

Impact case study (REF3b)

<p>Institution: Queen’s University, Belfast</p>
<p>Unit of Assessment: 20</p>
<p>Title of case study: Punishment Violence, Community Restorative Justice and Transformed Police-Community Relations in Northern Ireland</p>
<p>1. Summary of the impact</p> <p>The impact here relates to Kieran McEvoy’s research on the development of Community Restorative Justice (CRJ) in Northern Ireland. The reach of this impact has been three-fold. <i>First</i>, McEvoy’s research was central in persuading the Irish Republican Army (IRA) to <i>change</i> their policy and practice and to ultimately end punishment violence completely. No IRA sanctioned punishment attack has occurred between 2008 and 2013. <i>Second</i>, his research led directly to the establishment and development of ten lawful and non-violent CRJ projects, now staffed largely by former IRA activists which replaced the previous system of paramilitary vigilante justice. <i>Third</i>, McEvoy’s research on CRJ has led to a collaborative relationship on the ground between previously estranged Republican communities and the police in Northern Ireland via these CRJ programmes from 2008 to 2013.</p> <p>2. Underpinning research</p> <p>The key researcher (McEvoy) was appointed to Queen’s in July 1995. For almost two decades McEvoy’s research has focused on; (i) finding alternatives to punishment violence, (ii) empowering local communities to develop their own problem solving capacity (through CRJ) and (iii) improving relations between Republican communities and the police. Following lengthy negotiations with the IRA, McEvoy and three others produced a research report (Auld et al 1997) which offered a route map to end punishment violence and replace such activities with CRJ projects – known as Community Restorative Justice Ireland (CRJI). These projects which the research proposed were subsequently established in 1998 and continue to this day. Further research (McEvoy and Mika 2002) articulated the continued complex causes of punishment violence and the challenges for all in moving away from deeply embedded cultures of violence; the need to balance human rights compliant standards of policy and practice in community based projects against excessive legalism (McEvoy 2007); the leadership skills of former combatants in such peace-making work (McEvoy and Shirlow 2009, REF OUTPUT 2); the requirements from former IRA activists, the community and the police for a more effective working partnership (McEvoy and Eriksson 2008); and the lessons to be gleaned from this work with the IRA by human rights activists elsewhere regarding engagement with armed groups (Dudai and McEvoy 2012). As is evidenced below, the practical impact of the implementation of this research are that (i) No IRA punishment attacks have occurred since 2007; (ii) the capacity and credibility of the CRJI projects is widely accepted and (iii) relations between Republican communities and the police have improved dramatically.</p> <p>A number of important insights emerged from the research. (i) It is possible to engage directly with armed groups and affect their behaviour through research and practice grounded in human rights and restorative justice. (ii) Deeply embedded cultures of violence can be challenged and ameliorated through careful, well planned, politically nuanced community-based programmes underpinned by good research and policy work. (iii) Former paramilitaries, if appropriately resourced and motivated, can become key leaders in grass-roots conflict transformation. (iv) Restorative justice theory and practice can be both adaptable and effective in community-led programmes and delivered in a human rights-compliant manner (v) State agencies may have to accept a more balanced notion of ‘real partnership’ when co-working with well run, assertive and confident community organisations. (vi) The police and other criminal justice agencies can deliver more effective crime prevention and policing as a result. (vii) Other societies emerging from</p>

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conflict should be wary of the related dangers of excessive legalism and state-centricity, cognisant of the role and capacity of grassroots justice organisations and open to direct engagement with armed groups for peace-making ends.

3. References to the research**Sample Publications**

- Auld, J., Gormally B., McEvoy, K and M. Ritchie (1997) *Designing a System of Restorative Community Justice in Northern Ireland: The Blue Book* Belfast: The Authors (52pp).
- McEvoy, K. & H. Mika (2002) "Restorative Justice and the Critique of Informalism in Northern Ireland," *British Journal of Criminology*, (2002) 43,3 534-563.
- McEvoy, K. (2007) "Beyond Legalism: Towards a Thick Theory of Transitional Justice." (2007) *Journal of Law and Society*, 34, 4, 411-440;
- McEvoy, K and A. Erriksson (2008) 'Who Owns Justice? Community, State and the Northern Ireland Transition.' In J. Shapland (2008) (ed) *Justice, Community and Society* Cullompton, Willan pp.157-190;
- McEvoy, K. and P. Shirlow (2009) 'Reimagining DDR: Ex-combatants, Leadership and Moral Agency in Conflict Transformation.' *Theoretical Criminology*, 13,1 31-59 (**REF Output 2**)
- Dudai, R. and K. McEvoy (2012) 'Thinking Critically about Armed Groups and Human Rights Praxis.' In R. Dudai and K. McEvoy (eds) Special Issue: Armed Groups and Human Rights Practice, *Journal of Human Rights Practice* 4, 1, 1-29.

Key Research Grants

In 2000, McEvoy was awarded (£33,500) by the American charity Atlantic Philanthropies (AP) to develop relations between Republican, Loyalist CRJ activists and the police. In 2001-02, McEvoy was awarded a Fulbright Distinguished Scholarship (which funded a year's sabbatical at Harvard Law School, (£14,200), an AHRC Study Abroad Fellowship (£14,000) and a British Academy Small Grant (total £3,770) – all on the topic of CRJ. In 2005, McEvoy was awarded another grant of £230,000 from AP to explore the international potential of CRJ in South Africa, Rwanda, Colombia and Sierra Leone.

Evidence of Quality.

One of the underpinning articles above is a REF 2 Output. In 2009, McEvoy's article *Beyond Legalism* (which emerged from his Northern Ireland research and was then applied internationally) was awarded the Socio-Legal Studies Association article of the year award for "the most outstanding piece of socio-legal scholarship published in the previous year." In addition, the impact of McEvoy's contribution to finding alternatives to punishment violence has received wider recognition. In 2004 he was given an award by Community Restorative Justice Ireland for his 'central contribution' in creating these projects. In 2008 he was named one of Britain's 'top ten young most influential young intellectuals' by Arena magazine for 'practising what he preaches' as a peace and human rights activist.

4. Details of the impact (indicative maximum 750 words)

The impact of the research is as follows.

The IRA ceasefire of 1994 specified a cessation of 'military operations' only – i.e. punishment violence against alleged anti-social offenders continued. Between 1973 and 2007 Republicans were responsible for approximately 1570 such shootings and over 1000 beatings (PSNI 2010). In 1994 McEvoy and three human rights activists began direct dialogue with the IRA to explore non-violent alternatives to such practices. Following intensive negotiations with senior IRA members, a research report written by the team was presented to the Republican leadership (Auld et al 1997 –

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the 'Blue Book'). That document mapped out a route for the IRA to 'responsibly disengage' from punishment violence. It proposed the creation of local CRJ projects which would instead deal with crime and anti-social behaviour using non-violent and lawful restorative justice techniques. It also suggested that relations between the police and Republican communities could be gradually improved through such projects. In late 1997, Sinn Féin President Gerry Adams announced that, following extensive consultation with 'external experts' (i.e. McEvoy et al), Sinn Féin would support the establishment of CRJ as an alternative to IRA punishment violence. The IRA subsequently issued a series of statements, also confirming its support for the initiative (press statements in QUB REF archive). Four pilot projects were established in 1998. McEvoy became a Board member of the newly formed organisation *Community Restorative Justice Ireland* (CRJI) and remains one.

The International Monitoring Commission (IMC), a body established by the British and Irish governments to assess the paramilitary ceasefires, concluded that while one death occurred as a result of a punishment beating in late 2007 involving IRA members, it was un-authorised. In 2009 the IMC further concluded that the IRA remained '*on an exclusive political path*' and '*where individuals have engaged in violence or other crime (including against perceived anti-social behaviour) we believe they did so without sanction*' (IMC 2009:10). In effect, no IRA sanctioned punishment violence has occurred between 2008 and 2013. At the time of writing (2013) there are now five projects operational in Belfast, one in Newry/South Armagh and a further four in the Derry area, processing approximately 1300 cases per year.

Given that the origins of the restorative justice projects lay in dialogue with the IRA, they have been the subject of extensive external review (e.g. Criminal Justice Inspectorate NI 2008, 2011). As evidenced by these inspection reports, the quality and value of their work is now widely accepted. [text removed for publication] also attest that ending punishment violence would not have happened without McEvoy's research. As Harry Maguire, [text removed for publication] (convicted of the murder of two British Army Corporals at an IRA funeral in 1988 and released early under the Good Friday Agreement) and current Community Restorative Justice Ireland Director confirmed (letter);

"It was the process which Professor McEvoy and his colleagues engaged in with Republicans - known locally as the 'Blue Book Process' - which ultimately led to the creation of CRJI and the creation of a non-violent alternative to punishment violence... the Republican Movement could not have delivered an end to punishment violence without having something there in its place. Community Restorative Justice was that alternative - a responsible and progressive response to crime and anti-social behaviour based upon restorative justice. Of course it required the commitment of our activists to implement it, but the Blue Book written by McEvoy and his colleagues was the road map to the IRA ending punishment violence... McEvoy's subsequent research conducted on restorative justice, practice standards, human rights protections, the role of combatants and former combatants in peace-making and how to work with the police while retaining our community credibility has been absolutely crucial to the successful development of Community Restorative Justice in the North of Ireland, and to our efforts to improve relations with the PSNI. We couldn't have done all of this without him, simple as that."

Other than the engagement with the IRA and the involvement of [text removed for publication] as staff and volunteers on the project, the other most challenging aspect of these initiatives has been their relationship with the formal justice system in general and the police in particular. The historically poor relationships between sections of the Catholic/Nationalist community and the police was a key driver for the reform process instituted by the Independent Commission on

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Policing chaired by Lord Patten. While a political deal on policing was eventually concluded in May 2007 when Sinn Féin took its seats on the Policing Board, both the police and Republican leaders emphasised that the quality and durability of the relationship between the PSNI and Republican communities would be judged by events on the ground. Again successive reports by the Criminal Justice Inspectorate for Northern Ireland (CJINI), which are required in order for the projects to continue to receive mainstream statutory funding, have documented the centrality of the CRJ projects in developing good relationships with the Police (2008, 2011). As one recent CJINI report indicated *“Inspectors were told by senior police officers in West Belfast and Derry/Londonderry that they regard Community Restorative Justice Ireland as the single most important relationship they have in reaching out to the previously estranged or hard to reach republican/nationalist communities living in those areas”* (CJINI 2011:11). McEvoy’s research has been identified by the police as central to this impact. As former RUC Assistant Chief Constable Stephen White OBE confirmed (letter);

“It is to his [McEvoy’s] great credit and perseverance that today his RJ efforts are widely recognised as having been a major success in persuading the IRA to end community punishments... [A]nother major benefit which flowed from his work is the promotion of better relations with the police through CRJ. Due to his personal and professional efforts the progress made in the area of community and police relationships has been truly remarkable...The fact that projects which have been spawned directly from his work include many prominent former members of the IRA, an organisation that spent 25 years trying to kill police officers is, quite simply, a cause for celebration...This work is of major strategic significance to the police...the PSNI recognised that they needed partners in Republican communities. Those partners had to have local credibility but often their past made it difficult for the police. The solution was to focus on the work within the projects and demonstrate that it was of high quality, lawful, human rights compliant and internationally and nationally respectable. That is where the research done by Professor McEvoy was a key factor. His research located these developments in the international context and provided a vision as to how, within CRJ projects, relations between the police and the communities could develop in the interests of both...In short, his research and reputation helped give the police the confidence to engage and to develop relationships on the ground... In 2012 I agreed to join the Board of Community Restorative Justice. I now sit on that Board with former IRA activists, helping to further enhance police community relations in local Republican communities, largely because of Professor McEvoy and his work.”

5. Sources to corroborate the impact (indicative maximum of 10 references)

- PSNI (2011) Casualty as a Result of Paramilitary Attacks.
http://www.psni.police.uk/index/updates/updates_statistics.htm
- Independent Monitoring Commission (2008) 18th Report of the IMC. Belfast HMSO.
- Independent Monitoring Commission (2009) 20th Report of the IMC. Belfast: HMSO.
- Criminal Justice Inspectorate Northern Ireland (CJINI) (2008) Report of an Inspection. Community Restorative Justice Ireland. Belfast: CJINI.
- Criminal Justice Inspectorate Northern Ireland (CJINI) (2011) Report of a Pre-Inspection of Schemes in Belfast and in the Northwest of Community Based Restorative Justice. Belfast: CJINI.
- Sinn Fein and IRA statements re CRJI, 18th December 1997, March 20th 1999 and related press coverage (QUB REF ARCHIVE)
- Letter, CRJI Justice Ireland Director and former Republican leader 18th September 2013 (QUB REF ARCHIVE)
- Letter, former RUC Assistant Chief Constable QUB REF ARCHIVE, 17th September 2013 (QUB REF ARCHIVE).