COMMUNITY RESTORATIVE JUSTICE IN NORTHERN IRELAND

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Abstract
The Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) is a Non-Governmental Organisation (NGO) that has developed a range of responses to address crime and its impact on individuals and communities such as crime prevention initiatives, work with offenders and their families and the reintegration of offenders back into the community. During the last five years the association has supported the development of Community Restorative Justice (CRJ) approaches with local community groups as a core strategy.

This article will attempt to describe NIACRO’s work on restorative justice as an activity within the context of a transitional political situation moving towards a post conflict society. The paper discusses:

- the historical background of restorative justice in the political and economic context of Northern Ireland;
- programme evolution and the development of local systems and structures;
- the role of training, community capacity building and community empowerment;
- the range of responses adopted and their impact to date;
- the contribution the programme has made to peace building in a community coming out of a long period of conflict;
- perspectives on the issues raised by attempting to adopt a non-violent approach to anti-social behaviour in a society moving towards a post conflict situation;
- commentary on the working models identified by the agency;
- the promotion of good practice;
- the experience of dissemination of practice;
- links to human rights organisations.

Introduction
Northern Ireland has a history of violence and social, economic, and political difficulties whilst at the same time there is a strong community infrastructure in many local neighbourhoods. Within these geographical areas informal approaches for dealing with
crime and anti-social behaviour have developed. These techniques have led to threats, expulsions and numerous acts of violence committed against people who offend (e.g. sex offenders, drug misusers who offend, burglars or car thieves) as a form of punishment by paramilitary groupings.

Within this context informal Community Restorative Justice (CRJ) initiatives have been developed as an approach and philosophical ethos presenting opportunities to build on and support alternative ways of dealing with issues of crime and anti-social behaviour. The process has received significant support from a local NGO, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO). Also supporting the work of the projects have been people such as professionals and academics engaging with former active members of paramilitary organisations and with communities at a grass roots level as a way of contributing towards the development of peace, as well as revisiting issues of justice and rebuilding relationships.

Over the last five years CRJ has gradually been established in a number of local neighbourhoods within Northern Ireland. These areas include the Greater Shankill, Unionist or Loyalist area of Belfast; and projects in the Nationalist or Republican areas of Brandywell in Derry, and of Twinbrook and Poleglass, Upper Springfield, and New Lodge in Belfast. Other new projects are also being developed in both Loyalist and Republican areas. This paper reflects on some aspects of the work done to date within Nationalist and Republican communities.

**Aspects of the Social, Economic and Political Context**

Northern Ireland, with a population of just over 1.6 million people, is one of the most deprived areas of Europe. This is demonstrated by the poverty index, which is a composite measure taking account of life expectancy, literacy, income and long term unemployment (Department of Health, 2001).

Northern Ireland is constitutionally a part of the United Kingdom of Great Britain and Northern Ireland. This constitutional position is contested, demonstrated by the terminology used to describe the political and geographic entity that is ‘Northern Ireland’, namely as either the ‘north of Ireland’, ‘Ulster’ or ‘the occupied six counties’. Such terms reflect different historical, cultural and political perspectives and aspirations. Northern Ireland’s recent history is one of 30 years of conflict, violence and associated social, economic, political difficulties often referred to as ‘the Troubles’ or ‘the Conflict’ or ‘the War’. A significant aspect of this situation is the alienation between large sections of the minority Nationalist/Republican community and the state, and between the two main communities.

The effects of continuous conflict are interwoven into the fabric of these communities, particularly those that are most deprived. For example, recent research shows that many families have had direct experience of prison and that up to three generations within an
individual household may be affected as a result of politically motivated paramilitary activity (Keenan, 1997).

In such areas the population includes significant numbers of ex-prisoners. It has been estimated that between 15–25,000 people over 30 years of age have been imprisoned at some time due to the ‘Troubles’. For example:

<table>
<thead>
<tr>
<th>Location</th>
<th>Ex-prisoner population</th>
<th>Total population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Springfield</td>
<td>700</td>
<td>12000</td>
</tr>
<tr>
<td>Lower Falls</td>
<td>300</td>
<td>5400</td>
</tr>
</tbody>
</table>

Taking the average family size in Northern Ireland (2 adults 4 children) and using current population figures this amounts to approximately 1:3 families having immediate experience of imprisonment. At grass roots level within such areas community infrastructures have been built, which many ex-prisoners contribute towards and that are valued by the community (Keenan, 1997).

Other significant economic, demographic and social issues also impact on communities. Much public housing is relatively new (i.e. from the redevelopment and rebuilding of the 1970s onward) resulting in the displacement of settled populations to outer-city areas. The fear of inter-communal violence has, over the years, led to increasingly segregated communities in Northern Ireland. Protestant and Catholic families have moved away from mixed or border neighbourhoods. These areas have specific demographic characteristics, in particular different areas are identified as belonging to one of the two majority groups: ‘Nationalist’, ‘Republican’, ‘Catholic’; or ‘Unionist’, ‘Loyalist’, ‘Protestant’. This is because the people who live there predominantly share one or other of these backgrounds. This attempt to allocate an identity to an area is reflected by current figures that indicate 71% of public housing in Northern Ireland is currently segregated being populated mainly by one of the two communities (Murtagh and McDaid, 2000).

One such area in North Belfast is the New Lodge, a district with acute social and economic disadvantage. There is high unemployment with over 60% of the population in receipt of some form of state benefit. As Robson (1994) shows the area is in the top three within Northern Ireland with respect of the degree of deprivation rank (i.e. the measurement of the overall level of deprivation across the area as a whole); and intensity of deprivation (i.e. average measurement of the three worst sub areas of an electoral ward). More recent research shows no change in the overall levels of deprivation compared to other parts of Northern Ireland (Noble, 2001 cited at www.nisra.gov.uk). To compound the problems relating to high levels of deprivation there are interfaces between two communities that are often the site of cross community conflict. The New Lodge has a
history of some of the highest rates of violence in Northern Ireland. Twenty percent of ‘Troubles’ related deaths occurred within a square mile of the area.

The type of policing that existed in Northern Ireland created specific difficulties for some communities. Until recently policing has engaged primarily not in civilian matters, but in an anti-terrorist role as a response to the rise of paramilitary groupings in both Republican and Loyalist areas. Also as a result of the conflict some communities have to different degrees rejected the legitimacy of state policing through the then police body the Royal Ulster Constabulary (RUC), now reformed and renamed as the Police Service of Northern Ireland (PSNI), and the courts. From this situation where state policing was unacceptable in some communities there came into existence informal justice systems that operated outside the formal system. These systems were often perceived as having a more creditable mandate and legitimacy from members of the communities in which they operated than the formal criminal justice and policing system.

At the time of writing the cease-fires called by the main paramilitary groups who support the peace process are holding and there is ongoing work that should lead to a permanent political settlement. As part of the new political arrangements under the Belfast, or as it is often referred to, the Good Friday Agreement, a range of significant government initiatives have been put in place that will have implications for any future justice system within Northern Ireland including:

- The Patten Commission on Policing, which has led to the reform of the police force with the establishment of the Police Service for Northern Ireland that is publicly accountable to an independent Policing Board (www.belfast.org.uk/report/fullreport.pdf)
- The Review of the Criminal Justice System which had led to some operational reforms in the Criminal Justice system and the establishment of restorative justice as a part of the court system (HMSO, 2000).
- Human Rights and Equality legislation have also been brought in which may lead to a Bill of Rights for Northern Ireland to supplement and strengthen existing rights and anti-discriminatory legislation (Northern Ireland Human Rights Commission, 2001).

The Background to NIACRO and Community Restorative Justice

NIACRO is an NGO operating on Human Rights principles and is opposed to the violent punishments carried out by paramilitaries. It is committed to finding viable non-violent alternatives. This work has been ongoing for a number of years. For example:

- In 1990 the BASE 2 project was established to support people under paramilitary threat.
- In 1994 the cease-fires provided NIACRO with the opportunity to engage in a wider debate about policing with various social actors and organisations.
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- In 1996 research funded by a private charitable donation was carried out in Loyalist areas. As a result of this initiative the Greater Shankill Alternatives Project was established as an independent organisation with charitable status.
- In Republican areas training was delivered to explore effective and acceptable alternatives to violent punishments. However the initial work has not progressed, following a yearlong break in the Republican ceasefire during 1996-1997.

During 1997 a number of individuals, including some NIACRO employees were invited by the Republicans to assist with training on a programme named Justice in the Community. Following from this process in June 1999 there was the publication of a document known as the ‘Blue Book’ (Auld et al, 1999)

The ‘Blue Book’ outlined a process through which community groups could be involved in local approaches to dealing with anti-social and offending behaviours. This provided the context through which NIACRO had the opportunity to support community groups in Nationalist and Republican areas to develop their own restorative justice work. Facilitated by monies from an American Foundation administered by NIACRO they were able to initiate and develop pilot projects. Some staff were concerned by some staff within the agency about this course of action. The concerns were identified as being both internal and external:

**Internal Issues Related to NIACRO**
These included:

- the consequences for staff of the development of the CRJ approach and the role of NIACRO in this development;
- the validity of the approach proposed in the ‘Blue Book’.

**External Issues**
These included:

- the implication for relationships within and between the communities as a result of concepts and proposals within the ‘Blue Book’;
- the relationship between NIACRO and proposed pilot projects;
- the relationship between NIACRO, the Police Service Northern Ireland (PSNI), Northern Ireland Office (NIO) and other agencies;
- public perceptions of NIACRO.

**What is Community Restorative Justice**
Restorative justice seeks to create an alternative to the traditional focus on ‘retributive justice’ with an approach that seeks to ‘heal’ the injuries caused by crime on all parties involved (Marshall, 1992). As Christie (1977) puts it, ‘Restorative justice is an approach to dealing with the harms created by crime which views such problems as a breakdown in relationships and seeks to repair those relationships’.
Zehr (1990) views crime not simply as the violation of rules, but rather a serious form of interpersonal conflict which involves concrete harms to real people. These include the victim of the crime, the offender and the community in which the victim or offender live. These views are at the core of the community restorative justice model reflected in the ‘Blue Book’. The concept of CRJ is based on the assumption that the approach must include mechanisms to give local communities at the grass roots level a sense of ownership and responsibility over the process of justice. The justice system is often viewed as distant and oppressive to many people who live in their communities. Yet it is offenders and victims, their families and peers who often live together in those same communities. Thus the core partners in community based restorative justice are the community, the victim and the offender. This configuration is represented in Figure 1.

Figure 1: Core Partners in Community Restorative Justice Projects

Local programmes are based on structures that are volunteer led, organised and managed at a local level with accountability established through committees, standards of practice along with external support, supervision and evaluation. Membership is open to all and includes local people of different abilities, ages and genders working with respected members of the community including the clergy and professionally qualified people such as teachers, community, social and youth workers.

Core Principles and Practice of CRJ

At the core of CRJ are a number of key principles. Take the following examples. Firstly, the needs of the victim and perpetrator/offender must be addressed. Secondly, the perpetrator/offender must accept responsibility. Thirdly, restoring relationships, not retribution, is central. Fourthly, the process is based on mediation and dialogue. Finally, the process is voluntary and without duress.

Cases are referred mainly informally through the community, or through a range of community based, voluntary and in some cases statutory organisations. Victim offender dialogue through mediation is the main process engaged in by the projects. No attempt is made to assess the guilt of the perpetrator, although an admission of responsibility is required and all cases have the voluntary consent of all parties. The range of issues dealt with has included:
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- neighbourhood disputes;
- noise and nuisance behaviour;
- family conflict;
- anti-social behaviour;
- theft;
- damage to property.

**Accredited Foundation Training**

One of the main contributions made by NIACRO to the development of CRJ programmes has been the devising, and delivery of training and support. Training has been provided for community groups in nationalist areas that is accredited and includes the following elements:

- crime and the community;
- measurements of legitimacy;
- human rights and humanitarian law;
- protection of children and vulnerable people;
- introduction to mediation;
- community charter;
- community restorative justice model;
- evaluation.

Currently the training programme for volunteers in Loyalist areas is being prepared for submission to a recognised national accreditation body.

Within Nationalist communities over 200 people have been involved in training as volunteers through CRJ Ireland projects. The accredited training has led to volunteers undertaking capacity building and gaining insights into crime, conflict and human rights. The training was developed in a way that provided opportunities for training of trainers and now training is being delivered by and for local people.

The training also provided the opportunity for people to voice their views and experiences that confirmed through personal experience and testimony:

a) The acceptance and need for just and peaceful resolution to all conflict.

b) The protection of human rights expressed by people at a grass roots level, not as a distant academic or legal institutional agenda, but as an important lived reality.

c) The extent of alienation, mistrust and unresolved anger by people in the community towards the state and the criminal justice system due to perceptions of systemic injustice and the inability of the state and its systems to accept and acknowledge that it has treated people unjustly.
Achievements to Date

It is acknowledged that there are two systems in place, formal and informal. For a range of identifiable reasons both of these systems have been proven to be ineffective. By engaging in a dialogue with those having an insight into paramilitary activity including death, punishment beatings, 'kneecapping' and expulsions there has been a shift in attitudes that has made a significant contribution to peace. As a result, in both Loyalist and Republican areas programmes are operating independently supported by NIACRO and other agencies. These projects have dealt with over 1500 cases, the overwhelming majority of which have had successful outcomes as defined by participants in the process. Thus it is suggested that indicators of the success of the programme include:

- A significant number of cases have been undertaken where mediation rather than conflict has resolved differences.
- A reduction in paramilitary punishment beatings and shootings: in the year following the introduction of the pilot projects in Republican areas there were almost no cases of beatings and none of shootings (March 1999 – March 2000), and according to Base 2 figures there has been a significant reduction in the number of beatings and shootings in that period.
- Engagement in an ongoing process of dialogue by former combatants has been initiated at different levels. This has included informal, direct and indirect contact by formal paramilitaries involved in the projects with members of the judiciary.
- Community Development and capacity building, through provision of training, establishing local organisations and voluntary inputs to programme development, have been significant with programmes continuing to run on the basis of mainly voluntary workers.

Programme Issues

Some of the issues that have been identified as having an impact on or arising from the programme are discussed below.

Relationships With Statutory Bodies and the Media

At times this has been difficult with some critical media coverage and concerns expressed by a range of agencies about the roles of community groups involved with CRJ and NIACRO’s support for their work. For example see The Observer (25th April 1999) for an article entitled ‘For Salem in 1652, read Northern Ireland in 1999’ or Hansard Debates for 12th January 2000 (Columns 263 – 5). Such criticism is often centred on misconceptions about the programme, as exampled in the above press reports, however such public criticism has declined significantly.

Perhaps the most influential and damaging criticism was that by Dignan and Lowey (2000). In their work on behalf of the Criminal Justice Review they argued that community was oppressive in Northern Ireland and that only programmes that were integrated into the criminal justice system could have any legitimacy. This undermined
the possibility of involvement in justice matters by members of the community who had been involved in paramilitary activity.

Negative attitudes towards the projects by sections of the Government have also been evidenced implicitly in the Criminal Justice Review Implementation plan. The plan states that schemes undertaking community restorative justice work must be accredited by the Northern Ireland Office, the department that is responsible for the criminal justice system in Northern Ireland:

However schemes which set out to deal with criminal matters and which do not attain accreditation pose a serious threat to the human rights of those involved and risk undermining the rule of law (Northern Ireland Office, 2002).

One of the key factors accounting for these difficult relationships is the refusal of community restorative justice projects in Nationalist and Republican areas to engage directly with the state through the court system and the police force. This situation has not been resolved and requires the outworking of the reforms that are part of the Good Friday Agreement to be accepted by all parties.

**Relationships With Stakeholders**

The role of a voluntary agency working with community groups to support them to deliver their programmes can be difficult. There are pitfalls arising out of various issues such as concerns of agency staff, personal and professional relationships, clarity of aims, ownership and boundaries, mutual expectations, different interests and the allocation of resources. Work has to be ongoing to maintain relationships and ensure that all the stakeholders feel that their independence, roles, responsibilities and rights are acknowledged and respected. However it is significant that the CRJ programmes are now autonomous agencies being registered as independent organisations with their own management structures. As such NIACRO’s role has become focused on technical support and managerial advice though membership of project management boards.

**Reaction of Communities**

The programme is a genuine attempt to seek peaceful ways of dealing with difficult issues but the programme is not without its critics in local communities. Those who experience deviant and offending behaviour often seek a quick and violent solution. To argue against this needs sensitivity combined with openness. It also has to be recognised that many people in communities and neighbourhoods resent and distrust the CRJ programmes because of their perceived links to paramilitary organisations and political perspectives. Not everyone in the communities referred to supports or agrees with the rationale or justification of activities claimed on behalf of the Republican or Loyalist paramilitaries.

**Growth Versus Quality**

The project in the Loyalist area is totally independent and has developed at its own rate defined by the project’s management and available resources. However, within the
Republican areas in the space of just over two years the programme has grown from four pilot projects to potentially fourteen. It is worth noting, though, that such growth can put strains on the quality aspects of what is a grass roots volunteer led programme unless they are adequately resourced.

**Training and Accreditation**

To ensure volunteers have the knowledge, skills and confidence to undertake the work continuous training is required, but this is only one element of the process. Any training must have demonstrable levels of quality, capacity building and progression, thus the importance of having the training accredited. Further training of local people to deliver their own training programmes has been provided to develop local capacities. Other training on a range of issues such as mediation skills, human rights and child protection has been developed and enhanced within the programme or sourced externally.

**Standards of Practice**

The drafting of Standards of Practice, within both loyalist and republican projects, their wide publication and distribution, e.g. on the Internet and other channels, demonstrates the importance these organisations place on providing a quality service. These standards are a benchmark with regard to openness and transparency and a basis for monitoring the quality of the programme. (See web sites: www.restorativejusticeireland.org and www.alternatives-ni.org.uk)

**Funding Strategy**

To date most funding has been provided through an independent charitable source. More recently, though, programmes have received substantial funding from other funding sources. Looking to the future, it is highly likely that programmes will seek to access further funding from statutory sources. However such funding will be dependent on changes to government policy and improved relationships between all CRJ projects and the various statutory agencies within the criminal justice system.

**Evaluation and Impact**

From the initiation of the programme the work has been monitored and evaluated by an external commentator, Harry Mika of Central Michigan University. To date the programme has produced some positive results as identified in an ongoing evaluation. It is expected that the evaluation will be made public at a later date.

**Lessons Learnt**

The above programme has encountered difficulties. As in any situation where there is potential for engaging in controversial issues there are conflicts for NGO agencies taking a lead in such work, for communities understanding such approaches and for state bodies who may view such initiatives as being a challenge to their mandate and established systems.
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- At community level in areas where consensual policing has been absent there is a willingness by people to hand over 'the problem' of criminality and anti-social behaviour to others. Thus these problems have in many instances been dealt with by paramilitaries, or through informal dispute resolution. By implication the state has a responsibility to be answerable for its contribution to the causes of alienation within communities that undermines democratic consensus and creates mistrust of the criminal justice system.

- The rapid expansion of the programme and the number of cases being dealt with has highlighted the importance of both mediation training as a key element of programme practice, and managerial skills to support the organisational capacity of programmes. The importance of capacity building within communities utilising community development principles has wide implications for government and statutory services. For example if communities are to build capacity, what ethos should direct how people and grass roots organisations can contribute to wider civic life.

- Community initiatives that seek to have some ownership and responsibility for engaging in justice issues have to be able to show they are providing basic standards in the way people are treated and in adherence to human rights. Thus the development of Standards of Practice by the groups involved in the initiative has been a benchmark of quality and transparency. Such Standards of Practice have the potential of making human rights a meaningful reality for people rather than being handed down to them by people who neither understand, have a mandate from nor reflect the views of local communities.

- The opportunities created for dialogue between former combatants is part of the wider political settlement and is therefore fraught with concerns and mutual suspicion. Movement has taken place at all levels and needs to be developed so that relationships such as those between communities and those in the criminal justice system can become 'normal'. However the normalisation of relationships between the state and alienated communities is effected by imbalances in power relationships and perceptions engendered by positions adopted over thirty years of conflict.

- Whilst senior management of statutory agencies are often wary, even hostile towards such initiatives, it is recognised that relationships have developed with statutory bodies. These relationships are mutually very important to ensure a future working together of statutory services and community based programmes that are both effective and adequately resourced. At present some organisations 'turn a blind eye' to contacts between staff and CRJ programmes, publicly adhering to the government policy of non–contact. Such approaches seem inconsistent with best practice.

- The most negative aspect of the programme is the uncertain political context and the contest over who is to control justice in Northern Ireland. In this debate there are vociferous claims by some critic's of community based programmes, for example Dignan and Lowey (2000) that the community based models developing in Northern Ireland are potentially:
• Illegitimate (e.g. lack of police involvement and control, involvement of paramilitary organisations, challenge to the conventional system of justice).

• Illegal (e.g. withholding information about crime, vigilantism, exclusion and boycott, paramilitary front and cover, double jeopardy and lack of due process).

• Finally these matters raise fundamental issues about what sort of civic society and justice system will be put in place in a future Northern Ireland. The concept of civic society is one that goes beyond the minimal standards of civics, voting and identity. Civic society is a proactive concept based on active, inclusive, participatory democracy with a range of stakeholders (O’Donnell, 1999).

• Democracy is not static and it changes over time with people being included or excluded by being perceived as culturally or socially 'legitimate' – or 'respectable citizens' or not and that dissenting views can be either respected and included or dismissed and excluded. See for example Anne Phillips (1991, 1995) for a feminist perspective on this issue.

The experience of CRJ programmes raises questions for the future about who will 'own' justice? Is justice to be exclusive – to be owned and controlled by the state and statutory bodies or does it belong to everyone? As Mika (1997) stated, 'Simply, the practice of restorative justice reveals who is trusted'.

There has been some positive change in how the police and judicial system and members of previously alienated communities engage. However there is a reality that at least some government departments are suspicious of and wish to establish centralised control systems on potentially innovative justice oriented initiatives that are genuinely community based.

**Conclusions**

This paper has been a brief overview of the development of CRJ in Northern Ireland, based on the experience of the work by staff at NIACRO. At this point in time it is too early to state conclusively what the future for restorative justice in Northern Ireland will be in the context of community-based initiatives and the mainstream justice system. What is clear though is that the circumstances of Northern Ireland have created both challenges and opportunities. If the community programmes are to develop, be sustainable, effective and of high quality they will need ongoing support and funding, which in turn means engaging with the state.

This will also require community-based schemes adjusting their thinking in terms of key partners in the process of restorative justice, to include state bodies. In nationalist areas this is likely to happen once the policing issue has been resolved satisfactorily. Equally this will require the state to accept support and include rather than demonise and exclude community-based schemes. If these problems and blockages are addressed positively there is the potential for developments and partnerships that would have been unthinkable five years ago.
The alternative is that community based schemes will continue to not engage with the state and the state continuing to claim ownership of a court based institutionalised restorative justice system. In this situation the wider development of restorative justice will be grossly undermined, without adherence to the concepts of partnership, inclusion and the rights of communities to be actively involved in justice processes. If this is the case the causes of 30 years of conflict will have succeeded in becoming re-entrenched at both community and state level.

References


www.nisra.gov.uk