The Limits of Legitimacy: Former Loyalist Combatants and Peace-Building in Northern Ireland

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Abstract

The British government has a fraught relationship with former combatants in Northern Ireland. It simultaneously benefits from former combatants’ peace-building efforts, whilst denying them statutory recognition and funding. Drawing on interviews and focus groups with politically motivated former loyalist combatants and statutory representatives in Belfast, this paper explores the complex and sometimes contradictory relationship between them. It argues that that a lack of legitimacy is the biggest obstacle to good working relationships, and that positive engagement may be crucial in order to promote the implementation of peace in the most difficult to reach and volatile constituencies in Northern Ireland.

The Limits of Legitimacy: Former Loyalist Combatants and Peace-Building in Northern Ireland

The British government has a fraught relationship with former combatants in Northern Ireland. It simultaneously benefits from former combatants’ peace-building efforts, whilst denying them statutory recognition and funding. The problem is not a lack of available funds, but a lack of legitimacy. This paper focuses on this legitimacy deficit using a case study of former loyalist combatants in Belfast. It explores the role that former combatants can play in peace processes after demobilisation, and the roles that loyalist former combatants currently do play in grassroots peace-building in Belfast. Contrary to literature describing a ‘warlord syndrome’, this paper finds former combatants eager to build peace and come in from the political cold. Drawing on interviews with statutory representatives and members of civil society as well as loyalist former combatants, the paper examines the complex and sometimes contradictory relationships between them. It concludes that lack of legitimacy is the biggest obstacle to good working relationships, and that positive engagement may be crucial in order to promote the implementation of peace in the most difficult to reach and volatile constituencies in Northern Ireland.

Demobilisation, Reintegration and Legitimacy

The implementation of peace processes usually involves a variety of non-routine political activities. These include designing strategies to deal with demilitarisation, victims, truth processes and the reintegration of former combatants. Kingma¹ argues that ‘the successful disarmament, demobilisation, repatriation, resettlement and
reintegration of former combatants’ is one of the most important aspects of political reconstruction after conflict. Demobilisation refers not just to paramilitary organisations, but also to state forces. It can be defined as ‘a process in which the number of people under arms and in military command structures, including official armed forces personnel, paramilitary forces, and opposition forces, is significantly reduced’.\(^2\)

Demobilisation has clear political and security implications. Initially, it helps reduce violent conflict by encouraging former rivals to express their differences in the political sphere instead of using armed force and provides combatants with experience of the negotiation process. McEvoy\(^3\) argues that prisoner releases partially act as a ‘carrot’ to encourage dissident paramilitary groupings to disarm, but only in the context of overall transformation. Successful demobilisation can also help prevent a slide into criminal activity. In the longer term, successful demobilisation, accompanied by reintegration, can bring significant socio-economic benefits to post-conflict societies, and former combatants have important skills to offer back to society.\(^4\)

At a basic level reintegration refers to the set of processes by which former combatants become included in post-conflict politics, society and economy. Kingma\(^5\) argues that ‘[r]eintegration is a slow social, economic and psychological process’. Successful reintegration depends on the support former combatants get from their families and communities and well as a favourable economic climate. In the longer-
term, it also depends on political stability and the development of a strong civil
society.

Many former combatants reject the term reintegration as it may imply that they are
outside their communities and need to be normalised, or must change to fit back into
society. However, reintegration remains the most commonly-used term to describe
processes around the inclusion of former combatants in post-conflict societies.

Despite this, reintegration does carry connotations of the burden being on the former
combatants to adjust to their new social context. As Gormally argues, this is
unfortunate, as reintegration must be seen as a two-way process involving both
combatants changing and society changing. This concept can only be applied in
situations where a peace process is inclusive and where all parties have an opportunity
to help construct a new society.

This level of social transformation, however, is difficult to achieve. Gormally argues
that ‘the issue of prisoner release and reintegration is one that tends to highlight and
exacerbate the differences between the dominant ideologies and where it is always a
struggle to resolve these differences in a common vision of the future’. This, he holds,
is because prisoners are the most obvious ex-combatants and the ‘most visible
concentration of everything that people feel about the conflict.’ The question of
prisoner releases arouses deep emotions, not least amongst victims of the conflict.

The successful, or otherwise, reintegration of former combatants is underpinned by
concepts of legitimacy. Are former combatants’ legitimate actors in the new society?
As Lukes argues, power is essentially a contested concept, its definition and application dependent on our theoretical and value orientations. Legitimacy, or the way that power is institutionalised and given moral grounding, is one of the most contested concepts in Northern Ireland in particular and in conflicts in general. The British state’s legitimacy in Northern Ireland for example was continually contested during conflict. For republicans, the state was an illegitimate colonial aggressor. The ‘legitimate use of force’ to achieve national liberation was a mantra throughout conflict. For loyalists the state was owed allegiance, but had abandoned their community, thereby justifying illegal loyalist violence. For the British state, both sets of combatants were viewed as ordinary criminals waging an internal war of attrition against one another. Nowhere is legitimacy more hotly contested in post-conflict societies than in debates surrounding justice, policing and crime. The legitimacy of the continuing (although downscaled) presence of British troops in Northern Ireland is strongly contested by republicans. Both nationalists and unionists have questions over the legitimacy of the new police force, the PSNI, which for nationalists, has not yet transformed enough to win their support, and for many unionists, has transformed too much.

Legitimacy debates are clearly played out around former combatants’ place in peace-building. Morrissey argues that there is a danger of what he terms ‘warlord syndrome’ – a situation where former combatants’ organisations wish to be the sole gatekeepers of their communities, and where the statutory sector must to ‘do business’ with them before they can gain access to that community. Knox and Monaghan express concern that the gate-keeping role of some former combatants’
community organisations, especially regarding criminal justice issues, allows a ‘murky world’ to be hidden from the scrutiny of the police. They argue that community restorative justice projects, for example, are just another mechanism for community control.

Indeed, one of the most contentious roles former combatants play is in the field of community justice. Some maintain that any form of justice involving combatants is basically supporting terrorism. Knox deems ‘internal’ attempts to deal with the problem of paramilitary punishment attacks by former combatants as perpetuating the illegitimate use of power. In short, these commentators maintain that former combatants’ organisations, because of the connections they have as well as the nature of the work they do, are sinister and illegitimate actors in a democratic society.

In contrast, others point out that any transformative peace-building attempts must include former (and in some cases active) combatants in the process. This body of work is based on a view of the construction of crime as a function of power in society. In Feenan’s terms,

In the North of Ireland the definition of crime has become a struggle also about the legitimacy of the combatants. This is exemplified in the contest over the status of political prisoners, the ascription of ‘terrorism’ and the ownership of ‘victim’ status.
As Gouldner\textsuperscript{20} argues, the powerful have the capacity to make their conception of morality conventional. The state therefore plays a crucial role in defining the legitimacy, or otherwise, of former combatants’ organisations and their role in the implementation of peace. Gormally\textsuperscript{21} maintains that for the British state to release prisoners in the 1998 Agreement was a tacit acknowledgement that the conflict was not simply perpetuated by ordinary criminals and that it was political in nature. But this downplays the ambiguity with which the state has subsequently approached the question of former combatants, quickly cooling their interest after the initial flurry of attention on reintegration issues.

The paper returns to analyse concepts of reintegration and legitimacy below through a specific case study of a network of former loyalist combatants’ organisations. Before this, it outlines the development of former combatants’ issues in the negotiation, settlement and implementation of the recent peace process in Northern Ireland.

\textbf{The Good Friday Agreement, Former Combatants and the Implementation of Peace}

The Good Friday Agreement of 1998 differed radically from previous peace accords with regard to paramilitary and prisoners issues. The approach taken in settlements since the 1970s had been either to concentrate effort on the middle ground of local political parties, or to engage the two states of Britain and Ireland in peace-making.\textsuperscript{22} Neither approach succeeded, not least because they did not consult with, or cater for, a wide enough political spectrum. The Agreement in 1998, on the other hand, made a
concerted effort to consult with those close to paramilitary organisations and addressed the prisoner issue for the first time.

By 1998, the IRA, UVF and UDA had been on ceasefire for four years and although all violence had not stopped, the security situation was less volatile which enabled a more inclusive approach to the search for a settlement. British and Irish governments had in fact been secretly engaging in dialogue with the IRA since the late 1980s.\textsuperscript{23} The talks process itself was designed to be inclusive of the widest amount of political parties possible, including those with close connections to paramilitary organisations. Sinn Fein performed well in the special election to negotiations in 1996, and was well represented. The PUP and the UDP, both small parties linked to the UVF and the UDA respectively, won two seats each and for the first time began to engage politically at this level.\textsuperscript{24} Although during the process each of these parties were suspended from time to time, their presence overall significantly impacted on the nature of the talks.\textsuperscript{25} There was also some direct contact with prisoners, for example when Mo Molam, then British government secretary of state, met with loyalist prisoners inside the Maze prison in order to secure support for the process at a crisis point during negotiations. By the end of negotiations, Sinn Fein and the smaller loyalist parties had succeeded in getting prisoners’ issues into the final settlement.\textsuperscript{26}

The Agreement made a variety of provisions with regard to prisoners. Both the British and Irish governments were to make provisions for a time-limited early release scheme for prisoners of paramilitary organisations on ceasefire. Moreover, the governments pledged to ‘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.'

Whilst the Agreement required some form of decommissioning of paramilitary weapons, this was not a precondition for prisoner releases. After the Agreement was accepted by referendum in May 1998, a swift programme of legislation and prisoner releases ensued. The Northern Ireland Sentences Act was passed in 1998 (within the ordinary criminal justice system) to pave the way for the releases in Britain. Releases also took place in the Republic of Ireland. To date 447 individuals have benefited from early release scheme.

Whilst an approach inclusive of the political ‘extremes’ was vital to achieving agreement in the first instance, it remains one of its most problematic aspects of the peace process. Although Hayes and McAllister suggest there is widespread latent support for paramilitarism in Northern Ireland, prisoner releases were by far the most unpopular provision of the Agreement. The releases were supported by 31 per cent of Catholics and only 3 per cent of Protestants. There were some insensitivities in the release schedule, with at least one prisoner being released on the anniversary of his victim’s death, that further soured public sentiment. On the day Patrick Magee, the IRA member responsible for the Brighton bombing of the Conservative Party conference in 1984 (which killed 5) was released, Tony Blair admitted the releases were ‘hard to stomach’. Indeed, anxiety about the releases hinted at issues that were to emerge around longer-term reintegration.
Drawn disproportionately from deprived areas of Northern Ireland, former combatants experienced a plethora of difficulties with reintegration. Up to 20% were first imprisoned whilst they were children. Very few had financial resources to draw on upon release from jail, moved back to areas of high unemployment and immediately experienced difficulties getting a job because of their lack of employment history and prison record. Many had experienced family break-ups as a result of imprisonment and had no family home to return to. Lack of confidence, introversion, restlessness, paranoia and sometimes threats to personal safety have added extra burdens.

In total, 61 former combatants’ organisations, and a further 29 projects, have been established in Northern Ireland since 1990s. Their main activities involve providing education, training and work experience, economic development and job creation; support for serving prisoners and their families prior to release; providing practical help and social and emotional supported individual ex-prisoners, families and friends; facilitating links into local community; running peace building initiatives and restorative justice schemes. All were set up following a self-help model.

The first wave of peace-related funding from 1995 to 1999, Peace I, allocated £5.12 million to groups working with politically motivated ex-prisoners. This contrasts with £604 million spent on policing and security costs for the financial year in which the Agreement was signed (1998/9). The emphasis on former combatants in Peace I, however, was not followed up in its predecessor, Peace II. Nor does the Programme for Government of the devolved Northern Ireland Assembly make any mention of former combatants’ reintegration. Whilst the self-help approach allows former
combatants more autonomy, the downside is that it does not necessarily entail state recognition or support. As a result, most former combatants’ organisations now struggle to be financially sustainable.

The lack of state interest in funding former combatants’ organisations can be partially explained by ongoing violence and criminality amongst paramilitaries in Northern Ireland. Although levels of politically motivated killings and bombings have reduced, lower levels of inter-communal violence have continued and, although there has been a decline in shootings, punishment beatings by paramilitary organisations, and loyalist vigilantism, have actually increased from the levels preceding the ceasefires. There has also been a rise in internal paramilitary feuding, particularly amongst loyalist organisations as well as high levels of criminal activity including racketeering, dealing in counterfeit goods, robberies and drug trafficking. The Independent Monitoring Commission (IMC), the body established to track paramilitary activities, has been negative in its recent reports about both republican and loyalist organisations.

Combined with lack of progress towards the full decommissioning of paramilitary weapons, the political appetite to fully address the question of former combatants is small. In any demobilisation some former combatants will be attracted to criminality whilst others will be active agents of social regeneration. Should the latter group not be recognised as making a positive contribution to the implementation of peace, this may have serious consequences for the process as whole. It risks alienating progressive elements within the most unstable and disenfranchised communities.
Much of this can be explained in terms of contested legitimacy, to which the discussion now turns.

**Research Methods**

The analysis that follows is based on participatory research between the research branch of a state department in Northern Ireland and a network of former loyalist conflict transformation groups in Belfast involving ex-prisoners, referred to from now on as the former combatants’ organisations, in 2004/05. An advisory group was established to give feedback on the research process comprising of five members from the former combatants’ organisations, four statutory representatives, one representative from a community funding organisation, two researchers contracted out by the state department, and the author.

The research process took six months, during which time the advisory group met a number of times to discuss the course of the research. In total five focus groups were conducted by the author and another researcher – two with former combatants and conflict transformation practitioners, and one each with former combatants’ organisations’ management boards, statutory representatives with experience of working with the organisations and one group attempting to set up their own initiative. Additional interviews were conducted with 6 former combatants who worked in these organisations as well as a variety of other local figures such as clergy and community workers. Two site visits were undertaken by the author to talk to young people and workers in the organisations’ centres.
Whilst the research was produced in conjunction with the advisory group, the lead researcher, the present author, was allowed relative autonomy in the research design, data collection and analysis. The role of the group was primarily to facilitate research contacts in the field and give feedback at various stages of the process. The disadvantage of this approach is of course that the research questions and findings may have been ‘contaminated’ by individuals with political interests. However, because of the sensitive nature of the research, for both the former combatants and statutory organisations, it would have been extremely difficult to get access and co-operation any other way. Moreover, this was action research, in the sense of aiming itself to be part of a dialogic process between former combatants and statutory organisations that was potentially transformative. To date the full report remains unpublished due to the politically sensitive content.

The sections that follow outline some of the findings of the research. Firstly, the positive contributions of loyalist former combatants’ organisations to conflict transformation are outlined. Subsequently, the paper goes on to address difficulties around reintegration and questions of legitimacy that limit politically motivated former combatants’ effectiveness and social acceptance.

The Positive Contribution of Former Loyalist Combatants to the Implementation of Peace

Former combatants play a vital role in conflict transformation in Northern Ireland in a variety of ways. Firstly, the network of loyalist former combatants’ organisations this research was based on were key agents in challenging thinking and practice within
paramilitary organisations. They are pro-Agreement in politics and, along with the PUP, see their role as providing progressive analysis of the political situation as it affects working class Protestants. The loyalist former combatants’ organisations are one of the few actors in a position to engage with loyalist paramilitaries. As one former combatant pointed out,

The RHC and UVF listen to what we say because we are ex-prisoners and were part of these organisations – we understand how far we can go and can bring them along.

This enables former combatants’ organisations to raise debates on conflict transformation within the loyalist constituency. For example, they launched a document on ‘Truth Recovery’ in November 2004, which was the result of key loyalists’ reflections on a truth process in Northern Ireland. These forums encourage paramilitaries to develop their own understanding of key issues and open up opportunities for others to engage with paramilitaries. Moreover, former combatants’ organisations can translate wider political debates into language that paramilitaries understand. For example they have drawn parallels between ‘human rights’ stressed by the Agreement and ‘civil and religious liberties’ stressed by loyalist paramilitaries. These discussions now include lower ranks of paramilitaries, not just senior levels.

Former combatants’ organisations do not just listen to paramilitaries; they also try to provide leadership. They believe that their role is to help paramilitaries understand their options and how they can move forward non-violently. In short the former
combatants’ organisations are able to challenge thinking in a way that does not alienate loyalism.

They also challenge current practices within loyalism. For example, they have been crucial in demilitarising their local communities by fostering restorative justice, removing paramilitary flags, replacing military murals, working to end punishment beatings, diffusing interface rioting through a mobile phone network and mediating tensions around parades. Cultural and sporting themed murals, for example, have been replacing military images over recent years around Belfast. This requires delicate dialogue with paramilitaries that other bodies are not position to engage in. There is evidence that some of these practices, for example in the field of restorative justice, are widely used internationally as examples of best practice.45

These contributions help stabilise the wider peace process. When former combatants’ organisations negotiate at peace-lines to diffuse rioting or help statutory agencies re-house displaced families, political stability is promoted. The absence of interface violence also helps remove the perceived need for paramilitaries to defend their areas.

Former loyalist combatants’ organisations further help build peace by constructively engaging with their former republican adversaries. One former combatant commented on the irony of former paramilitaries engaging in reconciliation while politicians have made slower progress. Many loyalist former combatants agreed that they have found it easier to talk to their former republican enemies than to transcend class divisions within unionism itself.46
Another important contribution is where former combatants’ organisations act as conduits between the loyalist community and statutory bodies, such as the PSNI and the Probation Board of Northern Ireland. This contact benefits both marginalized individuals in loyalist communities who have been alienated from the statutory system and also statutory bodies themselves who are able to reach a wider number of individuals. Of course there remain many contentious dimensions to the relationship, but there is certainly evidence of some good working relationships and strong potential for further co-operation.

In order to play these roles effectively, former combatants’ organisations must have some contact with active paramilitary organisations. Indeed, if it were not for the existence of the former combatants’ organisations, many individuals may go directly to paramilitaries when they experience problems. The growth of paramilitary youth recruitment was continually highlighted in the fieldwork. As one restorative justice practitioner pointed out,

Young people have been lying about their age to join the paramilitaries.
When they realise they can’t handle it, we work to get them out. Recently we got four out.

This is an issue that ‘normal’ statutory channels find difficult to deal with. The statutory representatives we spoke to agreed that this was the case. There was also a
feeling amongst the former combatants that statutory bodies were reluctant to engage with this ‘murkier’ side of loyalism. One gave the following example,

We held an anti-racist conference a couple of years ago and invited [a statutory representative]. She later said that she had been disgusted because an attendee had a ‘100% white’ tattoo. She found that repulsive. But the very point was to invite those who were involved with the BNP. Those are the people we need to reach.

This example demonstrates the quandaries at the heart of former combatants’ peace-building work. Despite the obvious benefits of their work, questions hang over their legitimacy. How far is it acceptable to engage with the political extremes to transform conflict? How will the extremes transform if they are not engaged? And significantly, how far should the state and civil society go in order to promote this engagement? The remainder of the paper explores these questions in more depth.

**Reintegration and Legitimacy Problems**

Shirlow et al’s extensive study of politically motivated ex-prisoners in Northern Ireland explore a number of factors that hamper the effectiveness of ex-prisoner organisations within their communities and in conflict transformation. These include the effects of imprisonment, residual criminalisation and the legacy of conflict between republican and loyalist combatants. Whilst their discussion of residual criminalisation, for example the ongoing barriers for former combatants in gaining employment and accessing statutory services, analyses the relationship with the state,
the issue of legitimacy is raised only briefly towards the end of the report. The authors note that paradoxically, republicans perceive less of a legitimacy deficit than loyalists, because they enjoy wider acceptance within their communities, have strong political representation in Sinn Fein, and do not depend on British state bodies for funding. Whilst the question of legitimacy was not initially raised by the researchers for this study, it emerged as the dominant theme amongst all focus groups and interviews with former loyalist combatants, statutory representatives and members of civil society. This paper therefore seeks to develop the discussion of legitimacy raised by Shirlow et al, exploring how these actors present their relationships, and assessing the impact on former combatants’ effectiveness in conflict transformation.

**Legitimacy and the state**

Gormally characterises the key reintegration problematic between the state and former combatants thus:

> The issue [for the state] is whether to support clearly peaceful activities or to assume that paramilitary leopards will never change their spots and oppose any extension of their influence.

State uncertainty about how to answer this question has dominated reintegration efforts in the Northern Ireland peace process to date. There remains an inclination to regard former combatants as sinister. The state would prefer that former combatants’
organisations abandon their connections with active paramilitaries and assimilate into statutory culture. But the implementation of a peace process is not normal situation. Specific issues surrounding paramilitary punishment beatings and youth recruitment persist, which statutory bodies are not able to deal with. Therefore statutory bodies have needed to utilise the services of former combatants’ organisations. But they are not accepted as legitimate or lasting, as is evidenced by their lack of funding, recognition and the lack of protocols that would officially enable statutory organisations to work with them.

The British state has traditionally taken a harsh view of ex-prisoner involvement in community life. During conflict, in 1985, it announced the ‘Hurd criteria’ that established a political vetting system, refusing to give funding to organisations with ‘sufficiently close links’ to paramilitary organisations. This was to ensure that no government money was indirectly contributing to paramilitary activity. But it actually had the effect of cutting all funding from 30 organisations including Irish language classes and preschool playgroups. This was quietly dropped in the early 1990s.

The British government has also consistently objected to paramilitary connections with community restorative justice schemes. The schemes, run in many cases by former combatants, are designed to deal with antisocial behaviour and paramilitary punishment attacks through negotiation at community level between victims, offenders and paramilitaries. They have proven to be successful and variety of levels from reducing the number of punishment attacks to empowering victims and young people. Some individual PSNI personnel sit on the boards of some loyalist (but not
republican) schemes, and in some cases they make referrals. However, in the main, the relationship is strained. The state has insisted that any restorative justice scheme fully cooperate with police, and that young people must only be referred via statutory agencies, and not from the community itself (for example by the offender, their family or the paramilitaries).\textsuperscript{51} Gormally\textsuperscript{52} argues that this is ‘another example of attitudes rooted in the conflict affecting process of building a new society. Government and the police are still inclined to see former illegal combatants as the enemy’.

Whilst republicans do want a partnership with a reformed police service at some point in the future, the PSNI has not yet been reformed to an extent where they feel this is possible. Loyalists, on the other hand, are happy to work with the PSNI, but as partner service providers, not subsumed into another branch of the state. In order to operate effectively as a conduit between paramilitaries, the community and the state, former combatants’ organisations insist they need to maintain some independence from statutory bodies. Statutory bodies have often interpreted this as reluctance on the part of former combatants to be fully open and transparent in their actions. This makes them extremely cautious in their engagement. Both parties acknowledge that this hampers effectiveness on both sides.

A strong theme emerging from the research was former combatants’ perception of a double standard in the stance adopted by the statutory agencies towards them. All former combatants maintained that they had productive relationships with particular individuals in statutory agencies on the ground, however, they felt this rarely extended...
to official acknowledgement or support in the form of public statements, financial or other resources:

[Statutory agencies] need to acknowledge contact and admit working with us. We have good relationships and feedback from working at local level, sitting on boards etc. but people at more senior levels don’t feel they can support the work officially.

Participants in the focus group drawn from statutory bodies also reported good relationships:

There would be a serious impact on our ability to do youth work in this area if they [former combatants’ organisations] were not actively engaged with us.

Put another way, a further statutory respondent stated that the former combatants ‘exert an influence and they are very useful to us’ when dealing with, for example, marching bands under the influence of paramilitary organisations. Despite this useful relationship, the statutory representatives also expressed frustration with the development of the former combatants’ organisations thus far. One point of concern was what they perceived a reticence on the part of the former combatants’ organisations to make the transition to a mainstream ‘community development’ stance. Exchanges later in the focus group gave some clues as to what this might mean.
If they want to be involved and be seen as legitimate service providers in the same way as Youth Service or Probation or anything else in terms of any aspect they’re dealing with, well then they need to make the same transition that we do. As a statutory agency, you are bound by certain requirements, you have expectations in terms of the wider community that you have to meet, and it’s no different for those organisations. And I think that’s where the naivety comes, or the frustration comes in terms of them needing to make that step forward.

It would appear then, that for some of the statutory representatives, former combatants’ organisations were perceived to be naïve not to recognise that the next step to the full engagement they were seeking would involve them moving closer to the statutory position, and away from their close ties to the community. Thus there is apparent contradiction of, on one hand, engaging with the former combatants’ organisations to try to influence groups that statutory bodies could not reach, and on the other, exhorting the former combatants’ organisations to become more like statutory providers.

For some respondents this appeared to be rooted in conceptions of former combatants as ‘warlords’,

I just get the feeling that ordinary people out there just want to be part of normal life. These groups have come from a history over the last 30-odd years, and they have a power base. Power is very important in any
community, but is it what their communities actually want from them? Because if it’s not what people want, should we be preserving it and supporting it?

The former combatants’ organisations are portrayed here as not ‘normal’, their power derived from paramilitary connections established in conflict and at odds with the wishes of the community they claim to speak for. Whilst former combatants’ organisations may be acceptable in a period of transition, they appear not to fit so comfortably within the official version of a normal post-conflict society. In the words of another statutory representative:

As the democratic structures take a firmer foothold and issues like the parades are resolved, which they will be eventually […] Those things will be resolved and as we move on their influence will wane. But the community has to have an opportunity to grow out of these organisations and when they do, they will recognise that their time has come.

This suggests that the ongoing working relationships that exist between the statutory bodies and the former combatants’ organisations are, for some statutory bodies, more a pragmatic necessity than a recognition of the former combatants’ organisations as legitimate grassroots organisations. Their status as former combatants, and proximity to paramilitaries, undoubtedly remains an issue.
Although this ambiguity remained unresolved, these views were not shared by all the statutory representatives. A few individuals expressed Gormally’s idea of reintegration as a two-way process and argued that statutory agencies also needed to take steps towards facilitating a more wholehearted partnership with the former combatants’ organisations. As one said:

Sometimes I think that we expect groups to behave in a particular way, which isn’t necessarily the same way as they think. And it’s not necessarily that we have it right and they have it wrong, or that they have it right and we have it wrong. But it’s about almost legitimising a place for them to do what they’re good at and what does make a contribution. So my wish is just to have an inclusive model where we all do the things we are good at for the benefit of the whole.

Again the term legitimacy is introduced – this time by a statutory representative who perceives that his organisation does in fact deem former combatants’ organisations’ work as illegitimate, and who thinks that this situation must change.

It is important therefore that we do not treat the state as a monolithic entity. There are a number of state branches and semi-state organisations that have consistently tried to improve working relationships. For example the Probation Service was on good terms with former combatants and their families throughout conflict. They advocated the funding of prisoner groups at an early stage, only to be prevented by the Northern Ireland Office on the basis of the ‘Hurd criteria’.
Leaving these examples aside, it is clear that while co-operative work is ongoing between the statutory bodies and former combatants’ organisations on a range of issues, this is neither a comfortable nor an ideal situation for many of the state bodies. For the former combatants’ organisations, this lack of legitimacy has wider implications, particularly in terms of access to government funding and support. In the medium term the absence of state recognition may undermine their credibility within the wider loyalist community and hamper their ability to demonstrate the viability of their alternative to violent paramilitarism.

The legitimacy deficit is also an issue that former combatants themselves must properly address. Legitimacy cannot simply be conferred upon them by the state, particularly in the sensitive post-conflict climate of Northern Ireland. Former combatants must come to terms with a slower, less flexible statutory culture; they must be continually open to scrutiny of their working methods and transparent in their fund-raising; they must take a clear stance against the criminality, internal feuding and racism that pervade the wider loyalist community. In short, they must work hard to prove that they fully support the new political arrangements.

However, despite the need for ex-prisoners to demonstrate their openness to change, former combatants’ organisations cannot immediately cut the cord with paramilitary organisations. This would be to abandon their raison d’etre. If their aim is to see the disappearance of paramilitary organisations and a transition away from violence, and they are best placed to provide this direction, it is essential that they maintain their
position of influence within these networks. The onus is upon the state to develop inclusive working practices that recognise the importance of the former combatants’ organisations in conflict transformation. This would mean recognising them as legitimate organisations committed to conflict transformation, rather than casting them as temporarily useful but ultimately sinister agencies. Without this inclusiveness, reintegration cannot be realised.

**Legitimacy and civil society**

Kingma has pointed out that much more attention needs to be given to exploring the strength of civil society to deal the reintegration of former combatants. This is a very pertinent issue in Northern Ireland, where most of the population remain uncomfortable about prisoner releases and former combatants’ roles in society and politics.

A lack of legitimacy manifests itself in the distance mainstream unionism places between itself and former combatants. This is due to a combination of ex-prisoner stigma and political factors. McEvoy argues that former loyalist combatants are generally not easily accepted back into unionist society or politics. This is in contrast to former republican combatants who, despite experiencing problems and prejudice, find themselves less alienated from the wider Catholic community. McEvoy points out that this stems from interpretations of the conflict as criminal versus political. Whereas for nationalists the conflict was clearly defined as political, and prisoners as political prisoners fighting for national liberation, this was not the case for unionists.
Unionists, along with the British state, tended to define the conflict as perpetuated by a criminal element, the ‘men of violence’ who were much less socially acceptable than ‘political prisoners’ amongst republicans. Gormally argues that even those loyalists who took up arms illegally regarded themselves as irregulars ‘forced by the pusillanimity of the State to which they theoretically gave allegiance to “defend” it against insurgent enemies’.

In this context, former loyalist combatants have found it very difficult to reintegrate politically. Whilst the PUP came to the fore to articulate loyalist politics from a working-class perspective and look after reintegration needs of ex-prisoners, they remain numerically small (favoured by less than 2% of the population) and politically isolated. Due to internal loyalist factionalism, the PUP is also aligned only to the UVF and RHC. The Ulster Democratic Party (UDP), aligned to the UDA, flourished for a few years in the mid to late 1990s, but dissolved in 2001 due to internal wrangling, growing criminality and lack of enthusiasm among their constituency. Former loyalist combatants then have only a very small direct political channel for their voice. This is in contrast to former IRA combatants who enjoy a larger influence through Sinn Fein, now the dominant political party amongst nationalists and republicans.

Lack of acceptance by mainstream unionism was consistently stressed by former loyalist combatants in the fieldwork. Most agreed that in their experience the DUP (the largest party in most working class loyalist areas) disapproved of any engagement
with paramilitaries or those in dialogue with them. Former combatants’ expressed frustration that, as one focus group participant put it,

Unionist politicians will talk to paramilitaries and communities quietly to sort things out, but they will not do it publicly

Various examples were given of mainstream unionist politicians privately using former combatants to diffuse violent political situations on the ground, whilst at the same time denouncing them in the media. There is also a feeling of being abandoned by unionists who were, in the words of one former combatant, ‘quite happy when I was dirtying my hands’. This was felt to be in contrast to nationalists and republicans who were said to be ‘more forgiving of the past’.

Another crucial way in which former combatants participate in community life is through community activism. However, this participation is not always welcomed by the ‘community’. A Protestant clergyman in a working class loyalist area, for example, expressed frustration that,

Government are throwing money at groups associated with paramilitaries, but will give nothing to the churches who have preached a message of reconciliation all throughout the Troubles

There is certainly reluctance amongst ‘respectable’ Protestants to endorse what they perceive to be slightly sinister organisations, which some fear may be ‘a front for
paramilitaries’. This imposes a significant constraint on former combatants’ organisations who find that many middle class unionists simultaneously distance themselves from their organisations, whilst benefiting from the work that they do.

Problematic reintegration stems from other sources in civil society than just middle unionism. Shirlow et al\textsuperscript{61} draw attention to the ways in which the media has tended to focus on negative stereotypes of ex-prisoners rather than challenging accepted views. They give an example of a republican group, Tar Isteach, who had received money from Comic Relief to work with young people. The day the media reported that ‘former bombers’ were getting money from a well-known charity, the group had taken a group of republican young people to New Lodge to meet with a loyalist marching band, the Apprentice Boys. This went unreported.

Employment is another area where reintegration meets civil society. Practical and legal barriers to full reintegration remain. This ranges from difficulty in acquiring a public service vehicle driving license to problems around acquiring visas, loans and mortgages, pensions and compensation for criminal injuries or damage to property.\textsuperscript{62} As no allowance is made for those who committed politically motivated offences, employers are often left in the difficult position of having to make personal choice as to whether a conviction is criminal or political. Given the widespread opposition to prisoner releases in society as a whole, it is not unreasonable to suggest that some employers are prejudiced against employing former combatants. But as Gormally\textsuperscript{63} argues, ‘long-term peace is hardly to be consolidated by excluding former combatants from mainstream employment’.
A final example is provided by former combatants’ engagement with victims of the conflict. Ironically, this is an area in which most progress has arguably been made. Some victims have been deeply opposed to prisoner releases. An unsuccessful legal challenge was lodged against the early release scheme by a victim, and representations have been made to the Sentence Review Commission to express concerns. However, other victims have supported prisoner releases, stressing healing and forgiveness.\textsuperscript{64} White\textsuperscript{65} provides a compelling account of ongoing reconciliation workshops between former combatants and their victims. In the absence of a formal truth process, these small-scale private encounters have made an important contribution to conflict transformation.

Given that Northern Ireland is still in a period of transition from conflict, it is understandable that many actors in civil society would have concerns in relation to reintegration. However, until politicians, employers and other actors in civil society address the issue of legitimacy, serious barriers to former combatants’ organisations fulfilling their full potential and to inclusive reintegration will remain. Paradoxically, it would appear that the relationship with ‘respectable’ unionists and their political representatives is amongst the most strained.
Conclusions

Former loyalist combatants’ organisations in Northern Ireland routinely state that their goal is to ‘work themselves out of a job’. In line with the majority of the population, they wish to see the disappearance of paramilitary organisations. They have influence in this regard only because of their past associations, and their current relationships, with paramilitary organisations. However, this is also their greatest weakness. The relationship with former loyalist, and indeed republican, combatants is problematic for government and statutory bodies as well as the general population, who perceive them to be tainted by their past and current associations. As such they enjoy neither legitimacy nor funding from government sources. Nor are they fully accepted within civil society.

But the political and social marginalization of former combatants is problematic for the implementation of the peace process. Former combatants play a vitally important role mediating with active paramilitaries and mediating with the most vulnerable parts of the community. If they did not do this job, no statutory body – by their own admission – could replace them. This would leave a volatile loyalist constituency without progressive leadership – a factor that would inevitably damage the peace process in Northern Ireland, particularly given the current slide into criminality. However, without acceptance from civil society and the state, former combatants may struggle to maintain their conflict transformation work.

Despite their close relationship with the PUP, this distance from mainstream political influence and social acceptance places increased pressure on former combatants to
create the conditions for loyalist participation in conflict transformation themselves. Indeed it is appropriate that the onus is on former combatants to make this happen. But conflict transformation is a systemic process that cannot be the responsibility of one group alone. Reintegration requires the transformation of society as much as it does former combatants, and both are vital for the successful implementation of peace. Although many continue to find working with former combatants unpalatable, positive engagement is crucial in order to promote the implementation of peace in the most difficult to reach and volatile constituencies, which ultimately pose the biggest threat to the process itself.
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Notes


4 Kingma, Demobilization in Sub-Saharan Africa p. 19.


7 Gormally (note 7) p. 12.

8 Ibid, p. 6.


12 Sarah Nelson, Ulster’s Uncertain Defenders: Loyalists and the Northern Ireland Conflict (Belfast; Appletree 1984).

13 McEvoy (note 3).
14 Mike Morrissey, interview with research team.
21 Gormally (note 7).
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28 McEvoy (note 3).

29 Only members of paramilitary organisations that were on ceasefire were to be eligible for release. This meant that four paramilitary groups were excluded from the early release scheme as they were not on ceasefire at the time: the Continuity IRA, the Real IRA, the Red Hand Defenders and the Orange Volunteers. The LVF belatedly called a ceasefire in May 1998 to ensure that their members would be eligible.

30 Peter Shirlow, Brian Graham, Kirean McEvoy, Felim Ó hAdhmaill and Dawn Purvis, Politically Motivated Former Prisoner Groups: Community Activism and Conflict Transformation (Belfast: Northern Ireland Community Relations Council 2005).


32 Northern Ireland Life and Times Survey 2000. Available at http://www.ark.ac.uk/nilt/
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33 ‘Freedom for the Brighton bomber’, The Guardian 23.06.99


36 Shirlow et al (note 31).

37 Gormally (note 7) p. 30.

38 See M. Berdal, Disarmament and Demobilisation after Civil Wars (Oxford; Oxford University Press/Institute for Strategic Studies 1996).

39 Paddy Hillyard, Bill Rolston and Mike Tomlinson, Poverty and Conflict in Ireland: An International Perspective (Belfast; Combat Poverty Agency 2005), pp.? **ibid.**


42 The core groups included EPIC (Ex Prisoners Interpretative Centre), LINC (Local Initiatives for Needy Communities), Northern Ireland Alternatives and the Inner East Forum.
Not all members of the core groups were former combatants. Indeed, because they are involved in conflict transformation work, not all members were Protestants, unionists or loyalists and instead included a spectrum of the population. The group attempting to set up its own initiative, in particular, was not comprised of former combatants, although it had a close relationship with the core groups. The paper uses the fieldwork with these organisations to highlight issues facing former combatants, but does not wish to imply that all participants were themselves former combatants. Moreover, many of the issues faced by former combatants also affect any individual or group that seeks to work with active paramilitaries.

See also Shirlow et al (note 31).


See also Shirlow et al (note 31).

Ibid.

Gormally (note 7) p. 16.

Ibid.


Criminal Justice Review Group, Review of the Criminal Justice System in Northern Ireland (HMSO; Belfast 2000).

Ibid (note 7) p. 16.

Ibid (note 7).


Kingma, Demobilisation and Reintegration of Ex-Combatants in Post-War and Transition Countries p. 38.
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56 McEvoy (note 3) p. 352.
57 Shirlow et al (note 31).
58 McEvoy (note 3).
59 Gormally (note 7) p. 3.
61 Shirlow et al (note 31).
62 Ibid; Gormally (note 7).
63 Gormally (note 7) p. 22.
64 McEvoy (note 3) p. 347.