliament-labour-conservatives-numbers-03c6c23bc2f0268c4221a83bf05e677f>.

⁵ See Jeffrey Odell Korgen, *Forgiveness Unbound: Reconciliation Education is Helping Rwanda to Heal*, AM. MAG. (Sept. 10, 2007), <https://www.americamagazine.org/issue/624/article/forgiveness-unbound>.

⁶ See *id.*

⁷ See *id.*

⁸ See Rita Deliperi, *Accepting the Unacceptable: Christian Churches and the 1994 Rwandan Genocide*, E-INT’L RELS. (Aug. 9, 2020), <https://www.e-ir.info/pdf/86828>.

I. BACKGROUND

A. RECONCILIATION

Reconciliation “encompasses truth-telling, sharing of historical narratives, or dialogue to transform relations among groups affected by conflict and rebuild trust between the state and citizens so that former enemies can envision and realize a shared future.”⁹ How reconciliation comes to fruition in practice can mean different things to different afflicted groups; some may seek mere coexistence, some may want acknowledgment and an apology for past abuses, while others may strive for active dialogue between opposing sides.¹⁰ The ultimate goal of reconciliation, regardless of how it is executed, is to prevent “the use of the past as the seed of renewed conflict.”¹¹ Reconciliation is not a one-time event that can be done once and forgotten, rather, it is a process that is difficult, long, and unpredictable with many twists and turns along the way.¹² There are three stages in the reconciliation process: “Replacing Fear by Non-Violent Coexistence;” “Building Confidence and Trust;” and “[Developing] Empathy.”¹³

A historic example of reconciliation is the Commission of Truth and Reconciliation following the South African Apartheid. Apartheid was a legal regime that enforced racial segregation in South Africa from 1948 to 1990, stripping “South African blacks of their civil and political rights and instituted segregated education, health care, and all other public services.”¹⁴ The mandate of the Commission was to investigate human rights violations during Apartheid, “including abductions, killings, torture.”¹⁵ In its report that was presented to President Mandela in October 1998, the Commission made recommendations, such as a detailed reparations program and encouragement to reform aspects of South African society, to ensure the success of a reconciliation process.¹⁶ South Africa’s Commission of Truth and Reconciliation is widely regarded as a successful example of a truth commission because it built a “strong democratic foundation after decades of human rights abuses.”¹⁷

⁹ *Reconciliation*, U.S. INST. OF PEACE, <https://www.usip.org/issue-areas/reconciliation> (last visited Nov. 17, 2024).

¹⁰ *See Reconciliation*, CARNEGIE COUNCIL FOR ETHICS IN INT’L AFF., <https://www.carnegiecouncil.org/explore-engage/key-terms/reconciliation> (last visited Nov. 17, 2024).

¹¹ DAVID BLOOMFIELD ET AL., *RECONCILIATION AFTER VIOLENT CONFLICT: A HANDBOOK* 19 (2003).

¹² *See id.* (“[Reconciliation] is not an event but a process, and as such usually a difficult, long and unpredictable one, involving various steps and stages.”).

¹³ *See id.* (highlighting the three stages of reconciliation).

¹⁴ *See Truth Commission: South Africa*, U.S. INST. OF PEACE (Dec. 1, 1995), <https://www.usip.org/publications/1995/12/truth-commission-south-africa>.

¹⁵ *Id.* (identifying some of the human rights violations that influenced the formation of the Truth Commission).

¹⁶ *See id.* (detailing the various recommendations, conclusions, and developments made by the Truth and Reconciliation Commission).

¹⁷ Tama Koss, *South Africa's Truth and Reconciliation Commission: A Model for the Future*, 14 FLA. J. INT’L L. 517, 526 (2002).

Further, there is more than one method of engaging in reconciliation. The People-to-People Reconciliation Model, for example, “focuses on interventions that attempt to influence small collections of individuals — with the expectation that changes among such small groups can spread through populations and create widespread change.”¹⁸ Prosecutorial amnesty is considered a form of reconciliation that some legal scholars argue is commonplace when states are going through transitional periods, typically after a violent conflict, accompanied by political upheaval.¹⁹ Overall, prosecutorial amnesty has been engaged to balance the needs of the State “to move on from the past and not to upset the delicate political process towards peace,” as well as the needs of the international community to focus on prosecuting “those accused of international crimes.”²⁰ However, in transitional states, the question “is not simply whether to prosecute, but whom to prosecute, and how broadly.”²¹ By limiting the use of amnesty after conflict, legal scholars have argued that “the transitional state may seek to acknowledge past wrongs, assign blame, mark a break from the past, and provide some sense of collective justice without jeopardizing the forward-looking goals.”²² While the balance between total prosecution and attempts at reconciliation is delicate, legal scholars have noted that it is difficult to see a blanket amnesty as part of a legitimate reconciliation policy.²³ Clemency can exist as part of reconciliation procedures, but forgiveness that does not remove obstacles to reconciliation or fact-finding goals, is not forgiveness in pursuit of reconciliation, instead “it is impunity.”²⁴

B. THE TROUBLES

From the late 1960s until 1998, when the Good Friday Agreement was signed by the Republic of Ireland and the U.K., the political conflict known as The Troubles roiled Northern Ireland.²⁵ “The Troubles thrived on a rift that had existed since Northern Ireland was formed;” a rift between Catholic nationalists who sought to rid the Crown and reunite the Irish island, and Protestant loyalists

¹⁸ *People-to-People Reconciliation Model*, U.S. INST. OF PEACE, <https://www.usip.org/programs/people-people-reconciliation-model> (last visited Nov. 17, 2024).

¹⁹ See Yasmin Naqvi, *Amnesty for War Crimes: Defining the Limits of International Recognition*, 85 INT’L REV. RED CROSS 583, 586 (2003).

²⁰ *Id.* (describing prosecutorial amnesty as typically utilized when States are going through transition periods, and during that time, the international community needs to balance the State’s competing needs).

²¹ Alexander K.A. Greenawalt, *Justice Without Politics? Prosecutorial Discretion and the International Criminal Court*, 39 N.Y.U. J. INT’L L. & POL. 583, 620 (2007).

²² *Id.* at 621.

²³ See Juan E. Méndez, *National Reconciliation, Transactional Justice, and the International Criminal Court*, 15 ETHICS & INT’L AFF. 25, 33 (2001).

²⁴ *Id.* (reasoning that blanket amnesty does not actually allow for a reckoning, whereas participatory reconciliation would).

²⁵ See REBECCA TURKINGTON, CASE 338 WOMEN’S PARTICIPATION IN THE GOOD FRIDAY AGREEMENT NEGOTIATIONS: A CASE STUDY ON NORTHERN IRELAND 2 (2012).

who wanted Northern Ireland to hold its place within the U.K.²⁶ This conflict dates back nearly ten centuries when British policies encouraged English Protestant settlers to move into the northern Irish counties by granting them economic benefits.²⁷ At the time, this created “economic and legal discrimination against native Irish Catholics.”²⁸ Irish Catholics would later be banned from owning land or holding public office, while at the same time, English Protestants were rapidly displacing native Irish Catholics from their homes in the north, pushing many families towards the southern counties.²⁹ It would not be until the Easter Rising in 1916, where Irish revolutionaries took up arms against British rule and laid the groundwork for the independence of Ireland in 1922.³⁰ The rebellion also paved the way for Parliament’s passing of the Government of Ireland Act 1920, which split the island between Northern Ireland, comprising the six northern majority Protestant counties, and the Irish Free State (modern-day Republic of Ireland), comprising the twenty-six southern majority Catholic counties.³¹

Following the conflicts of the 1920s, “underlying tensions over discrimination in social housing and employment, gerrymandering of political boundaries and denial of the political franchise, extensive use of emergency legislation, and aggressive policing” created the perfect storm for the Troubles to begin in the late 1960s.³² Many Catholics in Northern Ireland felt disenfranchised by discrimination in favor of the Protestants, leading to a civil rights movement that was increasingly suppressed by the Protestant-dominated police.³³ These preliminary clashes culminated in the 1969 Battle of Bogside in Derry, a violent three-day riot that required the intervention of the British military, and that has been recognized as a kickstart to The Troubles.³⁴

As the conflict intensified, with the Unionist and Loyalist groups becoming more entrenched in their positions, extremists sought alternative ways to demonstrate their dissatisfaction with the status quo in Northern Ireland.³⁵ Paramilitary groups, or “groups that function like a military but aren’t formally part of a country’s armed forces,” were formed on both sides and accomplished acts

²⁶ *Id.*

²⁷ *See id.*

²⁸ *Id.*

²⁹ *See id.*

³⁰ *See id.* at 2, 5.

³¹ *See* TURKINGTON, *supra* note 25, at 2.

³² *Id.* at 2–3.

³³ *See Understanding Northern Ireland’s ‘Troubles,’* COUNCIL ON FOREIGN RELS.: CFR EDUC. (May 25, 2023), <https://education.cfr.org/learn/reading/understanding-northern-irelands-troubles>; *see also* GRAHAM GUDGIN, *THE NORTHERN IRELAND QUESTION: NATIONALISM, UNIONISM, AND PARTITION 196, 197* (Patrick J. Roche & Brian Barton eds., 1999).

³⁴ *See* TURKINGTON, *supra* note 25, at 3; *see also Police Use Tear Gas in Bogside*, BBC (Aug. 12, 1969), http://news.bbc.co.uk/onthisday/hi/dates/stories/august/12/newsid_3829000/3829219.stm (acknowledging that the Battle of the Bogside ended with the direct intervention from Britain in the affairs of Northern Ireland).

³⁵ *See Understanding Northern Ireland’s ‘Troubles,’ supra* note 33.

to bomb public areas, assassinate members of opposing groups, and create overall terror in Ireland.³⁶ Out of the Nationalist movement came the Provisional and Official Republican Army (IRA), while the Unionists (loyalists) formed paramilitary groups like the Ulster Defence Association (UDA), Ulster Volunteer Force (UVF), and the Red Hand Commando.³⁷ In 1972, recognizing a breakdown in law and order, given the violence and death created by these groups, the British Parliament abolished the Parliament of Northern Ireland and declared direct rule.³⁸

In 1998, after more than thirty years of violence and disorder that resulted in roughly 3,500 deaths, the Good Friday Agreement was signed, ostensibly putting an end to the violence of the Troubles.³⁹ In 1993, “diplomatic advances among the United Kingdom, the Republic of Ireland, and the United States” created avenues for different interest groups to join the negotiating table.⁴⁰ Similarly, by 1994, the IRA and loyalist paramilitary groups announced ceasefires to aid in the peace talks.⁴¹ Recognizing the importance of engaging with the various Northern Ireland political groups in forming the Agreement, parties to the talks were elected to a Forum for Political Dialogue.⁴²

The election reflected the desire for a representational election system and recognition of the need to ensure all voices were included given the concern that paramilitary groups might attempt to disrupt the negotiation process.⁴³ To ensure that smaller, less powerful organizations, like the Northern Ireland Women’s Coalition (NIWC), could have a seat at the table, a “top-up” list was employed to guarantee “two seats each to the ten parties that received the most votes across all of Northern Ireland.”⁴⁴ The prevalence of the NIWC came at a time when women were a large constituency in Northern Ireland but had been historically overlooked during previous attempts at reconciliation.⁴⁵ The success of the NIWC gave Northern Ireland women, regardless of nationalist/unionist or Catholic/Protestant affiliations, an opportunity to be represented at the

³⁶ *Id.*

³⁷ See TURKINGTON, *supra* note 25, at 3.

³⁸ See *id.*

³⁹ See *Understanding Northern Ireland’s ‘Troubles,’ supra* note 33.

⁴⁰ TURKINGTON, *supra* note 25, at 5. See generally The Joint Declaration issued by the Prime Minister, the Rt. Hon. John Major M.P., and the Taoiseach, Mr. Albert Reynolds T.D. (Downing Street Declaration of 1993), U.K.-Ir., Dec. 15, 1993, Cmnd. 2442 (“The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest.”).

⁴¹ See TURKINGTON, *supra* note 25, at 6; see also Sinn Féin, *Irish Republican Army (IRA) Declare Cessation - August 1994*, YOUTUBE (Aug. 30, 2014), <https://youtu.be/ND6ptsA8ovY>.

⁴² See TURKINGTON, *supra* note 25, at 6.

⁴³ See *id.*

⁴⁴ *Id.*; see also Nicholas Whyte, *The 1996 Forum Elections and the Peace Process*, ARK: ELECTIONS (May 7, 2003), <https://www.ark.ac.uk/elections/ff96.htm>.

⁴⁵ See Whyte, *supra* note 44.

talks.⁴⁶ Ultimately, the talks led to the creation of three strands: Northern Ireland's system of government within the U.K., the relationship between Northern Ireland and Ireland, and the relationship between Britain and Ireland.⁴⁷

Overall, during the Troubles, more than 1,400 British soldiers died, with more than 700 deaths related to paramilitary attacks.⁴⁸ While there have been prosecutions of individuals throughout the years for their participation in various murders of civilians and soldiers, that has come to a stop with the passage of the Act.⁴⁹ The Act grandfathers in prosecutions that have begun by the time of its passage, but it prevents “full inquests, criminal prosecutions or civil claims into related crimes from the ‘Troubles’ period.”⁵⁰ In essence, it recognizes that because the animosities that existed during the Troubles still exist, witnesses will not come forward. The bill also creates a new Independent Commission for Reconciliation and Information Recovery (ICRIR) which has been set out to “provide information to families, victims and survivors of Troubles/Conflict-related deaths and serious injury and promote reconciliation.”⁵¹ Despite a deep divide in culture, politics, and religion, all major political parties—Unionist and Nationalist alike—in Northern Ireland remain opposed to this law, a rare sign of unity.⁵²

⁴⁶ See TURKINGTON, *supra* note 25, at 12, 19 (demonstrating that a majority of women in Northern Ireland felt that none of the existing political parties in 1993 best represented their interests).

⁴⁷ See *The Three Strands*, N. IR. ASSEMBLY EDUC. SERV., <https://education.niassembly.gov.uk/post-16/Snapshots-Devolution/BelfastGood-Friday-Agreement/Three-Strands> (last visited Nov. 17, 2024).

⁴⁸ See Claire Mills, *How Were Armed Forces Personnel Prosecuted for Fatalities During the Troubles in Northern Ireland?*, POLITICSHOME: THE HOUSE (June 24, 2019), <https://www.politicshome.com/thehouse/article/how-were-armed-forces-personnel-prosecuted-for-fatalities-during-the-troubles-in-northern-ireland>.

⁴⁹ Compare *id.* (demonstrating that since the Good Friday Agreement was signed, there have been individuals prosecuted for their actions during the Troubles), with Northern Ireland Troubles (Legacy and Reconciliation) Act 2023, c. 41 (UK), <https://www.legislation.gov.uk/ukpga/2023/41> (“An act to address the legacy of the Northern Ireland Troubles and promote reconciliation by establishing an Independent Commission for Reconciliation and Information Recovery, limiting criminal investigations, legal proceedings, inquests and police complaints . . .”), and David Young, *Troubles Commission Chief Urges End to ‘Unwarranted Attacks’ on Its Independence*, THE INDEP. (Sept. 24, 2024, 12:52 PM), <https://www.independent.co.uk/news/uk/court-of-appeal-hilary-benn-troubles-british-government-northern-ireland-b2617971.html> (“One of the most controversial provisions of the Act was the offer of a form of conditional immunity to perpetrators of Troubles crimes who agreed to co-operate with the new truth recovery commission.”).

⁵⁰ *British Parliament Approves Disputed Northern Ireland Amnesty Bill*, REUTERS (Sept. 6, 2023, 1:18 PM), <https://www.reuters.com/world/uk/british-parliament-approves-disputed-northern-ireland-amnesty-bill-2023-09-06/>.

⁵¹ *What Has the Commission Been Set Up to Do?*, Subheading to *Frequently Asked Questions*, INDEP. COMM'N FOR RECONCILIATION AND INFO. RECOVERY, <https://icir.independent-inquiry.uk/about-us/frequently-asked-questions/> (last visited Nov. 17, 2024).

⁵² See generally *Northern Ireland Legacy Bill Approved by MPs - Despite Anger From All Sides on the Island of Ireland*, SKY NEWS (Sept. 6, 2023, 11:01 PM), <https://news.sky.com/video/northern-ireland-legacy-bill-approved-by-mps-despite-anger-from-all-sides-on-the-island-of-ireland-12956185> (displaying the frustration of two Northern Irishmen who will no longer be able to seek justice for the loss of their friends and family who died during the Troubles).

After the passage of the Good Friday Agreement, there was a need to refine Northern Ireland's approach to legacy issues, like the Troubles. In 2014, the Stormont House Agreement, signed by the U.K. and Ireland, committed to several initiatives narrowing the scope of how legacy cases/issues would be pursued, "including a Historical Investigations Unit [that would] examine unsolved murders carried out during the Troubles."⁵³

However, in attempting to fully execute the Stormont House Agreement, the parties gathered in 2015 to re-negotiate welfare reform, end paramilitarism, and tackle organized crime.⁵⁴ The parties did not reach an agreement regarding key issues on the "establishment of a new comprehensive institutional framework for dealing with the legacy of the past," representing a failure to follow through with the provisions of the agreement.⁵⁵ While the Troubles and legacy issues were put on the backburner following the passage of the Stormont House Agreement, it was not truly until Boris Johnson was made Prime Minister, that it became clear the British government wanted to take action to evade Stormont and pursue legislation that would become the Act.⁵⁶

Before Johnson's tenure, Secretary of State for Northern Ireland Julian Smith, under Prime Minister Theresa May, attempted to adhere to Stormont House and, "whilst seeking to roll back on key aspects what was agreed, did not seem willing to . . . shut[] down investigations."⁵⁷ However, once Johnson was made Prime Minister, he replaced Smith with Brandon Lewis, who in March 2020, released a ministerial statement that signaled the abandonment of the Stormont House Agreement, avoidance of the transitional justice mechanisms, and continuation of inquests the agreement called for.⁵⁸ This segued into many of the significant themes contained within the Act.⁵⁹

C. RWANDAN GENOCIDE

In the span of roughly one hundred days in 1994, approximately one-half million Rwandans were murdered by armed Hutu militias during the Rwandan

⁵³ *Legacy Cases: Stormont House Agreement Must Not Be 'Rewritten,'* BBC (June 25, 2021), <https://www.bbc.com/news/uk-northern-ireland-57614908>.

⁵⁴ *See November: The Fresh Start Agreement*, DEP'T OF FOREIGN AFFS., <https://www.dfa.ie/annualreport/2015/our-people/fresh-start-agreement/> (last visited Nov. 17, 2024); *see also* Paul Bowers et al., *A Fresh Start: The Stormont Agreement and Implementation Plan and the Northern Ireland (Welfare Reform) Bill 2015-16 [Bill 99]*, THE HOUSE OF COMMONS LIBR. (Nov. 20, 2015), <https://commonslibrary.parliament.uk/research-briefings/cbp-7389/>.

⁵⁵ *November: The Fresh Start Agreement*, *supra* note 54.

⁵⁶ *See* ZOHA SIDDIQUI, COMMITTEE ON THE ADMINISTRATION OF JUSTICE, *THE ROAD TO THE NORTHERN IRELAND TROUBLES (RECONCILIATION AND LEGACY) ACT 2023: A NARRATIVE COMPENDIUM OF CAJ SUBMISSIONS 7* (2023).

⁵⁷ *Id.*

⁵⁸ *See id.* at 6–7.

⁵⁹ *See* Brandon Lewis, *The Good Friday Agreement Must Evolve to Bring Effective Government*, THE TELEGRAPH (Feb. 20, 2023, 9:49 PM), <https://www.telegraph.co.uk/politics/2023/02/20/good-friday-agreement-must-evolve-bring-effective-government/> (demonstrating the impact the anti-Stormont House Agreement rhetoric has had on pushing for the passage of the Act).

Civil War.⁶⁰ The war was centered on an ethnic conflict between the Tutsis and Hutu that began before Rwanda's time as a colony, centered on class associations; the Tutsis occupied a "higher strata" in the social system than the Hutus.⁶¹

During the 1950s, this "caste" system slowly deteriorated as the Hutus were given more rights through UN intervention and were able to move up the social ladder.⁶² Around this time, political parties were formed, like the Hutu PARMEHUTU (Party for the Movement for Hutu Liberation), which sought to form "a Hutu consciousness and nationalism."⁶³ The Tutsi sought to form their own parties as well, offering their opposing political positions, in the traditionalist/monarchist UNAR and soft-reformist RAFER parties.⁶⁴ This rise in political involvement and desire for reform reached a boiling point when two hundred Tutsi were killed after a violent incident caused a Hutu revolt, causing many Tutsi to flee Rwanda for neighboring countries.⁶⁵ Political elections after the violent uprising led to massive electoral wins for PARMEHUTU, eventually resulting in Rwanda's independence from Belgium in 1962.⁶⁶ With the Hutu in control of the government, the Tutsi were increasingly discriminated against, marking a stark shift from how Rwandan society operated under the Tutsi-dominated colonial system; the Hutu used this political advancement as a means to "justify the violence of the revolution and the discriminatory measures of the years after."⁶⁷ The population of Tutsi in Rwanda declined sharply in 1991,

⁶⁰ See *Rwanda Genocide: 100 days of Slaughter*, BBC (Apr. 4, 2019), <https://www.bbc.com/news/world-africa-26875506>; see also *Numbers*, HUM. RTS. WATCH (May 17, 2023, 5:24 AM), <https://www.hrw.org/reports/1999/rwanda/Geno1-3-04.htm>.

⁶¹ *Rwanda: A Brief History of the Country*, UNITED NATIONS: OUTREACH PROGRAMME ON THE 1994 GENOCIDE AGAINST THE TUTSI IN RWANDA AND THE UNITED NATIONS, <https://www.un.org/en/preventgenocide/rwanda/historical-background.shtml> (last visited Nov. 17, 2024) (displaying that despite the Tutsi occupying the "higher strata," this system was not originally a caste system because it allowed for social mobility based on wealth); see also *id.* (explaining how the Belgians, who became the new colonial occupier after Germany lost World War I, sought to cement Hutu and Tutsi identities into permanent and biologically determined racial categories, eliminating the chance for social mobility amongst the groups); see also *id.* (showing how the Belgians gave the Tutsi, seen as the "Hamitic invaders," the authority to be the ruling class over the Hutu, or the "indigenous 'Bantu' people"); see also *id.* (displaying that only fifteen percent of the population considered themselves to be Tutsi, while eighty-four percent said they were Hutu); see also *Numbers*, *supra* note 60 (stating that the minority ethnic group, the Twa, only made up one percent of the Rwandan population.); see also *id.* (explaining how the government mandated identity cards for each individual detailing which group they belonged to and creating "rigid and permanent" categories akin to "castes").

⁶² See *Rwanda*, S. AFR. HIST. ONLINE, <https://www.sahistory.org.za/place/rwanda> (last visited Nov. 17, 2024).

⁶³ *Id.*

⁶⁴ See *id.*

⁶⁵ See *Rwanda, A Brief History of the Country*, *supra* note 61; see also Catharine Newbury, *Ethnicity and the Politics of History in Rwanda*, 45 AFR. TODAY 7, 13 (1998).

⁶⁶ See *Rwanda*, *supra* note 62.

⁶⁷ *History*, HUM. RTS. WATCH (May 17, 2023, 5:24 AM), <https://www.hrw.org/reports/1999/rwanda/Geno1-3-09.htm>; see also *id.*; see also *Numbers*, *supra* note 60.

making up only 8.4 percent of the total population, as compared to representing 17.5 percent of the Rwandan population in 1952.⁶⁸

In 1973, after dissatisfaction with the government regime and extreme violence across the country, Major General Juvénal Habyarimana seized control of the government in a coup.⁶⁹ Habyarimana's government was authoritarian, rigging elections to win with 98% of the votes (in the 1978 election) and consolidating power into one political party, the National Revolutionary Movement for Development (NRMD).⁷⁰ Meanwhile, the number of Rwandans in exile grew to approximately 600,000, existing with few rights in neighboring countries.⁷¹ Given the political corruption, refugee, and economic crises, the Rwandan Patriotic Front (RPF) was founded in Uganda with the goal of "securing repatriation of Rwandans in exile and reforming of the Rwandan government, including political power sharing."⁷² On October 1, 1990, the RPF, under the leadership of its founder, Paul Kagame, crossed into Rwanda with 7,000 fighters, commencing the civil war.⁷³ The ensuing conflicts between the RDF and the Rwandan military ended the ongoing attempts at reconciliation which Habyarimana had begun to mend the relationship between the Hutu and Tutsi.⁷⁴ The Rwandan state therefore "turned its politics from one of national unification towards one of Hutu power," shifting the views of many Hutu on how they viewed the Tutsi.⁷⁵ Rwanda's military massacred Tutsi on several occasions, murdering an estimated three thousand Tutsi between 1990 and 1993.⁷⁶ While peacemaking efforts were made to quell the violence during this time, the death of Burundi's president and Habyarimana in an April 1994 plane crash (caused by a rocket attack), ignited the Rwandan genocide, confirming many Hutu's suspicions "of what would happen to Hutu people if the Tutsi people ever came to power again."⁷⁷

After Habyarimana's plane was downed, the genocide began with political adversaries and moderate Hutu slaughtered first, followed by the systematic massacre of the Tutsi.⁷⁸ Given the highly centralized state, the leaders of the genocide were able to orchestrate killing effectively, exterminating "Tutsi with

⁶⁸ See *Numbers*, *supra* note 60.

⁶⁹ See *Rwanda*, *supra* note 62.

⁷⁰ See *id.*; see also *Elections in Rwanda*, AFR. ELECTIONS DATABASE (Oct. 13, 2011), https://africanelections.tripod.com/rw.html#1978_Presidential_Election.

⁷¹ See *History*, *supra* note 67.

⁷² *Rwanda: A Brief History of the Country*, *supra* note 61.

⁷³ See *History*, *supra* note 67.

⁷⁴ See *Rwanda*, *supra* note 62.

⁷⁵ *Id.*

⁷⁶ See *id.*

⁷⁷ *Rwanda*, *supra* note 62.

⁷⁸ See ALISON DES FORGES, LEAVE NONE TO TELL THE STORY: GENOCIDE IN RWANDA 4 (1999) ("Hutu Power leaders were determined to slaughter massive numbers of Tutsi and Hutu opposed to Habyarimana, both to rid themselves of these 'accomplices' and to shatter the peace agreement.").

astonishing speed and thoroughness.”⁷⁹ While the massacres involved both military and civilian actors, the armed civilian assailants did not participate in the slaughter until “after the military had launched attacks with devastating effect on masses of unarmed Tutsi.”⁸⁰ Assailants went “systematically from house to house in certain neighborhoods” to kill Tutsi and disloyal Hutu.⁸¹ The strategy shifted to be more wholesale; Tutsi were driven “out of their homes to government offices, churches, schools or other public sites, where they would subsequently be massacred in large-scale operations.”⁸² Whether the strategy for death was large or small scale, the “results” the massacre achieved are daunting: entire families were eliminated at a time and it is estimated that 150,000 to 250,000 women were brutally raped.⁸³ The nearly one-hundred-day genocide came to an end when the RPF captured Kigali, the capital of Rwanda, overthrowing the Hutu government, and allowing UN peacekeepers and international organizations to enter the country to help remedy the effects of the massacres.⁸⁴

Outside the higher-level prosecutions, thousands awaited justice for their actions, so the Rwandan government re-introduced pre-colonial Gacaca courts to promote reconciliation and pursue justice.⁸⁵ Gacaca, meaning justice on the grass, amounted to a small claims court in pre-colonial Rwanda, with persons of great integrity being elected to oversee hearings.⁸⁶ The emphasis was on fines and restorative justice instead of imprisonment.⁸⁷ With the reintroduction of Gacaca, judges were elected by local communities and held community-focused hearings and encouraged ordinary Rwandans to confess “any crimes they might have committed during the genocide and to ask pardon of survivors publicly.”⁸⁸ If individuals on “trial” were not forthcoming with their confessions, the judges would ask neighbors seated on the grass before them to say what they

⁷⁹ *Id.* at 6.

⁸⁰ *Id.*

⁸¹ *Id.* at 7.

⁸² *Id.* at 8.

⁸³ See *Massacre of the Tutsi Minority*, U.S. HOLOCAUST MEM’L MUSEUM, <https://www.ushmm.org/genocide-prevention/countries/rwanda/massacre-of-the-tutsi-minority> (last visited Nov. 17, 2024); see also *Rwanda: A Brief History of the Country*, *supra* note 61.

⁸⁴ See *Massacre of the Tutsi Minority*, *supra* note 83 (estimating that around 200,000 people participated in carrying out the genocide); see also *Rwanda: A Brief History of the Country*, *supra* note 61 (explaining how Rwanda pursued justice, despite its limited resources, through the ICTR convicting government officials, such as Jean-Paul Akayesu and Jean Kambanda, for crimes of planning genocide or committing serious atrocities).

⁸⁵ See Anne-Marie de Brouwer & Etienne Ruvebana, *The Legacy of the Gacaca Courts in Rwanda: Survivors’ Views*, 13 INT’L CRIM. L. REV. 937, 950 (2013).

⁸⁶ See Korgen, *supra* note 5.

⁸⁷ See *id.*

⁸⁸ Korgen, *supra* note 5; see also *The Justice and Reconciliation Process in Rwanda*, UNITED NATIONS: OUTREACH PROGRAMME ON THE 1994 GENOCIDE AGAINST THE TUTSI IN RWANDA AND THE UNITED NATIONS 2 (Mar. 2014), <https://www.un.org/en/preventgenocide/rwanda/assets/pdf/Backgrounder%20Justice%202014.pdf>.

knew of this person's involvement in the crimes.⁸⁹ The courts did not hear cases related to the planning of the genocide and typically gave lower sentences if the person on trial was "repentant and sought reconciliation with the community."⁹⁰ By June 2012, a total of 1,958,634 cases involving 1,003,227 people were judged through Gacaca courts.⁹¹ Of those cases, 1,681,648 (or 86%) resulted in convictions, 277,066 resulted in acquittals, and 225,012 (or 13%) were based on guilty pleas and confessions.⁹²

II. PROPOSAL FOR A NEW LOCALIZED RECONCILIATION STRATEGY

The passage of the U.K. Legacy Act has exacerbated concerns about the effect the Troubles continue to have on Northern Ireland, and the failure of the British government to do anything about it.⁹³ This pessimism is rooted in a "palpable sense that nothing in Northern Ireland is working . . . and this bill is kind of emblematic of that."⁹⁴ The U.K. government argues that the Legacy Act "will 'draw a line' under the Troubles and allow Northern Ireland to move on," yet the political parties in Northern Ireland—a collective that is rarely seen as unified—have unanimously opposed this legislation.⁹⁵ Former Taoiseach (Irish Prime Minister) Leo Varadkar has stated that the Act represents "the wrong way to go about dealing with legacy issues in Northern Ireland," while Democratic Unionist Party (DUP) assembly member Emma-Little Pengelly described the Act as "abhorrent."⁹⁶ Such animosity stems from the ability of perpetrators to receive immunity from prosecution for stepping forward and

⁸⁹ See Korgen, *supra* note 5 (describing the process of how Gacaca judges encouraged confessions in pursuit of achieving reconciliation).

⁹⁰ *The Justice and Reconciliation Process in Rwanda*, *supra* note 88.

⁹¹ De Brouwer & Ruvebana, *supra* note 85, at 950.

⁹² *Id.*

⁹³ See Kevin Hargaden, *Is a Law That Will Stop Most Prosecutions of Killings During 'The Troubles' Really About Protecting British Soldiers?*, AM. MAGAZINE (Sept. 15, 2023), <https://www.americamagazine.org/politics-society/2023/09/15/northern-irelands-legacy-bill-troubles-246093> (displaying that after Ireland's recent development of peace-building initiatives to help counties across the island recover from the Troubles, some feel that "Northern Ireland 'is going out of business... it probably will not exist in 10 or 15 years'").

⁹⁴ *Id.* (expressing concern over the effects the Act will have on Northern Ireland reconciliation).

⁹⁵ *Id.*; see also Freya McClements, *What is the Northern Ireland Troubles Legacy Bill?*, THE IR. TIMES (Sept. 7, 2023, 9:34 AM), <https://www.irishtimes.com/politics/2023/09/06/northern-ireland-troubles-legacy-bill-what-it-means-for-victims-families/> (demonstrating the unity amongst Northern Ireland's political parties).

⁹⁶ *Troubles Legacy: Controversial Bill Facing More Legal Challenges*, BBC (Sept. 18, 2023), <https://www.bbc.com/news/uk-northern-ireland-66841363> (noting that Taoiseach Varadkar is a member of Fine Gael, a liberal-conservative party in Ireland, which is seen as opposed to the DUP, as a unionist, conservative party). See generally Saphora Smith, *U.K. Election 2017: What is the Democratic Unionist Party (DUP)?*, NBC NEWS (June 9, 2017, 12:55 PM), <https://www.nbcnews.com/news/world/u-k-election-2017-who-are-democratic-unionist-party-dup-n770251> (demonstrating that the DUP wants Northern Ireland to remain part of the United Kingdom).

providing information to the ICRIR.⁹⁷ The effect of the Act's passage has not only worked its way into political campaigns, but has also opened up more than a dozen legal challenges from individuals affected by the Troubles as well as a challenge by the Republic of Ireland itself.⁹⁸

Accomplishing reconciliation is not simple and cannot be done overnight; conflict may have ended, such as with the signing of an international multi-party agreement, but that is not the end of the underlying issues that cause such conflict to exist. The rush to eliminate further prosecution of crimes related to the Troubles by Parliament runs antithetical to the nature of how reconciliation is to function.⁹⁹ Reconciliation seeks "to expand the study of peacemaking to a macro-societal perspective, which concerns reconciliation between society members."¹⁰⁰ Bookending justice, for the sake of creating a more robust history of the Troubles, does little to curtail the underlying emotions and pain felt from the brutal acts done by neighbors to neighbors.

Further, it is reconciliation, not conflict resolution that "goes beyond the agenda of formal conflict resolution to changing the motivations, goals, beliefs, attitudes, and emotions of the great majority of the society members regarding the conflict, the nature of the relationship between the parties, and the parties themselves."¹⁰¹ Even if any of the legal challenges survive and the law is modified, struck down, or repealed, future good faith attempts at reconciliation between Parliament and Northern Ireland will be harder to come by because of the blatant opposition and ensuing bad faith surrounding this law. Parliament should reflect on its past actions, and the steps taken by other countries like Rwanda, in implementing promising reconciliation legislation, rather than pursuing a quick-fix scheme.

A. LOCALIZED RECONCILIATION STRATEGIES

Parliament needs to engage in a more localized reconciliation strategy rather than a sweeping amnesty program to bring about reconciliation post-Good Friday Agreement. While attempting to "underline" the conflict, the Act does not attempt to engage local organizations, like the ones that participated in

⁹⁷ See *Troubles Legacy: Controversial Bill Facing More Legal Challenges*, *supra* note 96.

⁹⁸ See Richard Wheeler, *Hilary Benn: Labour Government Would Repeal Troubles Legacy Immunity Law*, THE IR. NEWS (Sept. 6, 2023, 2:39 PM), https://www.irishnews.com/news/northernireland-news/2023/09/06/news/benn_labour_government_would_repeal_troubles_legacy_immunity_law-3589767/ (reflecting on the Labour Party's integration of the U.K. Legacy Act into its campaign strategy); see also Jayne McCormack, *Troubles Legacy Act: UK Challenges Ireland on Legal Move*, BBC (Jan. 8, 2024), <https://www.bbc.com/news/uk-northern-ireland-67908305> (demonstrating the various legal challenges to the U.K.'s Legacy Act).

⁹⁹ As Martin Luther King, Jr. once said, "True peace is not merely the absence of tension: it is the presence of justice."

¹⁰⁰ Daniel Bar-Tal & Gemma H. Bennink, *The Nature of Reconciliation as an Outcome and as a Process*, in FROM CONFLICT RESOLUTION TO RECONCILIATION 11, 11 (Yaacov Bar-Siman-Tov ed., 2004).

¹⁰¹ *Id.* at 12.

negotiating the Good Friday Agreement. It is groups like the NIWC, the Catholic Church, and other stakeholders that could help bring communities together, thereby bridging the chasm between communities in the process.

Regardless of whether the victims were killed by British Army soldiers or IRA combatants, 3,000 of the 3,500 Troubles murders are unresolved, allowing “the legacy of the past” to cloud “the Northern Ireland peace process.”¹⁰² What does this leave? Families, spouses, children, and parents have not come close to finding justice for the loss of their loved ones. Mrs. Kathleen Gillespie’s husband, Patsy, “was strapped into a van and forced to drive a bomb into a British Army checkpoint on the border between [Derry] and Donegal” in October 1990.¹⁰³ Patsy was forty-three years old and a father of three when he was killed along with five British soldiers.¹⁰⁴ Kathleen has criticized the Act, saying that it condones not only what happened to Patsy, but also all other atrocities that occurred during the Troubles.¹⁰⁵ How can communities and governments work through such raw emotion to achieve reconciliation goals? A localized approach, like that of Rwanda’s Gacaca courts, would be more effective, instead of regarding the issue too broadly, as Parliament attempts in the Act.

When the Good Friday Agreement was negotiated, representatives from the various established political parties were present, but so were women vis-à-vis the NIWC.¹⁰⁶ “Women on both sides of the conflict faced the burdens of poverty, domestic violence, single parenthood, and additional struggles caused by living in a conflict setting,” leading to the necessity of representing women at peace talks.¹⁰⁷ The NIWC was constituted primarily of women civil society leaders who felt disenfranchised by the existing political status quo, and sent two delegates to the negotiations with the “express purpose of serving as a voice for women on both sides of the conflict.”¹⁰⁸ During the peace process, the NIWC operated as an “honest broker” facilitating dialogue between other parties, “and by inserting issues and language into the final agreement that may have otherwise been missing.”¹⁰⁹ If the NIWC had not been engaged, representing the countless women afflicted by the Troubles, much of the work the NIWC accomplished would not have impacted the Good Friday negotiations, ultimately creating a different agreement to form. Senator George Mitchell, appointed by President Bill Clinton to chair the talks, said, “early in the process, [the NIWC] were not taken seriously,” but later concluded it “played a hugely

¹⁰² *Northern Ireland: Widow of Man Turned Into ‘Human Bomb’ by IRA Criticises Troubles Legacy Bill*, SKY NEWS (Sept. 6, 2023, 11:01 PM), <https://news.sky.com/story/northern-ireland-widow-of-man-turned-into-human-bomb-by-ira-criticises-troubles-legacy-bill-12956232>.

¹⁰³ *Id.*

¹⁰⁴ *See id.*

¹⁰⁵ *See id.*

¹⁰⁶ *See* TURKINGTON, *supra* note 25, at 2.

¹⁰⁷ *Id.* at 4.

¹⁰⁸ *Id.* at 12.

¹⁰⁹ *Id.* at 14.

disproportionate role—disproportionate to their vote and to their numbers at the table—in the outcome.”¹¹⁰ The NIWC was able to provoke “a cross-community coalition [amid] a polarizing conflict, bringing a unique perspective to the Multi-Party Talks and pushing for the inclusion of [several] important issues in the agreement.”¹¹¹ The successful engagement of women as an interest group represents that there is more to the fallout from the Troubles than the patent crimes that were committed by both sides.

Leaders in Northern Ireland engaged with the NIWC during the negotiations of the Good Friday Agreement, yet the Act makes clear that Parliament does not intend to utilize its assistance to reach reconciliation at a time when it is within grasp. The Gacaca courts were focused on community engagement, yet Parliament is disregarding the concerns of community leaders, such as politicians, when it comes to their disagreements over the Act. In attempting resolution, there are different viewpoints, effects, and perspectives to take into consideration, rather than a one-size-fits-all approach meant to hasten an end to the reconciliation process. The Act tries to give closure by providing facts and information to families of those killed during the conflict, but little else.¹¹² It appears that Mrs. Gillespie does not want to know more about how her husband was violently killed as a “human bomb,” but instead seeks accountability and an opportunity to express her frustrations and pain.¹¹³

Parliament ought to further embrace other local institutions, like religious organizations, as a means of helping to bring parties together in pursuit of reconciliation. In Rwanda, by comparison, the Catholic Church had a mixed record during and after the genocide.¹¹⁴ While the church was officially opposed to the ethnic violence, some church leaders took part in the killing of innocent Rwandans.¹¹⁵ Father Athanase Seromba was among the most prominent examples of killers, as he encouraged 2,000 of his Tutsi parishioners to seek refuge

¹¹⁰ *Id.*

¹¹¹ *Id.* at 17–18.

¹¹² See *ICRIR Board Standing Orders*, THE INDEP. COMM’N FOR RECONCILIATION AND INFO. RECOVERY 1 (Jan. 26, 2024), <https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/16/2024/01/ICRIR-Board-Standing-Orders.pdf> (explaining that the main objective of the ICRIR is to work as an independent body in the gathering of information and reconciliation, which includes reviewing the deaths caused as a result of the conflict).

¹¹³ It should be noted that the argument here is in no way arguing that the Good Friday Agreement failed its intended purpose. Quite the contrary. The Troubles were a culmination of hundreds of years of violence, it is therefore unrealistic to think that all residual effects of the conflict would be fully resolved twenty-five years after the Good Friday Agreement was signed. Northern Ireland went from gratuitous and irrational sectarian killings, to an uneasy peace, to peaceful protest, to general tension. There is a natural progression through time, one which reconciliation requires, yet Parliament is throwing that timeline away for the sake of putting a bow on the issue. As Congressman Richard E. Neal, Chair of the Friends of Ireland Caucus, said in reflecting on the Good Friday Agreement, “[e]veryone involved, including both governments, acted together in good faith and gave up something to reach this agreement.” See Richard Neal (@RepRichardNeal), X (Sept. 6, 2023, 12:01 PM), <https://x.com/RepRichardNeal/status/1699452700419617131>.

¹¹⁴ See Korgen, *supra* note 5, at 1.

¹¹⁵ See *id.*

within his church, then ordered a bulldozer to demolish the building, crushing all inside.¹¹⁶ However, the church, perhaps recognizing the roles it played during the genocide, “rebounded through a process of self-examination and national reconciliation.”¹¹⁷ Rwanda took a different path than South Africa, which developed a secular “Truth and Reconciliation Commission” that held hearings “aimed at airing the truth,” and similarly to the Act, “recommended amnesty for those that came forward.”¹¹⁸ The Rwandan church organized programs of Scripture study and reconciliation ministry, along with training “diocesan staff members, key parish leaders, and base community animators in community trauma healing, conflict management, Catholic social teaching and human rights.”¹¹⁹ Over five years following the genocide, 3,000 Rwandan leaders had been trained in the Diocese of Kibungo with 20,000 trained nationwide.¹²⁰ Once trained, these leaders sought to help newly released prisoners confess their crimes and ask forgiveness from survivors, in addition to leading examinations of conscience within their communities and encouraging “neighbors and friends to come clean about their conduct during the genocide.”¹²¹

Keeping religious leaders at the forefront of the reconciliation of a fundamentally religious conflict helps localize reconciliation efforts. Catholic and Protestant Northern Ireland religious leaders have spoken out against the Act suggesting it “will not achieve any of its purposes” and would disregard decades of work that allows various communities to work together.¹²² Many religious leaders in Northern Ireland worked hard to bring about peace during the Troubles, even when their institutions “didn’t fully support those efforts.”¹²³ For example, religious leaders advised politicians on understanding the potential for peace. Gerry Adams, leader of the Sinn Fein party for much of the Troubles, wrote in his memoir how Father Alec Reid helped him understand what a peaceful solution to the conflict could look like.¹²⁴ Religious leaders also offered and

¹¹⁶ *See id.* (demonstrating how while Church leaders were on the ground in Rwanda to aid their parishioners, others got swept up in the violence).

¹¹⁷ *Id.* (highlighting the need for the Church to play an active role in reconciliation, especially given the actions of some of its leaders).

¹¹⁸ Korgen, *supra* note 5, at 2.

¹¹⁹ *Id.*

¹²⁰ *See id.* (demonstrating the ability of local religious groups in helping communities in their goal of striving towards reconciliation).

¹²¹ *Id.* (seeking to prove that there is a role for religious organizations in being an active, important participant in reconciliation, especially given the proximity these religious groups have to their community members).

¹²² Hargaden, *supra* note 93.

¹²³ Nukhet Sandal, *20 Years After the Good Friday Agreement, Few People Recognize How Northern Ireland's Religious Leaders Helped Bring Peace*, THE WASH. POST (Apr. 10, 2018, 6:00 AM), <https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/10/20-years-after-the-good-friday-agreement-few-people-recognize-how-northern-irelands-religious-leaders-helped-bring-peace/>.

¹²⁴ *See id.* (demonstrating that there were some religious leaders during the Troubles that took an active role in conflict resolution).

advocated for practical recommendations in remedying the subtle difficulties of the Troubles, such as poverty alleviation and combating alcoholism.¹²⁵ Across the various churches of Northern Ireland, violent nationalism promoted by paramilitary groups on both sides was vehemently condemned; regardless, church leaders made sure to keep communication lines open, in an attempt to pave the way to peace talks.¹²⁶

Church of Ireland Bishop of Connor, Alan Abernethy, warned in 2008 that “if bridges are not built, Northern Ireland might find itself in a worse situation than it faced during the Troubles.”¹²⁷ Flash forward nearly fifteen years, and the concerns Bishop Abernethy expressed are certainly palpable. Catholic Archbishop of Armagh, Eamon Martin, and Church of Ireland Archbishop of Armagh and Primate of All Ireland, John McDowell, argued in their joint response to the Act’s passage that the “legacy of the Troubles remains an open wound and the frailest of seams in our political and social life. There is no universal remedy for this great pain, but there can be honesty, integrity, and compassion in trying to find the best way forward.”¹²⁸ Even in a world where religiosity is on the decline, religion remains a focal point of communities; the absence of Parliament from heeding the concern of the religious leaders in Northern Ireland represents a disregard for effective, localized reconciliation which this Act claims to enforce.¹²⁹

B. GACACA AND NORTHERN IRELAND’S MODERN-DAY OBSTACLES TO RECONCILIATION

In the decade between the genocide and the start of the Gacaca trials, the victims and those who perpetrated the violence—although holding no lead role—lived together in their communities.¹³⁰ This cohabitation was initially highlighted by a mutual fear that progressively melted away as time passed, yet distrust between the different ethnic groups remained present, permeating social

¹²⁵ *See id.*

¹²⁶ *See id.* (highlighting that despite their disagreements or contempt over the violence during the Troubles, church leaders sought to bring an end to the conflict by ensuring they had opportunities to negotiate with the different parties).

¹²⁷ *Id.* (arguing not for physical bridges to be built, but for bridges to be built for the sake of reconciliation and community unification).

¹²⁸ Connla Young, *Church Leaders: Legacy Bill ‘Will Not Achieve Any of Its Purposes,’* THE IR. NEWS (Nov. 23, 2022, 1:00 AM), https://www.irishnews.com/news/northernireland-news/2022/11/23/news/church_leaders_legacy_bill_will_not_achieve_any_of_its_purposes_-2914004/.

¹²⁹ *See The Future of World Religions: Population Growth Projections, 2010-2050*, PEW RSCH. CTR. (Apr. 2, 2015), https://assets.pewresearch.org/wp-content/uploads/sites/11/2015/03/PF_15.04.02_ProjectionsFullReport.pdf (“By 2050, nearly a quarter of Europeans (23%) are expected to have no religious affiliation . . .”).

¹³⁰ *See INT’L INST. FOR DEMOCRACY & ELECTORAL ASSISTANCE, TRADITIONAL JUSTICE AND RECONCILIATION AFTER VIOLENT CONFLICT: LEARNING FROM AFRICAN EXPERIENCES* 49 (Luc Huyse & Mark Salter eds., 2008).

life.¹³¹ Life returned to a form of normality and cohabitation, out of necessity, because Rwandans depended upon each other to fuel individual survival of their shared impoverishment.¹³² In their case, living near others was a matter of necessity, but interpersonal reconciliation was “a matter of the heart and a state of feeling in a social relation.”¹³³ This made a strong case for the Rwandans to utilize Gacaca. Not only was it a part of their shared cultural history, but in a country built around small face-to-face communities, Gacaca was a familiar option that could allow for justice and reconciliation.

If Rwanda continued to try cases before ordinary criminal courts as it did in the early years after the genocide, only very few survivors would have seen justice during their lifetime.¹³⁴ Similarly, very few cases were actually prosecuted by the ICTR, requiring other forums to prosecute the thousands of Rwandans who engaged in the genocidal atrocities, albeit on a smaller scale.¹³⁵ Gacaca, comparatively, was able to empower every Rwandan, whether they were a perpetrator, victim, or witness, to confront the truth of what happened during the genocide, and heal locally formed social bonds.¹³⁶ The participatory and accessibility of the Gacaca courts, more so than traditional criminal justice processes, “delivered justice and a roadmap to reconciliation to the people who actually went through the genocide.”¹³⁷

The Gacaca courts have been assessed as successful by legal scholars, representing the success of localized reconciliation. Gacaca was able to encourage “dialogue between victims and perpetrators that allowed communities to develop a better account of what happened in 1994 and made reconciliation more possible.”¹³⁸ While such accounting was helpful, from a community standpoint, enabling confrontation allowed for “hidden grievances and resentments to come to the surface, where the community could deal with them.”¹³⁹ The Act seeks to procure a better accounting of the Troubles, and the crimes that occurred therein, however, that is not enough on its own to encourage reconciliation, as seen during the Gacaca process. There is a Rwandan adage that says, “the family that does not speak dies.”¹⁴⁰ Having been a part of their cultural history as a

¹³¹ *See id.*

¹³² *See id.* at 49–50 (arguing that just because people interacted with their neighbors who participated in the genocide, out of a desperate need to survive, that there was not a need to engage in reconciliation).

¹³³ *Id.* at 50 (demonstrating that reconciliation goes beyond surface-level issues and intends to engage subjective and intangible aspects of people’s emotions).

¹³⁴ *See de Brouwer & Ruvebana, supra* note 85, at 973.

¹³⁵ *See id.* (demonstrating that the ICTR was reserved for the masterminds of the genocide, which left the thousands of other Rwandans who participated in a more physical, yet less direct way, without a clear way to receive punishment).

¹³⁶ *See id.*

¹³⁷ *Id.*

¹³⁸ Timothy Longman, *An Assessment of Rwanda’s Gacaca Courts*, 21 *Peace Rev.* 304, 308 (2009).

¹³⁹ *Id.*

¹⁴⁰ Megan M. Westberg, *Rwanda’s Use of Transitional Justice After Genocide: The Gacaca Courts and the ICTR*, 59 *U. Kan. L. Rev.* 331, 351 (2011).

localized reconciliation method, Gacaca is seen as a successful process for allowing Rwandans to understand what happened to their loved ones by having killers confess.¹⁴¹ Gacaca gave the families of victims a chance to engage in those types of conversations, “to try and understand, without forcing them into the unhappy circumstance of faraway proceedings that they cannot comprehend.”¹⁴² Unlike Gacaca, the Act removes the process of reconciliation from local communities, who experienced tremendous suffering during the Troubles, and puts the responsibility of reconciliation on to the ICRIR’s Board of Commissioners.¹⁴³

It is not suggested that the Gacaca court style of reconciliation should be wholeheartedly implemented in Northern Ireland, partly because too much time has passed since the end of the Troubles, there are very strong divisions, and there is fear of retaliation for coming forward with information about an unsolved crime. Moreover, reconciliation solutions are not meant to be cookie-cutter across every instance of transitional justice. There are lessons and themes to be taken from the Rwandan Gacaca courts that could serve as a better means to achieve reconciliation than granting amnesty and halting future prosecutions related to the Troubles. For one thing, Gacaca has not been a perfect system. Some in Rwanda have viewed the Gacaca courts as a form of retributive justice, “exact[ing] revenge on enemies or . . . intimidat[ing] others with the threat of accusation.”¹⁴⁴ There has also been a concern that the government had too strong a hand in the proceedings, which ultimately could undermine any restorative effects within communities.¹⁴⁵ Such sentiment could have been resulted because, after an initial interest in Gacaca, fatigue amongst Rwandans understandably set in, requiring the government to step up and mandate participation, imposing fines on those who failed to take part.¹⁴⁶

However, the takeaway is not necessarily whether Gacaca was the perfect antidote, but rather to examine how Rwanda engaged in seeking justice through reconciliation at a local level. This engagement can demonstrate how communities in other situations who have experienced tragic and traumatizing conflicts could heal from locally-based initiatives instead of forced top-down programs. Parliament’s attempt at this top-down strategy of reconciliation is forcing every community in Northern Ireland to adhere to a single-stream attempt at moving on from the Troubles without ever resolving the underlying hurt and tension. The Act allows for prosecutorial amnesty to be granted for Troubles-related

¹⁴¹ See *id.* at 352.

¹⁴² *Id.*

¹⁴³ See *ICRIR Board Standing Orders*, *supra* note 112, at 1 (displaying what the statutory functions are under the ICRIR’s powers, functions, and duties, which are derived from the Act).

¹⁴⁴ Lauren Haberstock, *An Analysis of the Effectiveness of the Gacaca Court System in Post-Genocide Rwanda*, 8 *Glob. Tides* 1, 1, 10 (2014).

¹⁴⁵ See *id.*; see also INT’L INST. FOR DEMOCRACY & ELECTORAL ASSISTANCE, *supra* note 130, at 55.

¹⁴⁶ See INT’L INST. FOR DEMOCRACY & ELECTORAL ASSISTANCE, *supra* note 130, at 55.

offenses, but it also tasks the ICRIR with “carry[ing] out reviews of deaths that were caused by conduct forming part of the Troubles.”¹⁴⁷ The simple fact is that a conflict generated over hundreds of years between Great Britain and Northern Ireland will not be healed by giving families of victims fact-finding information. The Troubles were a deeply emotional conflict rooted within tight communities, and the desire to find justice seems to significantly outweigh any information the ICRIR could provide to the Northern Ireland community.¹⁴⁸

In this vein, it seems that those who should pay attention to the lessons of the Troubles the most have chosen to instead focus on returning to normalcy as fast as possible, out of necessity, to avoid engaging in hard conversations rather than achieving recognition or closure.¹⁴⁹ The passage of the Act seems proof of that. However, it is not the first showing of a desire by Parliament and British leaders to disregard the thin ice beneath the feet of stability in Northern Ireland. With Boris Johnson’s rise to Prime Minister came a disregard for the Stormont Agreement from the British government, executed at the hands of the Secretary of State for Northern Ireland, Brandon Lewis.¹⁵⁰ The acknowledgment of their intent to abandon the Stormont Agreement came at a time when inquests and civil proceedings were beginning to deliver meaningful results for many families in legacy cases, particularly through truth recovery and historical clarification.¹⁵¹

The Northern Ireland Office (NIO) developed the bill largely behind closed doors and without transparency.¹⁵² Further, the NIO had been found to have “fail[ed] to comply with its equality scheme commitments.”¹⁵³ Under Section 75 of the Northern Ireland Act 1998, public authorities must pay attention to the need to “promote equality of opportunity and regard to the desirability of promoting good relations.”¹⁵⁴ The NIO attempted to roll back agreements aimed at reconciliation in Northern Ireland while simultaneously demonstrating little

¹⁴⁷ *ICRIR Board Standing Orders*, *supra* note 112, at 1 (arguing that the ICRIR is seemingly more concerned with doling out amnesty to criminals for the sake of producing the reports, than on ensuring the Northern Ireland community can effectively move on from the Troubles).

¹⁴⁸ See *Northern Ireland: Widow of Man Turned into ‘Human Bomb’ by IRA Criticises Troubles Legacy Bill*, *supra* note 102 (“At the end of the day, they’re getting away with what they’ve done. And they think they are these big men, they are trotting about.... And they’re not getting punished.”).

¹⁴⁹ See *id.* (demonstrating the opinion of some who believe that the British government is avoiding the negative publicity of having British Army veterans held accountable for their actions during the Troubles, particularly from the Bloody Sunday massacre).

¹⁵⁰ See Lewis, *supra* note 59.

¹⁵¹ See *id.*

¹⁵² See SIDDQUI, *supra* note 56, at 7.

¹⁵³ Conmla Young, *NIO ‘Failed to Comply with its Equality Scheme Commitments,’* The Irish News (Sept. 29, 2023, 2:00 AM), <https://www.irishnews.com/news/northernireland-news/2021/09/29/news/nio-failed-to-comply-with-its-equality-scheme-commitments--2462196/>.

¹⁵⁴ *Id.*

effort to engage NGOs, victims groups, and political parties from the beginning.¹⁵⁵

In his July 2021 command paper *Addressing the Legacy of Northern Ireland's Past*, Lewis states, “[t]he intense focus on divisive legal processes continues to drive wedges between communities and undermine public confidence in the police as they go about their work today.”¹⁵⁶ He adds that “[l]engthy, drawn out and complex legal processes stifle the critical information recovery and reconciliation measures that could help many families and frequently lead to years of uncertainty for those under scrutiny.”¹⁵⁷ Lewis is correct that legal processes have been slow, given that there have only been six former British soldiers charged with historical offenses in Northern Ireland, with cases against four collapsing and one having died while on trial.¹⁵⁸ The most recent Troubles case, and possibly the last because of the U.K. Legacy Act, saw British Army Veteran David Holden found guilty of manslaughter for shooting 23-year-old Aidan McAnespie in 1988.¹⁵⁹

Holden was the first veteran to be convicted of a historical offense since the Good Friday Agreement and was given a three-year suspended sentence.¹⁶⁰ McAnespie’s family, in response to the holding, said that they “weren’t looking for a pound of flesh. We were just looking for truth and justice. . . . As long as he was found guilty, that was the main thing.”¹⁶¹ True, there is no contention that legal processes should not be as long, expensive, and arduous for families to achieve closure related to crimes that occurred decades ago. However, ensuring the legal system is operating efficiently is difficult to achieve when the Northern Ireland Executive cannot execute basic functions, like passing a budget, over disagreements related to Brexit.¹⁶² For nearly two years, the Northern Ireland Executive could not meet and could not make any significant policy decisions.¹⁶³ Only recently, with Michelle O’Neill (Sinn Fein) becoming First

¹⁵⁵ See Young, *supra* note 153.

¹⁵⁶ Secretary of State for Northern Ireland, *Addressing the Legacy of Northern Ireland's Past* 6 (2021).

¹⁵⁷ *Id.*

¹⁵⁸ See James Robinson, *Former British Soldier David Holden Who Killed Catholic Aidan McAnespie in Northern Ireland Escapes Jail Sentence*, Sky News (Feb. 2, 2023, 4:10 PM), <https://news.sky.com/story/british-soldier-david-holden-who-killed-catholic-aidan-mcanespie-in-northern-ireland-escapes-jail-sentence-12800831>.

¹⁵⁹ See *id.*; see also *Northern Ireland: 'Last Troubles Trial' Gets Underway in Belfast*, Amnesty Int’l UK (Mar. 28, 2022, 12:59 PM), <https://www.amnesty.org.uk/press-releases/northern-ireland-last-troubles-trial-gets-underway-belfast>.

¹⁶⁰ See Robinson, *supra* note 158.

¹⁶¹ *Id.*

¹⁶² See David Young, Jonathan McCambridge & Philip Ryan, *DUP's Paul Givan Resigns as Northern Ireland First Minister, as Taoiseach Brands it 'Very Damaging Move'*, The Ir. Indep. (Feb. 3, 2022, 11:30 AM), <https://www.independent.ie/irish-news/dups-paul-givan-resigns-as-northern-ireland-first-minister-as-taoiseach-brands-it-very-damaging-move/41307670.html>.

¹⁶³ See Eve Brennan, *Northern Ireland Power-Sharing Could Resume Within Days, After Two-Year Hiatus*, CNN (Jan. 30, 2024, 3:59 PM), <https://www.cnn.com/2024/01/30/uk/dup-northern-ireland-power-sharing-intl/index.html>. See generally *Power-Sharing*, N. Ir. Assembly,

Minister, has the power-sharing agreement been restored, and the executive body will take shape as a functioning body.¹⁶⁴ To Lewis' point, prosecutions are necessarily slow, yet that is not a reason to put them aside in hopes reconciliation will just happen.

The government, whether it be ministers of the Northern Ireland Executive, the Secretary of State, Parliament, the Prime Minister, or the King, should support the judicial system in Northern Ireland so that it will be able to deliver on its purpose: pursuing justice through the law. Justice has no timeline, and as demonstrated by the reactions of Aidan McAnespie's family, finally reaching a semblance of justice can hold significant meaning and value. Such significance is common in other cases where families have seen action toward their lost loved ones' murder. Even though no new prosecutions will begin after May 1, 2024, this did not stop public prosecutors in Northern Ireland from pursuing charges against individuals up until the statutory deadline.¹⁶⁵ "Solider F," for example, is a former British Army soldier who is being prosecuted for the murder of Patrick McVeigh, who was shot dead over 50 years ago in May 1972, as well as the attempted murder of four others who were wounded in the same incident.¹⁶⁶ Not only did the police investigation take ten years, but the daughter of McVeigh has expressed that her father "deserved to have 'someone held accountable for his murder.'"¹⁶⁷

Northern Ireland's slow pace of investigation is arguably rooted in the failure to implement a system of reconciliation like the Gacaca courts during or directly following the Troubles. The culture, regional attitude, and politics of the time did not create an environment appropriate for that to happen. An example is the creation of the Diplock Courts, which were non-jury felony trials utilized to quickly jail terrorist actors, given the high rates of violence occurring during the Troubles.¹⁶⁸ Serving more to establish the rule of law than allowing

<https://education.niassembly.gov.uk/post-16/snapshots-devolution/belfastgood-friday-agreement/power-sharing> (last visited Nov. 17, 2024) (explaining the nature of the Northern Ireland power-sharing agreement).

¹⁶⁴ See Brian Melley, *For the First Time, an Irish Nationalist Will Lead Northern Ireland's Government*, The Associated Press (Feb. 3, 2024, 4:06 PM) <https://apnews.com/article/northern-ireland-government-sinn-fein-stormont-brexitee33dae8ed4649c9386366e2dcd73f7391>; see also Brennan, *supra* note 163; see also Press Release, The White House, Statement from President Joe Biden on the Restoration of the Northern Ireland Executive and Assembly (Feb. 3, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/03/statement-from-president-joe-biden-on-the-restoration-of-the-northern-ireland-executive-and-assembly/>.

¹⁶⁵ See Shannon McKeown-Gilmore, *Former UK Soldier to be Prosecuted for 1972 Murder During Northern Ireland Troubles*, Jurist (Feb. 9, 2024, 3:20 PM), <https://www.jurist.org/news/2024/02/former-uk-soldier-to-be-prosecuted-for-1972-murder-during-northern-ireland-troubles/>.

¹⁶⁶ See *id.*

¹⁶⁷ *Id.*; see also Julian O'Neill, *The Troubles: Former Soldier Charged with Murder Over 1972 Shooting*, BBC (Feb. 8, 2024), <https://www.bbc.co.uk/news/uk-northern-ireland-68238984>.

¹⁶⁸ See Carol Daugherty Rasnic, *Northern Ireland's Criminal Trials Without Jury: The Diplock Experiment*, 5 Ann. Surv. of Int'l & Compar. L. 239, 239 (1999). See generally John Jackson, *Many Years on in Northern Ireland: the Diplock Legacy*, 60 N. Ir. Legal Q. 213, 215–20 (2009)

for reconciliation, it is no wonder why prosecutions are taking as long as they are. Investigating crimes committed by paramilitary factions over 40 years ago is a daunting task, with the added consideration that those still living have seemingly little interest or need to account for the past. As a result, witnesses do not come forward, making prosecutions extremely difficult. Moreover, as Bishops Martin and McDowell said in their joint statement, “anyone with a basic understanding of paramilitary culture in Northern Ireland could not expect many perpetrators to risk offering their accounts for the record.”¹⁶⁹

The Bishops also wrote, “[r]econciliation in both the religious and civil senses involves the restoration of relationships; it requires patience, the slow building of trust leading to courageous truth-telling, and immense forbearance.”¹⁷⁰ While the focus on prosecuting crimes from the Troubles is vital to reconciliation, it is not the only way to help the process. Although the Good Friday Agreement was signed in 1998, segregation and discrimination remain a concern in Northern Ireland. Most prominently are peace walls, large walls constructed of concrete, stone, or steel approximately 20 feet high and exist in major cities.¹⁷¹

Given the paramilitary activity, these walls served as protection for individual Protestant or Catholic communities by shielding each other from the violence of the opposing communities; some Catholics and Protestants have found safe harbor behind those walls even after the Good Friday Agreement.¹⁷² Rob McCallum, a project coordinator of Twaddell, Ardoyne, Shankill Communities in Transit (Tascit), which promotes cross-community relations, said that “[t]he walls just meant that if you wanted to shoot someone, you had to be a bit more creative. . . . They should come down. They’re segregation barriers to keep people segregated.”¹⁷³ Walls are not the only demonstration of Northern Ireland’s segregation issue: more than 90% of the schools in Northern Ireland are actively segregated by religion.¹⁷⁴ David Holloway, the director of Community Dialogue, argues that “segregating housing, interface barriers/peace walls and segregating education are today, I would say actually, obscene

(explaining the success of the Diplock Courts and their impact on the Northern Ireland criminal justice system).

¹⁶⁹ Young, *supra* note 128.

¹⁷⁰ *Id.*

¹⁷¹ See Harper Forsgren, *Troubles in Northern Ireland*, Ballard Brief (July 2019), <https://ballard-brief.byu.edu/issue-briefs/troubles-in-northern-ireland>.

¹⁷² See *id.*; see also Rory Carroll, *Belfast’s Peace Walls: Potent Symbols of Division are Dwindling – But Slowly*, *The Guardian* (Apr. 7, 2023, 9:00 AM), <https://www.theguardian.com/world/2023/apr/07/belfasts-peace-walls-potent-symbols-of-division-are-dwindling-but-slowly> (describing how Catholics and Protestants still felt a need for the walls, given the hatred that was still present in their communities).

¹⁷³ *Id.*

¹⁷⁴ Claudia Savage, *Segregation in NI is ‘Obscene’ 25 Years on from Good Friday Agreement*, *Belfast Tel.* (Mar. 21, 2023, 11:55 AM), <https://www.belfasttelegraph.co.uk/news/northern-ireland/segregation-in-ni-is-obscene-25-years-on-from-good-friday-agreement-activist/402496202.html>.

Nevertheless, we live in a democracy. Desegregating housing cannot be forced. Desegregating education cannot be forced.”¹⁷⁵ Deeply segregated schools mean that the students do not meet peers of different backgrounds until they go on to attend university.¹⁷⁶ By avoiding shared learning, the youth of Northern Ireland are missing out on an important role in re-establishing bonds after a conflict.¹⁷⁷ Not only is the integration of schools a key to peace, but it is also “a key element to a successful, inclusive and harmonious future in Northern Ireland.”¹⁷⁸ Things have been moving in the right direction, however, albeit slowly. A majority of young people support desegregation generally, mixed relationships are becoming increasingly more common, and about a fifth of people in Northern Ireland do not care about Catholic versus Protestant disputes.¹⁷⁹ Not only does this point to a “thawing of the sectarian permafrost,” but it demonstrates that with the right approach and support, Parliament has a catalyst to accelerate reconciliation and healing in Northern Ireland.¹⁸⁰

CONCLUSION

Parliament must engage in a more localized reconciliation strategy for Northern Ireland rather than the current state of the amnesty program. While attempting to underline the conflict, the current plan does not attempt to engage the local constituencies that the Good Friday Agreement was formulated by, unlike the Rwandan reconciliation system, which engaged local communities to form bonds of reconciliation. Just as during the negotiations over the Good Friday Agreement with the NIWC and the Catholic Church, local interest groups and local faith leaders should be engaged to foster reconciliation. The Catholic Church and local church leaders were heavily involved in the reconciliation process following the Rwandan genocide, and while there was a broader component to Rwanda’s reconciliation strategy (the tribunal), there remained the idea of decentralized justice. Such storied and contentious national trauma requires sincere and in-depth dialogue to heal the bonds broken during the Troubles.

By offering a solution with an apparent value of creating closure rather than reconciliation, the trauma that underlines the Northern Ireland-Great Britain relationship will be unaffected. Reconciliation is not a perfect process, nor an

¹⁷⁵ *Id.*

¹⁷⁶ See Megan Specia, *Decades On from Peace, Northern Ireland Schools Are Still Deeply Divided*, The N.Y. Times (Apr. 14, 2023), <https://www.nytimes.com/2023/04/14/world/europe/northern-ireland-schools-good-friday-agreement.html>.

¹⁷⁷ *See id.*

¹⁷⁸ *Irish President Criticises Segregated Education in Northern Ireland*, BBC (Feb. 17, 2022), <https://www.bbc.com/news/uk-northern-ireland-60241606>.

¹⁷⁹ See Claudia Savage, *Young People in Northern Ireland Support Desegregation*, The Ir. News (June 19, 2023), https://www.irishnews.com/news/northernireland-news/2023/06/18/news/young_people_in_northern_ireland_support_desegregation-3360971/; see also Carroll, *supra* note 172.

¹⁸⁰ Carroll, *supra* note 172.

expeditious one, yet the process continues. The underlying recommendation is not for the U.K. to establish Gacaca courts in Belfast, but to execute a reconciliation plan that engages local communities to heal a generational conflict brimming with pain and suffering. Even with the rise of the Labour Party following the July 2024 general election, seeking to “repeal and replace” the Troubles Act will not be enough.¹⁸¹ A repeal is a good first step, but Leader of the Labour Party and Prime Minister Keir Starmer will need to do more once the Act and its conditional amnesty is out of the picture. The British government must make strides to move past this disruptive period in their relationship with Northern Ireland and repair the trust the Act frayed so that meaningful steps towards reconciliation can truly be made.

The conflict in Northern Ireland has deep roots going back more than a century, requiring a careful governmental approach to achieve true reconciliation. If that is indeed what Parliament seeks to achieve, it will need to find better means of reconciliation rather than a hasty amnesty plan, offering “conditional amnesty to those accused of killings during the Troubles” and “stop any new Troubles-era court cases and inquests being held.” Gacaca serves as an example and a template of what can be done in utilizing tradition to help heal wounded bonds.

¹⁸¹ See Hughes & Crozier, *supra* note 4 (demonstrating that the Labour Party pledged in its manifesto for the general election on July 4, 2024 to “repeal and replace” the legislation).