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Eric Waugh

What is the life of an Omagh bomb victim worth?

Friday, April 04, 2008

The first question facing the Northern Ireland Office's Compensation Agency after the atrocity at Omagh 10 years ago was a delicate one. How do you put a value on the life of a child? The mistake of the agency was to fail to find the right answer, which — need I tell you? — is that you do not.

I wondered whether those concerned had children of their own. If they had, then I am at a loss to know how they could so suppress their sensitivities as to send out a form to grieving parents seeking shop receipts for the clothes their children were wearing when those clothes were torn to shreds in that fiendish bomb. The children wearing them, of course, were blown to pieces. Or I wonder how they could seek details of those kids' school exams, the better to ascertain their future earning potential, had they been allowed to grow into adults by the savages who planted that bomb.

I do not doubt you are as much at a loss as I am. The idea of filling in a form where you tick the right box so that a price can be put on the little one you cradled, the toddler whose hand you held through their first steps, whose photograph you took in the new uniform, first day at school — quite unthinkable. But not, it appears, for some. The parents of the youngster slaughtered by the car bomber in Claudy in 1972 were offered £65. In Omagh, the price came out at something around £7,500 for those parents robbed of their child — and, of course, of the children that child and its husband or wife would later have had. These sums are thousands less than the European Court of Human Rights ordered for each of the dead terrorists who blew up Loughgall police station in 1987.

Some years ago the police who claimed to have been traumatised by the Hillsborough football ground disaster got £85,000 each. Others involved got six figure sums.

Do these disparities involve human rights? If so, there's a deafening silence. From the European Court at the time there was nothing. The Northern Ireland Human Rights Commission was involved, though. But in its own twisted way. It blew thousands of your money and mine on fruitless lawyers' fees, trying to stop the BBC's Panorama naming the four suspects in the Omagh bomb inquiry. All the suspects, saving their skins, lived in another jurisdiction, so the commission was exceeding its powers. The judge duly threw out the application.

This sort of thing is enough to give the blaring human rights lobby a bad name, and there should be no surprise that it has succeeded beyond imagining in Northern Ireland. That is why this week's report offering what amounts to a draft bill of rights for Northern Ireland received such a partisan welcome. They are pushy, these people; for they were not asked to do any such thing. In fact, the Civil Rights Forum, set up after the Agreement, was told merely 'to agree recommendations' on how the job might be tackled.

Not surprisingly, considering the tetchy atmosphere of the debate, there was no agreement. But do not assume that that will deter the drivers of a bill.

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But there is a fundamental principle at stake here of which all should be aware. Northern Ireland, as at present constituted, is subject to British law: ie, the decisions of our courts are governed by the case law built up over many centuries and those decisions will be cited, day by day, in our courts, as the basis for argument. But in the Republic, although the fundamentals also stem from the British tradition, there is a written constitution and it is this — not the case law of the past — which will always have the last word in court.

Accordingly, the bid by the human rights lobby to align our human rights legislation with that south of the border has important implications. At present Northern Ireland is governed by British human rights law, based, admittedly, on a rather out-of-date Act drafted originally in the 1940s.

It badly needs updating, and that should be done, with any minor blips for Northern Ireland incorporated within it. Nothing in that process need hinder the closest co-operation on human rights issues with the Republic, as they become relevant. Meantime, the human rights lobby in Northern Ireland should tell us precisely why they think we need a separate Act here. To support more unelected quangos?

The newspapers are already packed with the advertisements for the jobs — joint advertisements, of course, of the Irish Human Rights Commission and the Northern Ireland body, all applications, please, to Fourth Floor, Jervis House, Dublin 1.

The critics of the Northern Ireland human rights lobby are convinced that it has a sub-agenda; and so long as they are, it will be denied their support. The challenge facing the lobby is to convince the critics they are wrong.

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