



**SHARING EXPERIENCES FROM
NORTHERN IRELAND**

COMMUNITY RESTORATIVE JUSTICE

#1



PEACEBUILDING PRACTICE NOTES: SHARING EXPERIENCE FROM NORTHERN IRELAND

The Social Change Initiative (SCI) believes in the power of peer learning and exchange. Located in Belfast (Northern Ireland) it has identified issues and strategies that address the challenges of peacebuilding in a violently contested society. The purpose of these short Peacebuilding Practice Notes is to share insights and experience with activists and peacebuilding practitioners in other divided societies.

The Peacebuilding Practice Notes focus on specific initiatives that helped to provide alternatives to violence and consolidate the peace process in Northern Ireland. It is hoped that the learning can travel and be adapted to circumstances in other countries. While no context is the same, The Social Change Initiative believes that examples of conflict transformation offer the potential for shared learning.

The Peacebuilding Practice Notes are available to download from The Social Change website (www.thesocialchangeinitiative.org). Each Note provides links for further information. This Note describes the establishment of Community-based Restorative Justice in Northern Ireland in place of 'punishment' beatings and shootings.

COMMUNITY-BASED RESTORATIVE JUSTICE

Restorative justice is an approach to conflict and criminality that is non-violent, consensual and voluntary. It prioritises the need to restore healthy relationships between the victim, alleged offenders/perpetrators and the community. Inspired by values such as reconciliation, respectful dialogue and community participation, it sees crime as a violation of people and relationships. This differs from conventional criminal justice which frames crime as primarily a violation of state laws, and which administers justice by establishing innocence/guilt, and imposing punishment for law-breaking. Restorative justice views victims of crime, alleged offenders and the wider affected communities as being the key stakeholders. Having identified these stakeholders, it seeks to mediate their respective liabilities and obligations, to heal the broken relationships and to put right the wrongs. The practice of community-based restorative justice has been drawn from diverse cultural approaches and programmes in North America, South Africa, Australia, New Zealand and parts of Europe.

This Practice Note focuses on the development of community restorative justice in Northern Ireland. The specific context was a violently contested society where 'normal' policing found it difficult to operate in practice in circumstances where the police were themselves target of attack by non-state armed groups. Local communities that found themselves prey to criminality and anti-social behaviour in the policing vacuum often turned to the non-state armed groups to take action to 'police' neighbourhoods. The response was either the exclusion of the alleged offender from the area, or else punishment beatings and shootings of mainly young men, with little, or no, recourse to 'due legal process' or representation. This resort to punishment beatings had long been a subject of controversy, but came to a head with the commencement of the Northern Ireland peace process in 1994.

Northern Ireland: The Issue of Non-State 'Policing'

The conflict in Northern Ireland focused on the constitutional status of the region, with violence a daily occurrence over the years since 1968. Armed parties to the conflict fell into three categories: militant Republicans (fighting for a united island of Ireland); Loyalist paramilitaries (supporting continued union with Britain); and the state security forces (the locally recruited Ulster Defence Regiment, the British Army

and the police – the Royal Ulster Constabulary). There were a number of distinct non-state armed organisations within both Loyalism and Republicanism. Everyday policing was difficult given that its primary focus was on responding to non-state armed violence.

The relationship between the police and local communities, that bore the brunt of the conflict, was often contradictory. On the one hand, police were seen by some as ‘legitimate targets’ for upholding the state, on the other hand, they were condemned as failing in their duty to protect local people from criminality. Police were also treated as suspect when they recruited ‘informers’ from within communities, adding to local mistrust and an unwillingness to engage with the RUC (Royal Ulster Constabulary). Non-state armed organisations filled the vacuum when communities complained about criminality and anti-social activities. Punishment beatings and shootings were meted out to alleged offenders sometimes at the demand of their victims, with communities expecting such organisations ‘to do something’ in response to crime. For the organisations themselves there was the dilemma of positioning themselves as ‘community guardians’, but leaving themselves open to accusations of disproportionate violence, as well as placing weaponry and personnel at risk. The establishment of Republican and Loyalist ceasefires in 1994 (and the re-establishment of the IRA ceasefire in 1997) heralded their engagement in a peace process that was to result in the Belfast/Good Friday Agreement (1998). In these circumstances continuing violent punishment attacks became even more controversial. It was also clear that these ‘punishments’ were ineffective in reducing levels of anti-social activity. There was an imperative to find effective non-violent alternatives in what were still uncertain political circumstances.

Exploring Non-Violent Alternatives to Punishment Beatings

‘The dynamic behind the setting up of community Restorative Justice projects was initially and exclusively based within the context of peacebuilding. Ceasefires had been established that opened a space to look at the issues around punishment violence and policing within Republican and Loyalist communities. . .’

Paper by Northern Ireland Alternatives and Community Restorative Justice Ireland.

While NGO’s, and other civil society activists, had long been calling for an end to punishment beatings and shootings, the impetus for seeking alternatives came initially from within Republicanism in the mid 1990’s. An individual activist, with Republican credentials, began informal discussions with IRA members who were

involved in implementing the policy of punishment attacks. It was agreed to examine other options. This activist approached three individuals who were employed by a voluntary organisation involved with criminal justice issues in 1996. It was agreed that these external experts would facilitate structured discussion exploring the nature of crime, punishment, human rights and possible alternatives to punishment beatings, with the IRA members involved. This process of facilitated reflection was consolidated by a week-end residential. The outcome of the process was written up in *'Designing a System of Restorative Community Justice in Northern Ireland: A Discussion Document'* (1997) and the discussion was fed-back into the Republican Movement, which took time to consider the political and practical implications.

"Two things were important at that time – the people going to the meetings representing the Republican Movement were involved in the issue (i.e. were active combatants and senior representatives). They internalised the information that they received and changed their behaviour. This also coincided with the political changes that were happening at that time. It was recognised that there was a need to change how things were done."

Republican community restorative justice worker.

One of the external 'critical friends' involved in the discussions described the process:

"One of the things we looked at is what is called the spectrum of legitimacy - what was legitimate in terms of not just the community's perception, but also in human rights terms. The spectrum was, if you're going to commit an act of torture on someone by blowing their kneecaps off, how legitimate is that vis-à-vis a mediation process, where people are getting together to mend the harm that has been done? So, the idea of human rights as being one of those characteristics of what was a legitimate project was there. . ."

NGO worker.

A follow up action-research project funded two researchers to examine the feasibility of a community-based restorative justice approach in Republican/ Nationalist West Belfast and the Loyalist/ Unionist Greater Shankill area. The research, which examined the acceptability of alternatives to punishment beatings, was carried out by a Republican former political prisoner and a Loyalist ex-prisoner, respectively.

The local acceptance and credibility of the individuals tasked with carrying out this research was a critical factor in the success of the overall initiative.

“At that time there was an understanding, or a hope or a desire, that we were moving out of a dark place and positive things could happen. I think there were organisations and individuals who were prompting and developing different ways of doing things. . . I think there was a thirst and understanding from people like myself that the time was ripe to do something different. . .”

Loyalist community restorative justice worker.

The funding for the action-research was made available by an independent Foundation.

Developing the Model

In the Unionist/Loyalist Greater Shankill area the process adopted included:

- Explaining clearly to all potential stakeholders (including individuals with links to the paramilitary organisations) the objective of the exercise.
- Establishing a Steering Group to bring together individuals from the statutory, voluntary and community sectors that had an interest in examining alternatives to punishment violence.
- Undertaking local research with an extensive range of stakeholders to understand the views and attitudes in the community to the issue of punishment beatings.
- Examining models that might offer a realistic alternative to punishment beatings in order to bring forward suggestions as to what might be appropriate locally.

The research report concluded:

‘The paramilitary groupings wish to see some alternative to the present use of beatings. . . The community wishes to see a more immediate form of justice and the police recognise this to be the case. With this general appreciation of the situation there does exist a space in which to implement an alternative programme to replace those which are presently in existence. . .’

Loyalist community restorative justice worker.

In Republican/Nationalist West Belfast the funding was used to discuss options with key stakeholders and to develop a model of non-violent mediation. The role of the local researcher was essential in establishing and maintaining contact and credibility with the Republican Movement. The latter took time to discuss and internalise the options available given the ongoing political negotiations related to the peace process. Eventually Sinn Féin (the political party aligned to the Republican Movement) made a public announcement that it was in support of non-violent community-based restorative justice approaches. **It required a sensitivity to the prevailing political circumstances to develop the community restorative justice initiative given the centrality of policing to relationships with both the state and non-state actors.** Individuals associated with the Republican Movement went through a training programme on the detailed working of a proposed model which, again, was facilitated by NGO staff members. One suggested:

“What we were bringing to the table was a certain level of practical knowledge about how to organise projects. . .but also a certain kind of rigour – it had to be human rights compliant, non-violent. That there’s no kind of nod and wink under the counter use of threats. . .You can’t be successful with this kind of thing if you’re too closely identified with the politics of the group you’re trying to work with, or if you’re just prepared to go along with their agenda. You’ve got to bring something different and rigorous to the table. . .”

NGO worker.

It also required flexibility and patience to work at the pace of development dictated by the political circumstances and the ability of the political parties and non-state actors involved to agree and ‘sell’ the new approach.

Putting Community-based Restorative Justice into Practice

An independent funder, The Atlantic Philanthropies, provided a general grant to support the establishment of a community restorative justice project in the Loyalist/Unionist Greater Shankill area, and three projects in Republican/Nationalist areas of Belfast. The three-year funding (1999-2002) was followed by a further round of financial support (2003-2005) which funded community-based restorative justice in 8 sites (4 Loyalist and 4 Republican).

The Greater Shankill Alternatives initiative (later Northern Ireland Alternatives) was formally established in 1998, with a Management Committee that included community representatives, Loyalist ex-political prisoners and other stakeholders. An office was established, and a worker recruited who brought experience of community restorative justice programmes in the USA. Programme policies and procedures were agreed, with policies covering the rights of victims; safeguarding issues; human rights; volunteer and staffing; and governance put in place. **This framework of policies was essential in order to win community confidence and to attract the right people in terms of staff and volunteers.**

The approach adopted was to receive referrals about individuals accused of anti-social activity from local community members who had a legitimate concern. This included paramilitaries or the person who was under threat of a punishment beating, as well as victims of crime. Cases were then investigated and assessed. Where Alternatives felt it was unable to help, the individuals would be referred to other agencies. Where Alternatives support was felt to be appropriate, a range of options were discussed with the individual involved (in the case of young people, their family were also invited). A Support Worker was allocated to the individual and a contract agreed as to the nature of the Alternatives programme and the participant's commitment. The main focus was to help the participant (where this was the alleged offender) to see how their behaviour caused hurt and damage to the community, their victims and themselves. As such, the details of the agreed offender/Alternatives contract were presented to a community panel (5 volunteers representative of groups within the community) to establish how the offender might make amends.

In the community-based restorative justice approach, the needs of the victim of crime are paramount. As such, a trained mediator from Alternatives met with the victim to allow them to talk through the incident and to discuss possible ways for the offender to make amends. Where willing, the victim was facilitated to engage with the offender. Given the predominance of young men coming to the attention of Alternatives, a youth work approach was adopted.

"Our particular concept was to get two people to sit down around a table to discuss their problem and come up with a solution. . .We learned that it takes a while to build up a relationship with the young person (the offender) and the victim of crime. . .Sometimes it can take a week, sometimes it can take six months. . .to build the relationship up that allows people to come together to talk about the actual incident and how to put things right. . .Once the victim is happy with the outcomes then we start working with the offender to make sure that they don't get involved with things that bring them to the attention of either paramilitaries, or the police. in the future. . ."

Loyalist community restorative justice worker.

Over time, effort was invested in working proactively with those young people that were considered as peer leaders; the importance of “recruiting the Pied Pipers in the community” was seen as an effective preventative strategy. Questions were posed as to what it means to be part of the community? And, how do your actions affect and hurt others?

Community-based restorative justice in Republican communities was identified by those involved as an important aspect of conflict transformation, which needed the support of community residents and the Republican Movement. Guiding principles were summarised in ‘The Blue Book’, prepared with the support of NIACRO (Northern Ireland Association for the Care & Resettlement of Offenders) staff members. These included:

- Non-violence as an accepted principle that would govern practice.
- The importance of meeting the needs and clarifying the responsibilities and obligations of victims, offenders and the affected community.
- Local community involvement and sense of ownership of the programme.
- The need to be seen to be acting within the law.
- Clear proportionality between any sanction imposed and the offence committed.
- Respect for due process and the need for consistency in approach.
- Utilisation of existing community resources and infrastructure.
- Transparency of the process.
- Respect for human rights.

“We set up the first project where I interacted with the individuals who were appointed to negotiate with community restorative justice (in the Republican Movement) when people were being threatened. . .I mean at that stage within Nationalist communities, about 400 people a year were being shot or beaten. . .”

Republican community restorative justice worker.

Practices (such that two community restorative justice volunteers had to visit people rather than one on their own) and specific protocols (for example, dealing with particularly vulnerable individuals) had to be put in place; volunteers recruited and trained and offices opened. Until the acceptance of police reform, relations with the

police continued to be an issue particularly in Republican areas. It was, however, recognised that serious crimes (such as rape, child abuse, etc.) had to be dealt with by the criminal justice system. A process of indirect referral was adopted by using community-based organisations or acceptable statutory agencies as the point of contact.

Given the dynamics and impact of the conflict in different communities, community-based restorative justice cannot be seen as a one-size-fits-all approach, and needs to take account of community circumstances and sensitivities.

An evaluation carried out for The Atlantic Philanthropies reported that in the period 2003-2005, Community Restorative Justice Ireland prevented some 82% of potential paramilitary punishments in the areas in which it was working. It was also found that punishment beatings and shooting fell to zero in all but one project site that Northern Ireland Alternatives was working in by 2005. **The key to success is attributed to credibility, legitimacy and strong community connections.**

The Growth of Community-based Restorative Justice

The support for community-based restorative justice in Northern Ireland provided by The Atlantic Philanthropies, was essential:

“It wouldn’t have happened unless Atlantic Philanthropies had come in... There was absolutely no resources available other than theirs. The state was totally opposed to it because they viewed it as the IRA trying to set up an alternative police service and they obviously had major difficulties with that. . .”

Republican community restorative justice worker.

The scepticism and suspicion shown by many politicians, government departments and police service remained problematic, although the restorative justice projects generally found individual police officers supportive. Faced with these challenges, the role of the funder was important not only in terms of money, but also as an advocate and friend. Funding to commission respected US academic on restorative justice, Harry Mika, as an evaluator of the work, was crucial. He validated the work of the initiatives in Northern Ireland, commenting on the sense of community ownership, while concluding that in the highly politicized environment of Northern Ireland, *“It is not possible to understand the performance of the community-based restorative justice projects without reference to their political context”*. **Given the difficulties experienced in winning institutional and political acceptance for community-based**

restorative justice, the role of independent funders and a respected external evaluator was essential.

Official response to the development of the community-based restorative justice approach was closely linked to the broader issue of the reform of policing in Northern Ireland which was a key aspect of the implementation of the Belfast/Good Friday Agreement. The Royal Ulster Constabulary was replaced with the Police Service of Northern Ireland (PSNI) in 2001. Further political negotiation resulted in Sinn Féin accepting policing reform in 2007. Policing reform, however, was not universally accepted, with a number of non-state armed groups remaining both opposed to the Belfast/Good Friday Agreement and militarily operative. Some of these groups continued to engage in 'punishment' attacks.

Both the Loyalist Northern Ireland Alternatives and the Republican Community Restorative Justice Ireland (CRJI), invested time in developing external partnerships and engaging in outreach to statutory agencies. In May 2007, an official register of community-based restorative justice schemes was established which listed those projects that met government requirements (as defined in a protocol) and that were subject to inspection by the Chief Inspector of Criminal Justice. **The importance of developing and maintaining informal contact and communication with relevant agencies, alongside winning allies, is important in progressing community-based initiatives and peacebuilding.**

"There came informal discussions that gradually became more formal over the years with the police about crime and anti-social behaviour in areas. . .The NIO (Northern Ireland Office) expressed their complete rejection of community-based restorative justice schemes, and you had dialogue and negotiation over the next number of years, and eventually you had the Criminal Justice Inspectorate – an independent Inspectorate certified restorative justice schemes. They were allowed to take referrals from police and the criminal justice system in general. Now they are certified and accepted on both sides. . ."

NGO worker

Reflecting on the expansion of the work, Queens University Belfast academic, Kieran McEvoy, (who was involved in the early facilitated discussions) emphasised the importance of the groups developing a local community mandate by both putting in place programmes that resonated with community needs and had a credibility within the local community. He also stressed the importance of competence: being able to address the requirements of both victims and offenders. Finally, he pointed to the

importance of developing partnerships with external agencies (notably front-line service providers) as well as community-based organisations and activists.

'Inspectors were told by senior police officers in West Belfast and Derry/Londonderry that they regard Community Restorative Justice Ireland as the single most important relationship they have in reaching out to the previously estranged or hard to reach Republican/Nationalist communities living in those areas. . .'

Criminal Justice Inspectorate, 2011

Within community-based restorative justice the interface between offender and victim/community accountability remains core to the understanding of the work –

- That the offender is held accountable for the crimes/offences committed.
- The offender acknowledges responsibility for the hurt caused.
- The offender seeks to repair the damage in a proportionate manner.
- The offender is offered a pathway through which to return to a meaningful role as a community member.

Equally, the community restorative justice project works with the community to –

- Protect the victim and other community members from any further harm from the offender.
- Protects the offender from community vengeance.
- Sets in motion the healing process of restorative justice by negotiating a contract between offender and victim.
- Works to create the conditions favourable to the complete restoration of relations between the victim, offender and the community.

Summary

Northern Ireland Alternatives currently (2017) works with five centres implementing community-based restorative justice in areas across Belfast and the surrounding region. It has adopted a 'slow and steady' approach to development, refining its approach and methodology in the process. It retains a commitment to ensuring that community concerns lie at the heart of its work. CRJI (Community Restorative Justice Ireland) has five offices in Belfast; four in the North-West and one servicing Newry/South Armagh. Both organisations have close links, while continuing to respond to their own community priorities. Both view their work as a key element in conflict transformation and peacebuilding in Northern Ireland. One important aspect of peacebuilding asserted is the right of former combatants and former political

prisoners to be centrally involved in community-based restorative justice, subject to acceptance of the principles of non-violence and human rights, community transparency and accountability.

“At the end of the day what it rested on was like so many other things, a recognition that people who had been involved in violence were no longer, and could be progressive and productive leaders in society, in spite of – or because of – their past involvement in armed actions. . .”

NGO worker.

McEvoy (Department of Law, Queens University Belfast) underlined the insights emerging from his research into community-based restorative justice over a number of years. **(i) It is possible to engage directly with non-state armed groups and affect their behaviour through research and practice grounded in human rights and restorative justice. (ii) Deeply embedded cultures of violence can be challenged and ameliorated through careful, well planned, politically nuanced community-based programmes underpinned by good research and policy work. (iii) Former paramilitaries, if appropriately resourced and motivated can become key leaders in grassroots conflict transformation. (iv) Restorative justice theory and practice can be both adaptive and effective in community-led programmes and delivered in a human rights compliant manner. (v) State agencies may have to accept a more balanced notion of ‘real partnership’ when co-working with well-run, assertive and confident community organisations. (vi) The police and other criminal justice agencies can deliver more effective crime prevention and policing as a result. (vii) Other societies emerging from conflict should be wary of the related dangers of excessive legalism and state-centricity, cognisant of the role and capacity of grassroots justice organisations and open to direct engagement with armed groups for peace-making ends.**

The work continues to require long-term commitment and clarity of objectives. In terms of conflict transformation, it allows engagement with state agencies while still maintaining the primacy of the community perspective. Community-based restorative justice developed from a critical analysis of the conditions leading to paramilitary punishment violence rather than simply a condemnation of the violence itself. **The importance of having credible ‘insiders’ who had the connections with, and understood the thinking of, the non-state actors involved was essential. External ‘critical friends’ provided a sense of perspective and a challenge role that helped create space for consideration of non-violent alternatives to punishment**

beatings and shootings. The insistence on the core principles of non-violence and human rights was key in framing the community-based alternatives. Being prepared to work through the alternatives over many years of relationship building and negotiation was crucial.

Identifying an issue that was important to local people and involved their relationship to both the state and armed non-state actors was important, but could only be moved forward when it chimed with a moment of potential change in the peace process. While contributing to conflict transformation and peacebuilding, the projects put in place delivered tangible outcomes for their local communities that were seen to be better than reliance on paramilitary violence. Finally, the contribution of early independent funding, and the later validation by an external expert, underpinned developments that contributed to state funding for restorative justice.

In addition to Northern Ireland Alternatives and Community Restorative Justice Ireland, a third initiative, Conflict Resolution Services Ireland, offers a community-based restorative justice service with an emphasis on Republican groups that do not work with the Police Service NI. It is not certified under the government protocol. Initiatives linked to other Loyalist-affiliated groups are also in the early stages of development.

FURTHER LINKS

Auld, J., Gormally, B., McEvoy, K. & Ritchie, M. (1997) Designing a System of Restorative Community Justice in Northern Ireland: A Discussion Document – pure.qub.ac.uk/ws/files/5398583/The_Blue_Book_Final.pdf

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McEvoy, K. & Mika, H. (2001) Punishment, Policing and Praxis: Restorative Justice and Non-Violent Alternatives to Paramilitary Punishments in Northern Ireland, in Policing and Society, Vol. 11, No. 1.

Community Restorative Justice Ireland (CRJI) – Central Office, Unit 3, 105 Andersonstown Road, Belfast BT11 9BS – www.crji.ie

Northern Ireland Alternatives – 137 Agnes Street, Belfast BT13 1GG – www.alternativesrj.co.uk

Conflict Resolution Services Ireland – 274-276 Falls Road, Belfast BT12 6AL – www.conflictresolutionsservices.org.uk