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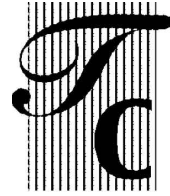
Re-imagining DDR

Ex-combatants, leadership and moral agency in conflict transformation

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Abstract

Drawing upon criminological studies in the field of prisoner rehabilitation, this essay explores the relevance of the Demobilisation, Disarmament and Reintegration (DDR) framework to the process of conflict transformation in Northern Ireland. In a similar fashion to the critique of 'passivity' offered by, for example, the 'strengths based' or 'good lives' approach to prisoner resettlement and reintegration more generally, the authors contend that the Northern Ireland peace process offers conspicuous examples of former prisoners and combatants as *agents* and indeed *leaders* in the process of conflict transformation. They draw out three broad styles of leadership which have emerged amongst ex-combatants over the course of the Northern Ireland transition from conflict—*political*, *military* and *communal.* They suggest that cumulatively such leadership speaks to the potential of ex-prisoners and ex-combatants as *moral agents* in conflict transformation around which peacemaking can be constructed rather than as obstacles which must be 'managed' out of existence.

Key Words

agency • demobilisation • disarmament • ex-combatants • leadership • reintegration

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Introduction and background

The image of Sinn Féin's deputy leader Martin McGuinness and the Democratic Unionist Party (DUP) leader Ian Paisley sharing power in Northern Ireland has been rightly lauded as an example par excellence of successful conflict transformation (Hain, 2007). While the process has been characterised by tortuously slow progress and numerous seemingly insurmountable impasses (ultimately overcome) since the Good Friday Agreement was signed in 1998 (Aughey, 2005; Bew, 2007), the broader trajectory towards peace has been sustained. This paper explores the role that politically motivated ex-prisoners[1] and ex-combatants have played in maintaining that momentum, particularly 'on the ground' in communities most affected by violence (Shirlow and Murtagh, 2006).

The essay begins with an exploration of the out-workings in Northern Ireland of the framework most often applied to ex-combatants and released politically motivated prisoners in former conflict zones, i.e. Disarmament, Demobilisation and Reintegration (DDR). Then, drawing from recent criminological scholarship on different variants of reintegration in particular (discussed elsewhere in this issue), the essay develops a critique of the *passivity* which permeates much of the writings and practice of DDR. It suggests instead three overlapping leadership styles which (it is argued) are discernable amongst former prisoners and ex-combatants in Northern Ireland. Each of these speaks directly to the question of *moral agency* in conflict transformation. The paper concludes with a discussion of the relevance of the Northern Ireland experience to peacemaking efforts elsewhere, both in other transitional societies and indeed in other more 'settled' contexts.

Before examining some of these broader questions, it might be useful at this juncture to offer some background to the research in this article in particular and to the reintegration of former prisoners and ex-combatants more generally in Northern Ireland.

First, with regard to this essay, it merges individual and collaborative work with, and research on, serving and former politically motivated prisoners and ex-combatants conducted over the past two decades in Northern Ireland (see e.g. Gormally et al., 1993; McEvoy, 2001; Shirlow, 2001; Shirlow and McEvoy, 2008). Most recently the authors completed a major study of 300 former Republican and Loyalist prisoners and 150 family members (75 from each community) based in North and West Belfast. Facilitated by Republican and Loyalist ex-prisoner organisations (Coiste na n-Iarchimí and EPIC respectively), that research involved surveying the former prisoners and their families, as well as a series of workshops, focus groups and a range of semi-structured interviews (see Shirlow and McEvoy, 2008 for further discussion). The fieldwork referred to in this essay is drawn from that most recent study.

With regard to the experience of former politically motivated prisoners more generally in Northern Ireland, under the terms of the 1998 Agreement, all qualifying paramilitary prisoners belonging to organisations on ceasefire

were to be released from prison within two years (McEvoy, 2001). Although, the numbers released under these provisions constituted only a small percentage of those who were imprisoned as a result of the conflict, these releases have remained amongst the most controversial aspects of the peace process (Digney, 2007). To date, 450 prisoners have been released early (196 Loyalist, 242 Republican and 12 non-aligned) under those provisions.[2]

Despite the dire predictions from some quarters at the time, in pure recidivism terms, the early releases have been a striking success. To date, only 20 persons have been returned to prison for breaching the terms of their licences. Of these 16 were life sentence prisoners and four were determinate sentence prisoners. Ten of the 20 (four determinates and six lifers) were returned for alleged involvement in terrorist offending behaviour and 10 for alleged involvement in non-terrorist offending behaviour.[3] A total of 28 prisoners have been reconvicted of other offences, although the Northern Ireland prison service does not specify how many of these overlap with licence revocations. In any case, an approximate figure of probably less than 40 prisoners (or less than 10 per cent) being involved in either ordinary or politically motivated offending a decade after the early releases commenced is quite striking.[4] By way of comparison, the recidivism rate in Britain for 'ordinary' offenders released from prison is that 58 per cent are reconvicted of another offence within two years (Home Office, 2001). In Northern Ireland, the equivalent figure is 48 per cent (NIPS, 2003). In short, the recidivism rates speak directly to the political motivation of the vast majority of the inmates.

Those who benefited from the early releases re-entered communities into which approximately 15,000 Republicans and somewhere between 5,000–10,000 Loyalists had already been released throughout the conflict. As well as the provisions relating to the early released the Agreement also stated that:

> The Governments continue to recognise the importance of measures to facilitate the reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, re-training and/or re-skilling, and further education.
>
> (*Belfast Agreement*, 1998: 26)

Despite this reference to its importance in the Agreement, the practice of prisoner reintegration in Northern Ireland remained controversial. For some, the allocation of any resources towards those who had been involved in violence constituted a 'reward to the "men of violence"' (Gormally, 2001). For others, the process has been characterised by a lack of political will on the part of government to properly support the work of ex-prisoners and to remove the obstacles faced by them in reconstructing their post-conflict lives (Rolston, 2007). In addition, many politically motivated ex-prisoners themselves bridle at the term 'reintegration', suggesting that it undermines their 'hard earned' status as political rather than ordinary offenders; that it denotes a failure to acknowledge the structural causes of violence and their continued exclusion from full citizenship entitlements;

and that it implies a basic misunderstanding of the relationship between them and the communities from which they come—implying that they are somehow 'other' or apart from such communities or are required to change in order to 'fit back' into society (Coiste, 2003a, 2003b).

Between 1995 and 2003, 61 former prisoner groups and a further 29 affiliated projects received a total of £9.2 million in funding from the Community Foundation for Northern Ireland (CFNI)[5] and the European Special Support Programme for Peace and Reconciliation (Peace I and II) in Northern Ireland. While this was undoubtedly a significant investment of resources, it represented less than 1 per cent of the total EU and government funded budget for peace and reconciliation work in Northern Ireland (Shirlow et al., 2005). The reintegrative model developed for ex-prisoners was essentially a self-help model. Monies were distributed through CFNI (a highly respected independent community funding agency) which established an advisory committee made up of all the main prisoner groupings as well professional agencies such as the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), the Quakers and the Irish Commission for Prisoners Overseas (ICPO)—all of which had a history of working on prisoner issues. The actual management and staffing of the reintegration programmes was left largely to the ex-prisoners themselves.[6] The projects were organised on a factional basis, broadly mirroring the various paramilitary organisations to which they had previously belonged. Thus Coiste na n-Iarchimí became the umbrella organisation for former IRA prisoners, EPIC serviced former UVF and RHC prisoners, Prisoners Aid acted for UDA/UFF, Teach na Failte for former INLA prisoners, and a range of programmes catered for different smaller and non-aligned groups (Gormally, 2001). While undoubtedly this model resulted in some duplication of effort, it is difficult to see how any other method would have been feasible with these former sworn enemies in the early days of the transition.

As for the practical work of the projects, this has encompassed a broad spectrum of activities, only a snapshot of which can be discussed here. The range of work in which politically motivated former prisoners are or have been involved includes: direct service such as counselling and training for ex-prisoners and their families; capacity building in local communities; ex-prisoner self-help initiatives including conflict related tourist programmes delivered by former combatants; community based anti-poverty and anti-racist work; resolving disputes at interface areas and concerning contested marches; community based restorative justice as alternatives to punishment violence; youth diversionary work; initiatives on dealing with the past including truth recovery, developing relations with former enemies and victims of violence and devising forms of memorialisation and commemoration; equality and human rights campaigning, and a host of other related activities (see McEvoy and Mika, 2002; Shirlow et al., 2005; Gormally et al., 2007; Shirlow and McEvoy, 2008 for an overview).

This diverse range of activities reflects the particular variant of prisoner reintegration which has developed in Northern Ireland. Such reintegrative projects

have developed alongside efforts to deal with both the decommissioning of weapons and the nature, structure and very existence of the paramilitary organisations themselves. It is the intersection of these different dynamics to which we now turn.

Disarmament, Demobilisation, Reintegration (DDR) and the relevance of criminology

In the wider international context of political conflicts, DDR programmes are now a familiar element of the post-conflict reconstruction template (Kigma, 2001; Gear, 2002; Berdal, 2005). As Kofi Annan argued in the Preface to the United Nations *Integrated Demobilization, Disarmament and Reintegration Standards*, 'the disarmament, demobilization and reintegration of former combatants and those associated with armed groups is a prerequisite for post-conflict stability and recovery' (UNDKPO, 2006). Since 1991 the United Nations has assisted with DDR programmes in 18 different countries. In addition, a number of other countries have instigated their own national programmes without significant UN oversight.[7] Often the rationale for DDR programmes, particularly from major donors, appears to be a fixation upon getting combatant groups disarmed, broken up and returned to civilian life as smoothly as possible, lest they prove a destabilising factor in efforts to move a society towards peace. As the World Bank detailed in its rationale for demobilisation and reintegration in the Great Lakes Region of Africa: 'The strategy's main premise is that the disarmament, demobilization and reintegration of ex-combatants is necessary to establishing peace and restoring security, which are in turn pre-conditions for sustainable growth and poverty reduction' (World Bank, 2002: iii).

One interesting feature for current purposes is the fact that so little emphasis in the DDR literature refers to the particular needs and experiences of released political prisoners. Rather the tendency is for DDR programmes to be shaped primarily around the needs of those combatants still 'in the field' (Marks, 2000). While perhaps understandable, given that these are the individuals and groups with the most obvious military capacity, it should be remembered that prisoners most often remain an important part of their broader social or political movement. As a prominent Republican former prisoner remarked to the authors, 'the Maze for us was simply the IRA locked up, we were still an integral part of the Army's [IRA] structure'.

The failure of DDR programmes to acknowledge formally the particular needs and, indeed, abilities of former prisoners (for example, as leaders in the transition to peace) is a serious flaw. Further, as Rolston (2007) has argued, the evidence would suggest that DDR works most effectively when it is a staged element of more broadly focused genuine efforts to develop a society socially, politically and economically (Baaré, 2001). Efforts to simply disarm ex-combatants, get them out of military structures and back into a civilian life as quickly as possible (while their social and political circumstances remain

unchanged) is not generally a recipe for stability (Gear, 2002). The collapse of the peace process in Liberia in 1999 is an example par excellence of the dire consequences of a 'quick and dirty approach to DDR' where insignificant efforts were made to follow through on the promises contained in the Abuja Peace Accord (Gomes Porto et al., 2007). As a result, it is increasingly recognised internationally that processes of DDR cannot be 'ring-fenced' as primarily military or security matters but rather must be seen as an integral element of broader post-conflict developmental work (Knight, 2008)

The version of DDR which has emerged in Northern Ireland has a number of distinctive features which are worth outlining briefly here by way of context for the discussions below. Amongst the non-state armed groups, the Irish Republican Armey (IRA) is the group that has moved most on demobilisation. In August 2005, former Republican prisoner, Seana Walsh, read out a statement on behalf of the IRA leadership which formally ordered the end of the armed campaign, and stated that volunteers should 'assist the development of purely political and democratic programmes through exclusively peaceful means' and that they should not 'engage in any other activities whatsoever'.[8] The International Monitoring Commission[9] has repeatedly made reference to the 'disbandment of [IRA] paramilitary structures' (IMC, 2007a: 8).[10] There was a suggestion from some dissident DUP members (opposed to power-sharing with Sinn Féin) that the disbandment of the IRA ruling Army Council should also be a pre-condition before the re-establishment of the devolved administration in Northern Ireland in 2007.[11] However, the fact that this did not appear to undo the DUP/Sinn Féin negotiations on restoring devolution would suggest an implicit pragmatism that some form of leadership structure is required in order to oversee the transformation of such an organisation (IMC, 2007a: 26–7).

Amongst the Loyalist groupings there have been some parallel developments. In May 2007, former Ulster Volunteer Force (UVF) prison commander, Gusty Spence, announced that the UVF and the closely affiliated RHC would 'assume a non-military, civilianised, role'. Spence also indicated the UVF/RHC would engage in a process of 'transformation from a military to a civilian organisation'.[12] Even the Ulster Defence Association, long considered the least disciplined of the Loyalist groupings and one of those most embroiled in criminality, has indicated a desire on the part, at least of some of its senior leadership, to engage in conflict transformation (Gribbin et al., 2005; IMC, 2007b).[13] In November 2007, the UDA announced that it too was 'standing down the Ulster Freedom Fighters' (its nom de guerre)— an announcement which was greeted with some public scepticism.[14] Notwithstanding such well justified caution with regard to the UDA, and while elements of each of the paramilitary organisational structure remain in place, all of the main groupings would now appear to be on some form of organisational transformation trajectory.

With regard to disarmament, the decommissioning of weapons has been partial. Only the mainstream IRA has apparently fully decommissioned and this process took almost nine years of parallel political developments, tortuous

negotiations and complex oversight mechanisms (O'Kane, 2007). The 2007 UVF and RHC statement on their future also included a promise to put weapons 'beyond reach'. This has been translated as keeping them under the direct control of the respective leadership of these organisations. That said, the organisations have re-appointed another prominent former UVF prisoner, Billy Hutchinson, as liaison with the International Decommissioning Body to explain in detail how they are controlling access to these weapons.[15] The Loyalist Volunteer Force (LVF) publicly decommissioned a token amount of small arms and munitions in December 1998. While the UDA have had meetings with the decommissioning body, their statement of November 2007 indicated their determination to retain their weaponry, albeit also placing them 'beyond use'.[16] On the part of the state, while demilitarisation (termed 'security normalisation') was initially equally slow to respond to the changed security circumstances (Rolston, 2007), this too has speeded up in recent years.[17]

It is the process of ex-prisoner and former combatant reintegration in Northern Ireland which is arguably of most interest for this essay. As was noted above, the linkage between 'reintegration' and political imprisonment in Northern Ireland raises understandable hackles amongst politically motivated former prisoners whose incarceration had been dominated by their struggles against criminalisation (Shirlow and McEvoy, 2008). However, even within the specialist criminological literature which relates explicitly to ordinary prisoners, as is discussed elsewhere in this issue, reintegration is a term replete with definitional wranglings and occasional heated scholarly and policy debates (Braithwaite, 1989; Maruna and Immarigeon, 2004). In particular, the assumption that much reintegration research focuses predominantly on the attitudes and behaviour of the released prisoner, rather than the society to which he or she is returning, is a source of particular ire for many criminologists working in this field (Maruna and LeBel, 2003). Indeed such academic discomfiture appears to be shared with some ordinary prisoners themselves. As Harris (2005) has argued with regard to such individuals in Pennsylvania, many prisoners and ex-prisoners,

> hold negative attitudes toward the concept of rehabilitation and correctional treatment programs. In general, the distaste for such programs is linked to a sense that these interventions involve things being 'done to' or 'prescribed for' passive recipients who are characterized as deficient, ineffectual, misguided, untrustworthy, possibly dangerous, and almost certain to get into trouble again.
>
> (2005: 318)

We have been particularly drawn to the genre of literature which is variously referred to as the 'strengths based' (Maruna and LeBel, 2003), 'empowerment' (Harris, 2005) or 'good lives' (Ward and Brown, 2004) approach to reintegrative work. Briefly, this is a perspective which encompasses the strengths or skills that former prisoners may bring to their own reintegration as well as their potential contribution to their families or community (Ward and Gannon, 2006; Ward and Maruna, 2007). Utilising the strengths based approach, policy-makers and practitioners are encouraged to deal with

prisoners and former prisoners as 'subjects rather than objects'. The emphasis here is upon supporting social capital related factors and processes (e.g. employment, family relations, social networks) which promote desistance from crime (see Farrall, 2002, 2004). From this perspective, ex-prisoners should be treated with respect (Duguid, 2000: 18). Within this framework, there is an awareness of the importance of the fellowship and mutual support from other former prisoners who have been through a similar experience of incarceration and return to civilian lives (Burnett and Maruna, 2006). There is also a fairly cold-eyed assessment of the importance of individual motivation and agency in intersecting with these broader structural processes in the desistance process (Farrall and Bowling, 1999; McNeill and Whyte, 2007).

The broad thrust of much of the strengths based variant of reintegrative literature resonates strongly with the experiences of politically motivated prisoners in Northern Ireland. Accepting as a given their broad political motivation, it well captures the 'self-help' approach of former prisoners who have taken ownership over their own projects rather than assuming passive roles of accepting individualistic forms of 'treatment' or 'aid' (Gormally et al., 2007). It is precisely this privileging of *agentic* potential which characterises the work of many individuals and groups of ex-prisoners who have played such a crucial role in the transition out of conflict in the jurisdiction.

A second feature is also of relevance. Although arguably less developed in the British literature, there is an emerging concurrent emphasis within contemporary reintegration studies (in the US in particular) upon the *rights* of ex-prisoners as citizens in a democracy (e.g. Petersilia, 2003, esp. Ch. 6; Uggen et al., 2005). In the United States ex-felons sometimes have basic rights, such as the right to vote, removed, with 5 million people in total being disenfranchised because of previous criminal convictions (Uggen and Manza, 2002). Upon release, ex-prisoners are routinely denied access to a wide variety of occupations including (in New York) barber shop owners, boxers/wrestlers, commercial feed distributors and (in Florida) acupuncturists, speech-language pathologists and cosmetologists (Samuels and Mukamal, 2004; Uggen et al., 2006). Of course, imprisonment also disproportionately affects certain communities in America. For example, the Bureau of Justice estimates that 32 per cent of African American men and 17 per cent of Latinos born in 2001 will go to prison in their lives, compared to 6 per cent of white men (Bonczar, 2003). In short, a prison record may become the apex of a process of legal, social, political and economic marginalisation of poor people of colour (Wheelock, 2005). In such a context, it is little wonder that progressive criminologists have increasingly sought to recast issues concerning desistance and recidivism in linking reintegration to the 'restorative of full citizenship rights' (Uggen et al., 2006: 305).

In Northern Ireland too, politically motivated former prisoners have also framed their social and economic marginalisation in terms of human *rights* and *equality*. As we have detailed elsewhere (McEvoy et al., 2004), Republican ex-prisoners in particular have been at the forefront of a range of campaigns designed to locate their efforts to assert the rights of ex-prisoners

as a continuance of their longstanding resistance to the criminalisation of their political motivation (Shirlow and McEvoy, 2008). Former prisoners have lodged legal challenges, lobbied for greater legislative protections for ex-prisoners and maintained a constant pressure on bodies such as the Human Rights Commission and Equality Commission to ensure that the rights of their constituencies remained firmly on their respective agendas (Gormally et al., 2007). Although litigation strategies have to date offered mixed results,[18] intense lobbying and political mobilisation by ex-prisoner groups has resulted in non-binding government guidelines that employers and other service providers should not take into account 'conflict related' convictions.[19] Under these guidelines, discrimination on the grounds of past political offences is only permissible if the post is 'manifestly incompatible' with the offence or offences committed. The onus of demonstrating incompatibility rests with the employer. Any applicant affected by a negative decision has the right of appeal to an independent body and 'it is expected that only in very exceptional circumstances that such grounds could be successfully invoked' (OFMDFM, 2007: 5). There is also provision to have these guidelines placed on a legally binding statutory footing within 18 months of their commencement if it is apparent that the current voluntary code is not working. While it is too early to determine their impact to date, the fact that they exist at all is a significant achievement of a strategically astute and well marshalled campaign directed by ex-prisoner groups themselves.

In sum, contemporary criminological studies of reintegration resonate with the experience of ex-prisoners and ex-combatants in Northern Ireland in two principal ways. First, the strengths based approach to reintegration speaks directly to the *agentic* capacity of such individuals and groups. Second, and related, the framing of the structural obstacles which impede reintegration as a *human rights* issue mirrors exactly the campaigning efforts witnessed in Northern Ireland. Both variants of criminological scholarship directly challenge the assumed passivity of ex-combatants which permeates much of the DDR scholarship. In Northern Ireland, ex-prisoners have been central actors not only in the efforts directed to assist in the ongoing processes of disarmament, disbandment and reintegration, but also in the broader efforts to embed the peace process more firmly in the communities most affected by violence. It is of course these same communities from which violence would emerge first if the process were to fail. The practicalities of their role in such peacemaking efforts is examined through the prism of the different forms of leadership discussed below. These styles of leadership speak cumulatively to the potential of such men and women as *moral* agents of conflict transformation.

Ex-combatants and ex-prisoners as leaders in conflict transformation

Before discussing further the leadership claims of politically motivated former prisoners, it is important to enter two caveats. First, we are not suggesting

that all former prisoners are necessarily 'leaders' in the traditional sense. Of course some Loyalist and Republican former prisoners have long since disengaged from their respective movements to re-establish a 'normal' life for themselves and their families (Coiste, 2003a; Gormally et al., 2007). Even amongst those who, in different ways, have retained their allegiances, some might baulk at the description of themselves as even having been 'leaders' rather than 'foot soldiers'. However, the notion of leadership we are suggesting is more subtle than that of individuals who 'give orders' and who are, in turn, obeyed by others further down a hierarchical structure.[20] Rather, what we discern amongst some former prisoners is a more organic style of leadership, wherein localised respect, legitimacy and authority is associated with them either as a result of their past action and 'sacrifices' (such as jail time) on behalf of 'their' community or because of their evident skills and abilities, again which may have been developed during incarceration. From this perspective, former prisoners involved, for example, in community work and community-based restorative justice programmes, or seeking to calm tensions at interface areas, or in reconciliation or 'nation building' work, are all providing different forms of leadership in the transition from—and prevention of—conflict.

Second, it is also important to stress again that we are not postulating some form of naive eulogising of all of those who once took up arms. Despite the impressively low recidivism rated discussed above, certainly the high profile criminal activities of individuals such Johnny Adair (former UDA activist) did little to inspire public confidence in the trustworthiness of Loyalist prisoners, in particular, released under the Agreement. At an organisational level, despite the progressive trajectories detailed above, all of the main paramilitary organisations have been involved in varying forms of political violence and criminality since the ceasefires. Those caveats aside, we would argue that, as former Secretary of State Mo Mowlam opined with regard to the integrity of the IRA ceasefire, judgements need to be made 'in the round' (Mowlam, 2003). The tendency to fixate almost exclusively upon individual acts of criminality and other violent acts in some parts of the local media in particular has, in our view, obscured a more sophisticated knowledge of former prisoners.

We believe that it is possible to determine at least three overlapping styles of leadership demonstrated by former prisoners and ex-combatants in that process of conflict transformation—political leadership, military leadership and communal leadership.

Political leadership

There is a considerable literature on leadership in general and the notion of political leadership in particular (e.g. Burns, 1978; Blondel, 1987; Gardner, 1995; Elcock, 2001; Gormley Heenan, 2007). Of particular interest for this book is that work which focuses upon the ways that political leaders prepare,

cajole and sometimes even bully their constituencies in national and international peacemaking processes (Sheffer, 1993; Westlake, 2000). Much of this also considers the intersection between agency and structure, the ways in which individual actors transform themselves from armed actors to negotiators, often as a result of changed political circumstances (McGarry, 1998)

At a general level, the political leadership provided by former prisoners in Northern Ireland has been obvious. Most of those who negotiated the Agreement from the Republican and Loyalist parties were former prisoners who had been convicted of politically motivated offences committed during the conflict (Mitchell, 2000). Indeed, many are quite candid in admitting that the negotiation skills employed were actually learned in their dealings with the prison regime when incarcerated (Sinnerton, 2003). In addition, both sets of protagonists have demonstrated finely honed antennae as to the potential for 'stretching' their political base and considerable dexterity at overcoming seemingly insurmountable political difficulties.

Such skills have also been evidenced at the micro-level through various community-based initiatives. In the working-class Republican and Loyalist communities in which such peacemaking activities take place, former prisoners are largely regarded as having 'done their bit' on behalf of their communities. While, as we discuss below, there are important differences between the attitudes of the two communities, the ex-combatants involved in community-based work do, on the whole, bring a considerable degree of credibility, respect and legitimacy to such programmes. As one former Republican prisoner commented:

> Locally ex-prisoners are involved in every aspect of their communities. Community restorative justice is an example where ex-prisoners are involved—trying to provide an alternative form of response to anti-social behaviour. Housing committees, community groups. I mean they are activists. They went to jail for activism—a different type of activism, but they are passionate about righting wrong, about bringing about change for people in these areas. And that type of culture is there still, despite people being released. They are giving leadership to people in their areas and they are leading by example, they are getting involved.
>
> (Republican: workshop)

The community-based restorative justice programmes in Republican and Loyalist areas are a useful illustration of the kind of leadership under discussion. Since their inception, the presence of former prisoners in these programmes as managers, staff and volunteers has been a defining feature (McEvoy and Mika, 2001, 2002). The programmes were established as direct alternatives to paramilitary punishment violence and involved extensive dialogue with the IRA and UVF/RHC. Almost since their inception they have received enormous national and international attention (Mika and McEvoy, 2001; Braithwate, 2002; McEvoy, 2003; Sullivan and Tifft, 2006). They were the subject of a specific paper in the Northern Ireland peace negotiations, a substantial discussion in the review of the Northern Ireland criminal justice

system, and a number of high profile investigations by bodies such as the International Monitoring Commission and the Northern Ireland Select Committee. Despite intense 'party politicking' concerning these projects (particularly concerning the policing debate—see McEvoy and Eriksson, 2008), the quality of their work has increasingly garnered significant plaudits.

In his independent evaluations of the projects in Republican and Loyalist areas, Mika (2006) reports that in the eight sites which he evaluated between 1999 and 2005, the projects were involved in almost 500 documented cases which, without their intervention, would almost certainly have led to a para-military-led punishment attack. In 2004 the Justice Oversight Commissioner Lord Clyde suggested that the projects were 'engaged in valuable and effective work' and that 'they share a common intention and motivation to make a positive and peaceful contribution to the welfare of the communities in which they serve' (JOC, 2004: 101). Similar views were recorded by the International Monitoring Commission in its third report in 2004. Finally in April 2007, the independent Criminal Justice Inspectorate for Northern Ireland (CJINI) found that the project which works in Loyalist communities (Northern Ireland Alternatives) had demonstrated a 'high standard of professionalism and dedication' and they found no evidence of undue paramilitary influence on the programme or that it was a paramilitary front and 'every indication to the contrary' (CJINI, 2007a: 4). With regard to the projects operating in Republican areas, the CJINI found that 'the work of the schemes is lawful and that (though they are not without their critics) they make a positive contribution to the welfare of their communities. The police concur with that view' (CJINI, 2007b: 31). The Inspectorate went on to state with regard to the volunteers on the schemes (many of whom are ex-combatants) that 'Inspectors were astonished by the level of commitment shown by those interviewed, and there could be no question about their motivation being to help their communities, not in any sense to control them' (CJNI 2007b: 32).

These restorative justice programmes are a useful example of the leadership of former prisoners and ex-combatants at the grassroots level. The task of persuading communities long used to relying on punishment violence to 'deal with' their policing problems, to adopt restorative justice and associated non-violent ways of dealing with crime and anti-social behaviour was formidable (McEvoy and Mika, 2002). The former prisoners and ex-combatants involved in this restorative justice work bring an enormous amount of credibility, respect and legitimacy to the programmes which might otherwise be dismissed as the work of 'do gooders'. Individually a number of the most prominent restorative justice activists are highly skilled and charismatic practitioners, but it is also clear that over the years there has been considerable 'routinisation of charismatic leadership' (Weber, 1948) institutionalised into the working practices of the organisations (McEvoy and Eriksson, 2006). As well as their previous organisational and prison experience, many have also been involved in other long-term and dedicated forms of community work. By working with, and aligning themselves in a very public fashion to values of non-violence, human rights, inclusiveness,

and respect and tolerance for differences, such former prisoners have provided significant small 'p' political leadership in transforming community attitudes to violence. In addition, and particularly within Republican communities where it was considerably more politically sensitive, they also provided leadership towards the building of relations between the state agencies such as the Police and other aspects of the criminal justice system from which communities have traditionally been estranged.

Military leadership

Within military studies generally, there is an increased recognition that the notion of leadership is much more complex than giving orders through rigid hierarchical structures and expecting them to be carried out (Mathews, 2002). Certainly the more sophisticated literature on the ways in which volunteer paramilitary organisations 'think' suggests that the exercise of leadership in a process of change is much more likely to be based on internal discourses, relationships, organisational cultures and mythologies than simply instructions being issued from the upper echelons and obeyed by the rank-and-file (Crenshaw, 1990; Irvin, 1999). That said, once a paramilitary organisation engages in a process designed to end armed conflict, the organisation must ultimately deliver on that objective. The principal benchmark for judging military leadership in such transition is therefore the capacity to maintain organisational integrity and the related diminution or removal of political violence.

Since the paramilitary ceasefires of 1994, a clear disparity has emerged with regard to cohesiveness between Republican and Loyalist groups. With regard to Republicans, in broad terms, the IRA remained as a coherent and well organised paramilitary group throughout the transition and largely weathered the storm with regard to splits and schism.[21] Even on the issue of Republican acceptance of the Police Service of Northern Ireland—the most emotive issue of recent years, and one of the most powerful gestures of the entire process—Republican discipline appears to have held firm. Their 'management' of the potential threat from dissidents has at times been violent. One prominent dissident was killed by the mainstream IRA and others have been beaten as tensions emerged between the groups.[22] Although there have been sporadic threats against mainstream Republican leadership including Martin McGuinness, such an attack would almost inevitably be met with a violent response. It appears, as one senior journalist has suggested, that regardless of the mainstream IRA's trajectory towards total dissolution 'they [the dissidents]know there are lines that they cannot cross'.[23] In addition, the mainstream IRA appears to have continued to recruit new members, engage in training and intelligence gathering up until 2006/7, even though the organisation's trajectory towards complete unarmed struggle was by then irreversible. When questioned about this apparent paradox a senior Republican told one of the authors:

> Of course we continued to recruit, otherwise those same young people might have joined up [with] the dissidents and that could have been disastrous. Once we got them in, well we had to give them something to do, so a bit of training, intelligence gathering, march stewarding or whatever was necessary to keep people busy. At no time however were these actions a threat to the peace process, quite the reverse in fact.[24]

With regard to levels of violence, members of the IRA have allegedly been responsible for at least nine murders since their ceasefire was reinstated (after a temporary suspension of 17 months) in July 1997. Although it is difficult to discern accurately when murders were 'sanctioned' by the leadership, several appear to have been unauthorised murders by individual and former members of the IRA as a result of local disputes, some were successful efforts to kill local drug dealers, one was a killing of a senior Loyalist and a there were a number of 'revenge' attacks against former comrades who had become informers for the security forces.[25] Levels of punishment violence against alleged anti-social offenders have waxed and waned according to local community pressures, the broader political debate on policing and the efforts of the local community-based restorative justice (McEvoy and Mika, 2002; Mika, 2006; McEvoy and Eriksson, 2008). In short, despite some high profile brutal killings and acts of violence, the military leadership within the IRA appear to have broadly delivered on their ceasefire promises and maintain the cessation of organised Republican political violence across Northern Ireland (IMC, 2007b).

The exercise of military leadership by ex-combatants and ex-prisoners within Loyalism is, if anything, more interesting. Loyalism has always been a more fragmented and less organised bloc (Bruce, 2004; Hall, 2005). In the post ceasefire period they became even more diffuse with feuds and factional splits occurring at a number of critical moments and resulting in the emergence of a large regressive/criminal element. Discontented forces within Loyalism, such as the splinter group the Loyalist Volunteer Force have openly tried to undermine transformative Loyalism through championing a discourse that depicts peaceful transition as duplicitous (Gallaher and Shirlow, 2006). Despite leadership support for peace-building from both the UVF and the UDA, rank-and-file members of both groups have openly flouted the ceasefire (Bruce, 2004). Support for the Agreement was always nominal within UDA ranks and this was further complicated by the lack of a coherent social or political wing to the UDA, as well as a distinctly horizontal leadership structure (Gallaher and Shirlow, 2006). By the mid-1990s, these divisions had crystallised into two broad pro-Agreement and anti-Agreement camps. The LVF, formed around Billy Wright and other disaffected members of the UVF, advocated unreconstructed Loyalist ideals of Protestant superiority, political and cultural allegiance to the Union, that were to be operationalised through ethno-sectarian territoriality.

In 2000, these intra-loyalist tensions erupted in the Shankill area of West Belfast, in a feud which was dismissed by the then Secretary of State for

Northern Ireland, Peter Mandelson, as nothing more or less than squalid murderous gang warfare (Henderson, 2000). The feud was considered as the outplaying of a criminal turf war rather than an ideological split. The journalist Jonathan Freedland argued that, 'in true Monty Python style, no one can name a doctrinal difference that separates Adair's UFF from the Ulster Volunteer Force which it hates so bloodily' (Freedland, 2000). This anarchic disintegration of Loyalism has also been described as 'idiocy that comes with a fragmented culture that has lost both memory and meaning' (Howe, 2005), or as a movement which, self-defined as defensive and lacking a clear ideological 'vision', fundamentally lacks the capacity to transform itself (Alison, 2004: 453).

Since their ceasefire in 1994 (which was not formally suspended during the period of the IRA's temporary resumption of violence), loyalists have been responsible for 89 deaths. Despite those killings, and the 'mess' within Loyalist communities evidenced by such violence, we would argue that evidence of military leadership is none the less discernable. Interestingly, more than half (53.9%) of these killings were undertaken by, or against Loyalist splinter groups, the LVF, 'C' Company (affiliated to Johnny Adair) and the Red Hand Defenders (RHD). While 31 civilian Catholics were murdered, almost half of the killings were by these splinter groups. Four Catholic civilians were killed by the UVF, none of which was authorised at leadership level. By way of comparison, in the previous decade around 80 per cent of all Loyalist victims were civilian Catholics. While not wishing to minimise the capacity of Loyalist groupings for sectarian violence, these figures speak both to a significant decline in sectarian killings and to a broader struggle going on within Loyalism as to its future. According to the PSNI (Police Service on Northern Ireland), Loyalists were not responsible for any killings between October 2005 and May 2007 (see Shirlow and Monaghan, 2006).

In short, despite a long history of indiscriminate sectarian attacks against civilians and a well established proclivity to criminality amongst some of its members, elements of the UVF in particular have demonstrated significant leadership in the transition from violence. Certainly the actions of Johnny Adair's C Company and the LVF were viewed by the UVF as intended to destabilise the emergence of a transitional and conflict transformation-driven Loyalism. While neither of us would underestimate the UVF's desire to respond to a perceived threat to its prestige and authority (and indeed the safety of some of its members), we have been persuaded by a number of senior UVF ex-combatants who have argued to us that they were literally engaged in 'fights to secure the peace process'. That experience suggests that even in combatant organisations which are less obviously politicised and well organised than the IRA, there is still the capacity for significant acts of military leadership. The fact that such acts were largely driven by a relatively small number of middle-aged ex-combatants and ex-prisoners is perhaps all the more remarkable and should again be judged 'in the round'. It is of course those same leaders who were centrally involved in the process leading to the announcement in May 2007 that the UVF were going 'out of business'.

In sum, the Northern Ireland peace process has required significant military leadership amongst the paramilitary organisations. That leadership has required such groups to retain significant organisational cohesiveness in order to oversee the transition to peace. In effect, in both instances, the respective leadership of both organisations have had to become 'change management teams'. Perhaps paradoxically, particularly with regard to the UVF, those same leaders would argue that the peace process actually required violence in order to counter the destabilising threat from dissident organisations. Again, respected ex-prisoners and ex-combatants had to deploy significant reserves of organisational capital to lead these military transitions. Put simply, unless those who brought the peacemaking message had such credibility amongst the militarists, it would not have been heeded.

Communal leadership

The third overlapping style of leadership provided by former combatants and ex-prisoners is communal in nature. The issues of community building and the attention paid to the needs of former combatants are strongly connected (Auld et al., 1997; Babo-Soares, 2004; Verwimp and Verpoorten, 2004). Indeed the process of being involved in community development work may also guard against elitist tendencies which are sometimes identified with those who have been involved directly in armed struggle (e.g. Irvin, 1999). None the less, involvement by ex-combatants in strong and independent community organisations—utilising their existing managerial and political skills as well as demonstrating a willingness to learn new ones—is an appropriately balanced organic relationship between such individuals and the communities from which they come.

As is noted above, both Republican and Loyalist former prisoners have been involved in a range of campaigning and service delivery work for their own constituencies and their families. In addition, in the working-class areas most affected by violence in Belfast, Derry and other urban and rural communities, ex-prisoners and ex-combatants are to be found in all walks of life. In community organisations, housing associations, neighbourhood regeneration projects, youth diversionary projects, community education projects and many more types of organisation—one finds ex-prisoners acting as managers, staff or volunteers across the spectrum of civic and community life in Northern Ireland (Shirlow and McEvoy, 2008).

What is perhaps of most interest is the particular role played in local communities by such individuals in issues directly linked to the conflict transformation process. In particular, such individuals have been at the forefront of local debates within Loyalist and Republican communities on truth recovery and 'dealing with the past' in Northern Ireland (Eolas Project, 2003; EPIC, 2004, 2005; McEvoy, 2008). Eolas (information in Irish) was established as a network of grassroots individuals working in Republican communities who had experience in working with victims, primarily of state and Loyalist

violence, as well as former prisoners and other community and human rights activists. Those involved were frustrated at the sporadic and uneven focus on issues concerning 'victims and political prisoners' and related matters. Ultimately they produced a *Consultation Paper on Truth and Justice* (Eolas Project, 2003). That document draws upon some of the relevant international experience of truth recovery, it acknowledges the need for greater understanding of Unionist/Loyalist views and needs with regard to truth recovery, and sets out a mission and a series of principles and values which should guide any process of truth recovery. It also proposes three overlapping 'discussion models' of how truth recovery might be achieved, each of which with a strong investigative dimension (Eolas Project, 2003: 32).

A similar initiative was established within working-class Loyalist communities led primarily by UVF and Red Hand Commando former prisoners. This initiative is the most significant to come from former Loyalist combatants concerning the debate on truth recovery. A document emerged after two days of discussion on Loyalist attitudes to truth recovery and the requirements of conflict transformation.[26] In a similar fashion to the Eolas process, it drew upon the international experiences of truth recovery in order to frame the broad range of concerns with regard to truth recovery. Although the document expresses considerable cynicism about the potential of truth recovery, and expresses a strong inclination towards 'drawing a line under the past', it does acknowledge the need to 'get the truth out as we see it' in order to counter the demonisation of Loyalists and prevent the future teaching of history as being too 'one sided'. It concludes that, unless a clear answer can be provided to the question 'what are the benefits for Loyalism', a truth recovery process has little chance of success (EPIC, 2004: 11).

Outside their own immediate base, both Loyalist and Republican former prisoners have played significant roles in other truth-focused civil society initiatives, such as Healing Through Remembering (2006) and participation in events sponsored by the Glencree Centre for Peace and Reconciliation in Co. Wicklow. Again, the prominence of former prisoners and ex-combatants across such initiatives is particularly noteworthy. Given the central role that individual members and paramilitary organisations would have to play in any successful process of truth recovery, it is precisely the leadership capacity of ex-combatants in terms of raising and engaging with a difficult debate such as this which is likely to shape the views of those constituencies.

In both communities, as with political and military leadership, the notion of credibility is the key attribute brought to the process of communal leadership. As was discussed above, it was former prisoners and ex-combatants who have been key agents in challenging cultures of violence in working-class communities directed either inwards (e.g. at alleged anti-social offenders) or outwards towards 'the other side'. They have publicly advocated for, and worked in, projects which utilise restorative justice as a response to local crime or anti-social activity (McEvoy and Eriksson, 2006). They have been involved in painstaking relationship building and coordinating with other ex-combatants and community leaders on either side of the divide in

order to calm sectarian tensions at interface areas or during contentious marches (Jarman, 2002, 2004; Shirlow and Murtagh, 2006). In this and other work, the work of ex-prisoners represent genuine, measured and practical efforts at transforming communal attitudes to violence in communities where it has long been a default option. As one Loyalist former prisoner argued to the authors:

> If it was an ordinary member of the community, they might be accused of cowardice for not engaging in conflict but they can't very well say that to a person who has lived that way before and came to the conclusion that there is better ways to do things. They also can provide leadership by encouraging people not to become involved in militarism and paramilitarism … In the early days of the conflict those who became involved didn't have the benefit of people who had lived through a conflict to give them advice. Now younger people who may be tempted to go down that road, have the luxury of having someone who has lived the experience and drawn different conclusions.
>
> (Loyalist: workshop)

Conclusion

Much of the work undertaken by former prisoners and ex-combatants in Northern Ireland offers a direct challenge to the assumptions of passivity which appear to underpin much of the academic and policy literature on DDR. While the recidivism figures discussed above are indisputably impressive, we would be the last to claim sainthood for each and every ex-prisoner. None the less something significant has clearly been taking place with regard to the contribution of ex-prisoners and ex-combatants to Northern Ireland's emergence from conflict. In seeking to understand that process, we believe that the different styles of leadership postulated in this article underline the capacity of ex-prisoners to exercise *moral agency* in a process of conflict transformation.[27] As Burns (1978: 20) has argued, 'transforming leadership ultimately becomes moral in that it raises the level of human conduct and ethical aspirations of both leader and led, and thus has a transforming effect on both'. For some, to speak of moral agency on the part of those who have been involved in violence may seem counter-intuitive. To take such a view, however, is to conflate judgements concerning the morality (or indeed lack of moral justification) for engaging in extreme acts of political violence during a conflict with the potential for moral acts in the subsequent processes of conflict transformation.

It is precisely because of their violent pasts that former prisoners and ex-combatants are ideally placed to provide such agency in moving out of conflict. Having fought 'on behalf of' their respective communities, they bring significant authority in delivering a peacemaking message. For many of those we interviewed who have both inflicted and been on the receiving end of extreme violence, it appears to hold little allure. Their rejection of

the efficacy of violence as a strategy is itself a powerful exercise in political, military and communal leadership.

Finally, we would argue that the lessons regarding the role of ex-combatants and former prisoners in the Northern Ireland peace process are of relevance not just in transitional societies. There is a role for ex-prisoners in making peace in other types of conflict which permeate many 'settled' societies (see e.g. Cressey, 1965). Thus recovering addicts have acted as 'wounded healers' helping others to overcome drug addiction, lobbying for reform of drug laws and mediated drug related disputes in local communities in American cities (Brown, 1991; White, 2001). Also in the United States, ex-gang members have been prominent in the 'gang peace movement' and wider community development efforts to improve the lot of local citizens in neighbourhoods where gang violence is an inter-generational fact of life (Hayden, 2004; Maruna, 2007). More recently, in increasingly thoughtful discussions on how to distinguish between radical politics and violent extremism in British Muslim communities (Briggs et al., 2006), spaces are being created for the involvement of former jihadists in community and education programmes targeted at Muslim youth.

In all of these contexts, the value added of ex-prisoners is often more than their capacity to deliver services. Rather, it is an ability to deploy their prison time or their previous experience of conflict and violence in the community as a resource which establishes credibility with 'hard to reach' groups. Such experiences often facilitate a better understanding of the large and small 'p' politics within which such communities operate as well as a more nuanced understanding of the causes and consequences of violence. These skills and experiences should be recognised, encouraged and harnessed in any society seeking to resolve conflict. Deploying people who *get* violence to do peacemaking work in such contexts is just good sense.

Notes

1. For a detailed discussion on the definitional wrangles concerning political prisoners in Northern Ireland and elsewhere see McEvoy et al., 2007.
2. See http://www.niprisonservice.gov.uk/index.cfm/area/information/page/earlyrelease. Last accessed 22 February 2008.
3. http://www.niprisonservice.gov.uk/index.cfm/area/information/page/early release. Last accessed 22 February 2008.
4. This is particularly the case when one considers the significant historical overlap amongst Loyalist prisoners in particular between individuals with a record from 'ordinary' criminal convictions including drugs related offences as well as politically motivated offences. Republican organisations, particularly the IRA, have historically had much fewer prisoners who had also been convicted of non-political offences (see Bruce, 1992; Stevenson, 1997).
5. Previously known as the Northern Ireland Voluntary Trust (NIVT).

6. The one notable exception was the appointment of Mike Ritchie as Director of Coiste, the umbrella organisation for mainstream IRA ex-prisoners. From a Scottish Christian socialist background, Ritchie is a vastly experienced human rights and voluntary sector activist who had previously worked for a range of organisations including NIACRO and the Committee on the Administration of Justice.

7. For an interesting discussion on the Colombian national experience see Diaz (2008).

8. Video clip available at http://news.bbc.co.uk/1/hi/northern_ireland/4724599.stm

9. The Independent International Commission on Decommissioning was established to oversee the decommissioning of paramilitary weapons in Ireland as part of the peace process. Its objectives are to facilitate the decommissioning of firearms, ammunition and explosives, by: consulting with the two governments, the participants in the ongoing negotiations in Northern Ireland, and other relevant groups, devising and presenting to the governments a set of proposals on how to achieve decommissioning, facilitating the process by observing, monitoring and verifying decommissioning, and receiving and auditing arms and reporting periodically on progress.

10. The IMC is a highly controversial organisation in Northern Ireland. Under pressure from Unionists in particular, it was established by the British and Irish governments in 2004 to monitor the activities of paramilitary organisations, security normalisation and 'the activities of Assembly Parties'. Its members are a former leader of the moderate unionist Alliance Party of Northern Ireland, a former Deputy Director of the Central Intelligence Agency, a former Deputy Assistant Commissioner of the Metropolitan Police Service and a former Director General of the Department of Justice in Dublin. Sinn Féin lodged an unsuccessful challenge to the legality of the commission wherein they claimed, *inter alia*, that it was biased and failed to offer any evidence to support its conclusions. The IMC is regularly lambasted for its uncritical reliance upon and publicising of security force briefings, unsourced intelligence information and 'rumours' by nationalist, Republican, Loyalist and other seasoned commentators on Northern Ireland. See e.g. D. Morrison (2004) 'IMC Land', *Andersontown News* 5 May; 'Progressive Unionist Party Rebuttal of the First IMC Report', *The Blanket*, April 2004; 'IMC Needs to Make Amends', Editorial, *Irish News*, 27 April 2004.

11. 'DUP Rocked By Dissension', *Sunday Tribune* 3 December 2006.

12. 'UVF Statement in Full', 3 May 2007, http://news.bbc.co.uk/1/hi/northern_ireland/6618365.stm

13. The British Government provided funding of £1.2 million to assist in this process. In August 2007, following the return of a locally devolved Asssembly to Stormont, SDLP minister Margaret Ritchie announced her intention to suspend that support previously authorised by direct rule ministers unless she could see 'evidence that the UDA has moved irreversibly away from criminality and violence to positive and lawful community

transformation'. In October 2007, having failed to be so persuaded, she issued instructions for that funding to be terminated, a decision which is currently subject to judicial review. See 'Conflict Transformation Initiative'—statement by Minister Margaret Ritchie 10 August 2007, Department of Social Development; 'Statement by Margaret Ritchie MLA, Minister for Social Development to the Northern Ireland Assembly on the Future of the Conflict Transformation Initiative' 16 October 2007, http://www.dsdni.gov.uk/index/publications/ministers_speeches/conflict-transformation-initiative.htm

14. 'UDA: A Farewell to Arms?', *Fortnight* January 2008; 'UDA Stands Down Military Wing to Cautious Welcome', *The Irish Times* 12 November 2008.

15. 'UVF meets Decommissioning Body', 3 May 2007, http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/6618475.stm. Hutchinson, who had served in this liaison role previously between 1997 and 2003 (before contacts were suspended by the UVF) was accompanied at this meeting by a number of individuals identified as 'senior UVF leaders'.

16. 'Ninety nine percent of people who we represent in the loyalist community won't hear tell of decommissioning. They're not the UDA's guns. They're the people's guns, and the people don't want to give them up because they don't trust people yet', UDA leader Jackie McDonald quoted in 'So Much was said Yesterday about the End of Conflict ... But the Guns are Still There', *Belfast Telegraph* 12 November 2007.

17. For example, the number of army observation towers was reduced to just two sites by January 2007 and, overall, army bases have been reduced from almost 100 at the height of the conflict to 10 by late 2007. A permanent garrison is currently envisaged of not more than 5000 troops, compared to over 10,000 at the time of the ceasefire declarations (IMC, 2007a, 2007b).

18. In *Re McComb* [2003] NIQB 47 the now Lord Chief Justice Sir Brian Kerr found in favour of a former Republican prisoner who had been refused a taxi license on the basis of his previous convictions. McComb had been released early under the Good Friday Agreement. Mr McComb's lawyers successfully relied upon the commitment to reintegration in the Agreement to argue that a person released early under the Northern Ireland Sentences Act was, by definition, deemed no longer to represent a danger to the public. Mr Justice Kerr concurred.

    Less encouraging for ex-prisoners is the decision in a 2007 Fair Employment Tribunal. In that case, which concerned two prisoners who had not been released early under the Agreement, the Tribunal found that the two former IRA prisoners (John McConkey and Jervis Marks) had not been 'unlawfully discriminated' against by the Simon homeless charity because of their 'political opinions' (i.e. previous support for political violence). While discrimination on the grounds of political opinion is unlawful under the Fair Employment and Treatment Northern Ireland Order (1998), political opinion is expressly defined in Article 2 (4) as not including 'an opinion which consists of or includes approval or acceptance of the use of violence for political ends connected with the affairs of Northern

Ireland'. The Tribunal accepted that both men no longer support the use of violence and dismissed their cases 'not without some reluctance'. But the Tribunal also held that the 'clear wording' of the relevant Article *required* them to find against the two former prisoners. One source of comfort to former prisoners was that the tribunal did call for the law to be amended because of the 'changed environment in Northern Ireland'—noting that 'there may be good reasons to consider appropriate amendments to the said article, or even its repeal, to reflect those changed circumstances'. That determination was recently upheld by the Northern Ireland Court of Appeal and an appeal to the House of Lords is being considered. See McConkey vs Simon Commnity NI CASE REF:00452/00FET, January 2007.

19. Conflict-related convictions of 'politically motivated' former prisoners, or their membership of any organisation, should not generally be taken into account [in accessing employment, facilities, goods or services] provided that the act to which the conviction relates, or the membership, predates the Agreement. Only if the conviction, or membership, is materially relevant to the employment, facility, goods or service applied for, should this general rule not apply.

(OFMDFM, 2007: 4)

20. We are persuaded by the notion of leadership developed by former US Army War College Instructor Colonel Christopher Paparone:

Leadership is holistic. Leadership means leading laterally or collaboratively, and not just from upper echelons. Leadership entails leading the people, the structure, the process … Leadership is symbolic. Leadership is about the influence of meanings and interpretations that important constituencies give to the organisation's function.

(2004: 9)

21. The two main dissident groupings are the Continuity IRA and the Real IRA. The former was formed in 1986 (in opposition to Sinn Féin's recognition of the Irish parliament Dáil Eireann. It is not thought to have been responsible for any killings of police or army since its inception and, after further internal schisms, is not a significant threat to the peace process (IMC, 2007a). The Real IRA was formed in 1997 as a breakaway from the mainstream IRA. It was responsible for the Omagh bombing in 1998 which killed 29 people and an unborn child. While there have been some recent attacks which have injured police officers, no security force members have yet been killed. They were recently described by the PSNI Chief Constable as 'inept but dangerous'. Both organisations have been successfully infiltrated by the security forces on both sides of the border. In addition, both are hampered by a lack of technical capacity, minimal community support, lack of political prowess, and have been subject to sustained pressure from within the broader Republican family (Tonge, 2005). See also IMC, 2007a and http://news.bbc.co.uk/1/hi/northern_ireland/7229537.stm (accessed 8 February 2008).

22. S. Breen (2000) 'Feud Fears Grow as IRA Tensions Rise', *Irish Times* 16 October.
23. See B. Rowan (2008) 'Dissident Threats Have Little Impact', *Belfast Telegraph* 8 February.
24. Interview with McEvoy, 12 December 12 2006.
25. Based upon analysis of the data on conflict-related deaths by Shirlow and Monaghan (2006).
26. In it the authors write that:

> This consultation document is an attempt to provide opportunities for our constituencies to begin debating the issues around truth recovery. We acknowledge that people may experience this document as being inward looking and self reflective. It is. It needs to be. It has to reflect the reality of where our constituency is in its current process of conflict transformation. Our intent is not to alienate others: our intent is to encourage honest and challenging thinking with a constituency and to allow others to respond critically to that thinking.
>
> (EPIC, 2004: 3)

27. For a discussion on the philosophical, psychological and practical meaning of moral agency see, e.g., Schmidtz, 1995; Deigh, 1996; Arpaly, 2003.

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