Research Brief

Security System Reform and Identity in Divided Societies: Lessons from Northern Ireland

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When a divided society attempts to make the transition from violent conflict to peace, it must engage with what in past governance arrangements made harmonious communal living so dysfunctional and seemingly impossible. The new dispensation will, among other things, face the daunting challenge of rehabilitating those state institutions most responsible for violations of human rights. Security system reform (SSR) is generally writ large in any transitional justice "to do" list. However, the reform of organizations cannot be seen as an end in itself. Such reform only adds value to the extent that it provides an entry point to address deeply felt, often identity-based grievances and paves the way for wider systemic and holistic engagement, which facilitates people of differing backgrounds, views and aspirations to feel respected, safe and secure.

In societies split dysfunctionally and violently along evident identity fault lines, the challenge of guaranteeing security requires not piecemeal reform of police and/or military organizations, but a holistic, "whole of governance" approach, with respect for human dignity and diversity as cornerstones of any change process. How different identities are recognized and accommodated in terms of garnering support for the SSR process through the design and implementation of specific reforms, although only one issue requiring consideration, can be central to the legitimacy and success of the SSR project.

SSR in Northern Ireland

Northern Ireland's experience of an identity-related conflict spanned from the late 1960s to 1998. After this period, it has sustained a relatively successful SSR project—considered by many as an international blueprint for policing reform.

In Northern Ireland, where the police force was overwhelmingly Protestant with a long history of abusive policing, Catholics, Nationalists and Republicans viewed the police as partisan. Particularly in urban, working-class areas, it was unthinkable to approach the police or British army for help. Within this policing vacuum, communities held together and people relied on family members and neighbors for assistance in times of trouble. Paramilitaries were often approached to deal with crime and anti-social behavior in local

communities, and invidious informal "justice" practices came to hold sway in particular areas. A looser system of paramilitary style "justice" also developed in certain Protestant/ Loyalist areas.

The 1998 Belfast (Good Friday) peace agreement set out the framework for an Independent Commission on Policing. This body, known as the "Patten Commission," was established in 1998, and was comprised of international and local actors with a range of experience and expertise.

The commission acted as a surrogate truth commission in some respects. It consulted widely, visiting every police station and speaking to and taking the views of well over a thousand police officers. The commissioners also went on the road, holding public hearings in many highly segregated areas in Northern Ireland and in more neutral venues. Its 1999 report, A New Beginning for Policing in Northern Ireland, contained 175 recommendations for change.

The report based its recommendations on the twin pillars of respect for human rights and policing with the community. To ensure objectivity and encourage broad ownership, the commission suggested that each proposal for reform should be submitted to a five-stage principled test:

> 1. Does the proposal promote efficient and effective policing?
> 2. Will it deliver fair and impartial policing, free from partisan control?
> 3. Does it provide for accountability, both to the law and to the community?
> 4. Will it make the police more representative of the society they serve?
> 5. Does it protect and vindicate the human rights and human dignity of all?

Within these parameters, the raft of recommendations put forward dealt with a wide range of issues, including technical capacity, organizational structure, culture, ethos and symbols, accountability and oversight, training, civilianization, representation (meaning Catholics and Protestants), downsizing and policing with the community. Many of the reforms were intended to make the police more neutral or give them the appearance of being so. Thus, the name, symbols and uniforms of the police were changed. In addition, a fifty-fifty (Catholic/Protestant) recruitment protocol was put into place and human rights training was instituted.

The implementation process was hampered, however, by a number of factors. Among these were Protestant Unionist and Loyalist groups' resistance to the reform of an institution that had protected people from "terrorists," and continued assertion of ownership over and loyalty to "their" police. Catholic Nationalist and Republicans were concerned about the dilution of the Patten Commission's recommendations in the subsequent reform laws, especially the watering down of the powers of a police

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ombudsman who would independently investigate complaints of police abuse.

Vetting and other accountability measures to deal with past abuses went unaddressed in the report. Nonetheless, in 2005 the chief constable made the case that the matter of unresolved deaths related to political motivations was hampering the police service's ability to do its job well in the present. He proposed the establishment of a

Historical Enquiries Team (HET) within the police service, staffed by ex-police both from Northern Ireland and outside of it, to reinvestigate all politically related deaths and deliver reports to victims' families. The HET began its work in 2005 with a budget of £32 million and aims to conclude its work by 2011.

Analysis

The Northern Ireland experience demonstrates that a broad conceptualization of security is an important part of the security reform process. This may be complicated in divided societies where security forces have protected one section of the community, often through the repression/suppression of another. Different ethnoreligious/political groups may have different views on what constitutes security. In Northern Ireland, some communities even took steps to create their own security "systems," given a lack of police legitimacy and access in many communities.

There are, therefore, specific conceptual and operational challenges to broadening the definition of SSR in divided societies.

The first challenge is in generating cooperation among a large group of actors. SSR processes typically consult only government, political representatives, security and criminal justice sector managers, former oppositional actors, security personnel and, generally to a lesser extent, vocal and organized elements of civil society. Such processes often leave aside the views of the communities that the security forces aim to serve. In Northern Ireland, however, community-led efforts made an important contribution to the shaping of the SSR process. For example, they fostered an important realization in working-class Catholic/Republican and Protestant/Loyalist communities that their experiences at the "rough end" of policing were in some ways similar.

The second challenge is to take a holistic approach to SSR, based on legitimate, agreed-upon criteria for impartiality, fairness and professionalism, and embedding them into resistant organizational or other cultures. Indeed, security system transformation in divided societies may well require constitutionalizing equality through a bill of rights, enacting strong equality legislation and repealing arbitrary and discriminatory emergency legislation which, in drawing police and army powers too broadly, has diluted safeguards within the criminal justice process more generally.

About the Author

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In Northern Ireland, a system-wide program initiated many far reaching reforms, though it has stopped short of transforming the security agenda. This lack of transformation is partially due to the further cementation of conflict-related identities through the reform process. In this sense, Northern Ireland offers a cautionary tale of missed opportunities. The Patten Commission might have tried to generate cooperation for police reform by focusing on crosscutting identities that were less politically divisive—for example, gender. During the consultation process, gender and the need to attend to it emerged as an area of identification and consensus across communities with very different political ideologies. Rather than use this consensus to build a broader equality framework—to re-categorize polarizing issues as linked to the merits of a more pluralist society—the commission focused its recommendations for change explicitly on the vexed issue of religious underrepresentation. This contributed to media focus and political parties regrouping symbolically around traditional polarized positions as to whether change was warranted or not.

A third challenge concerns dealing with the past. Some groups' self-understandings are strongly bound up with their sense of historical victimization, which they might then use as a justification for wrongs done by their group to others. The significance of historical and legal accuracy and some shaping of the official conflict narrative to conform with or at least allow the experience of those at the "rough end" of policing is necessary to avoid the recidivism of these kinds of patterns.

The recent (2009) report of the Consultative Group on the Past has recommended that the HET and other one-off investigations be brought together through the establishment of a Legacy Commission that would examine, among other things, the highly politically charged issue of collusion between security forces and paramilitary groups. Shedding light on the history of hidden police-community relationships will be important in continuing to move the reform process forward. The development of a shared societal consensus that the state was implicated in human rights abuse, for example—or, for that matter, that women suffered disproportionately from domestic violence during the conflict (something that was devalued in the face of a "terrorist threat" to be policed)—could be useful in providing agreed baselines for change.

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