

# Northern Ireland

## Background

When Ireland was partitioned in 1921, Northern Ireland remained part of the UK. The Protestant majority living there largely supported remaining within the UK (unionists), while the Catholic minority largely considered itself Irish, with many desiring a united Ireland (nationalists). The Northern Ireland state was characterised by structural sectarian discrimination and political manipulation of electoral boundaries to minimise the nationalist vote, as well as draconian “Special Powers” that were used almost exclusively on the minority population.

In the late 1960s a peaceful civil rights movement involving both unionists and nationalists was met with violence from police, and in August 1969 British troops were deployed to try to maintain control. There was also a rapid growth of paramilitary activity, including the nationalist Irish Republican Army (IRA) and the unionist Ulster Volunteer Force (UVF) – referred to as ‘republican’ and ‘loyalist’ respectively to distinguish them from the non-violent nationalist and unionist movements – and over the next 30 years Northern Ireland was marked by repression, sectarian hostility and violence. Armed groups committed appalling violence against civilians and the state used imprisonment without trial, organised and sanctioned torture and extrajudicial executions.

Loyalist and republican paramilitary groups announced a cessation of hostilities in 1994, and although the IRA ceasefire collapsed in 1996, it was reinstituted in 1997. Multi-party talks began the same year, and included the political wing of the republican

movement, Sinn Féin, and representatives of loyalist armed groups. The negotiations led to the Belfast Agreement, or Good Friday Agreement as it is also known, in 1998. The agreement devolved reform of the Royal Ulster Constabulary (RUC) to an independent commission, which led to huge changes in the composition and oversight of the new police body, the Police Service of Northern Ireland (PSNI).

During the conflict the RUC was widely mistrusted by both loyalist and republican communities, only entering republican areas for conflict-related operations. Both communities instead looked to “community policing” by armed groups, which relied heavily on punishment violence to suppress what they regarded as anti-social behaviour.

The article below offers first-hand reflection on civil society activists’ efforts in the 1990s to reach out to armed groups in order to promote alternative approaches to punishment violence – which became known as community restorative justice. Initially this was through a local non-governmental organisation, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO). However, while loyalists were broadly amenable to the intervention, republicans were at first very reluctant. A civil society activist involved in this process explores how the republican movement became open to restorative justice approaches, and reflects on the broader impact of the initiative.

# From punishment violence to restorative justice in Northern Ireland

**Brian Gormally**

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## **Restorative justice – a civil society perspective**

In the mid-1990s there was widespread “punishment violence” in both republican and loyalist communities in Northern Ireland, even after the 1994 ceasefires. This was due to: a perceived policing gap, particularly in republican communities; a desire by armed groups to serve the community to fill this gap; pressure from communities to deal with anti-social behaviour and more serious crimes; and a perception that young criminals were used as informers by state forces, and that state forces were also encouraging drug taking and drug dealing as a counter-insurgency measure designed to destroy communities.

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Punishment violence ranged from public humiliation (tarring and feathering), to maiming (“knee-capping” – often of multiple limbs) and execution. However, during the 1990s, both before and after the ceasefires, armed groups sought to reduce their involvement in such activities. This was due to the negative political impact of the practice in spite of local popularity, the exposure of members to possible identification and arrest, and distaste within the broader ranks – including the units tasked with carrying out punishments.

The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), a major non-governmental organisation set up in 1968 to “work for the welfare of the offender” and provide services to help prevent crime and rehabilitate non-political offenders, felt there was an opportunity to propose peaceful alternatives to punishment violence through mediation and restorative justice. Restorative justice refers to community-based measures designed to heal the harm done by crime through the offender taking responsibility, making reparation and being reintegrated into the community. It must be exclusively peaceful and voluntary.

As well as receiving state money and having a good working relationship with statutory agencies, NIACRO had a well-established presence in many local communities, working with young people and armed groups. It was also working with the families of imprisoned members of political armed groups and some of those released on conditional licence.

## **Reaching out to armed groups**

One of NIACRO’s projects that began in the early 1990s, Base 2, helps those under threat of violence from armed groups and maintains contact with the groups to establish the actual level of threat to individuals. The project offers a verification and mediation service to help individuals remain within their homes, or gives practical support for safe relocation out of the area. The association therefore had a reasonable level of credibility with armed groups by the mid-1990s, yet also had positive links with government agencies and officials who had accepted, for example, that Base 2 had to negotiate confidentially with armed groups in order to minimise violence.

In 1996, as a way to reach out to loyalist groups, NIACRO recruited an ex-life sentence prisoner to consult with community activists and armed groups in loyalist areas on an acceptable community alternative to punishment violence. There was no direct engagement between NIACRO staff and the armed groups. A report outlining the outcome of the consultations proposed all the relevant elements of restorative justice, even though the term was not in wide use in Northern Ireland at that time. This process eventually led to the establishment of a restorative justice movement called “Alternatives” in communities affected by loyalist paramilitary violence.

Engagement with the republican movement was more challenging. An initial attempt in 1996 came to nothing – possibly because the republican movement was unwilling to cooperate on a sensitive issue with an initiative that had not originated within its own ranks. However, shortly after this, members of the republican movement initiated contact with individual NIACRO staff members through a trusted intermediary – an employee of NIACRO who was an ex-combatant and state torture victim. This resulted in direct dialogue between civil society activists and republicans involved in “policing” and punishment violence; senior members of the movement were kept informed.

This dialogue involved discussion on the “spectrum of legitimacy” (the extent to which elements of due process and proportionality affected the legitimacy of informal punishment) and training in human rights and the principles of restorative justice. It also shared comparative lessons from other contexts – aboriginal populations in Australia and the transitional process in South Africa.

The engagement with the republican movement was seen to be more politically sensitive and was not an official NIACRO project. It involved four civil society activists who had all been employed by NIACRO, but at this stage one was an academic and one worked for a human rights NGO. There was no formal negotiation with the republican movement about who should be involved, but those who decided to participate were known and trusted by the republican communities from their previous work.

Acceptability did not mean sympathy with the aims or tactics of the movement, but that the movement had reasonable confidence that information from the meetings would not be passed to the authorities and that the encounters would not be used in a politically negative way. Sectarian identity was not necessarily an issue, and the work histories of the individuals involved overcame any hostility. Although the individuals benefitted from the respect NIACRO had built up with the republican movement, particularly from the Base 2 project, in the end it was individual trust that counted.

A series of weekly meetings took place in areas and premises where republican activists felt safe and on home ground; this culminated in a weekend residential. After a six-month silence, a report detailing the discussions and a framework for future work was accepted by the republican movement and published. Practical work to establish an organisation that could deliver restorative practices began, but was fiercely opposed by the government and the leadership of the then RUC, although it was supported by mid-level police officers on the ground.

#### **Validating vigilantism or promoting community justice?**

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Communities were at first bemused by the abandonment of punitive responses to crime but quickly came to accept the concepts of restorative justice, and there was a high level of voluntary participation. Republican punishment violence did not disappear immediately, although it did reduce considerably, but it was a condition of the civil society activists’ participation that neither restorative justice mechanisms nor any of the people involved had any connection with the violence.

The project began to cooperate with the police in certain ways, especially after the 1998 agreement. This helped to dispel suspicion on both sides and demonstrated the practical benefits of cooperation, and thus helped pave the way for republicans to formally support the the Police Service of Northern Ireland (PSNI). Eventually, the state accepted the legitimacy of the projects, and in 2007 it agreed to certification by the Criminal Justice Inspection – one of the new

independent oversight mechanisms established by the Belfast Agreement. The republicans agreed to the devolution of policing and justice powers to the Northern Ireland Assembly. For both loyalists and republicans, the projects are today the most effective method of communication and cooperation between communities and police – and the police are their most vociferous champions.

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#### **Broader impact and conditions for success**

In the long term, the mainly informal engagement between the restorative justice project and the police undoubtedly contributed to Sinn Féin’s eventual support for the PSNI. During the Belfast Agreement negotiations, it was clear that punishment violence could not continue on a large scale while republican representatives were claiming to be pursuing a peaceful way forward. For political reasons, the movement had to end or almost end the violence, while maintaining the clear public support for their policing role.

A number of conditions contributed to the success of the initiative with the republican movement. First, civil society participants, whether organised in a group or not, benefitted from a history of relevant work (in the case of the author and his colleagues, work with prisoners’ families and ex-prisoners), a lack of overt political involvement or perceived bias, as well as links to and credibility with both broader civil society and the state. The people involved in the initiative also had something to offer the armed group, namely a new perspective, knowledge, contacts and training: they understood and were sensitive to the armed groups’ and also the state’s positions as combatants in a conflict, and so could “translate” between them.

Second, it helped that the trusted intermediary, who played a key role in initiating and maintaining dialogue between the armed group and civil society, had nothing to prove to the armed group (in this case being an ex-prisoner and ex-combatant), and had no current involvement in conflict – ie was not under the discipline of the armed group and had demonstrated credibility to the civil society organisation.

Third, it is unusual for such engagements to be successful unless the broader conditions for a peace process are beginning to emerge. These included, in this case, the recognition on all sides that military victory was unlikely if not impossible, the move towards ceasefires by armed groups, some prospect for political participation by ex-combatants, and some possibility of state reform including reform of political and security institutions.