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# Learning to Live Together: Transitional Justice and Intergroup Reconciliation in Northern Ireland

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## Abstract<sup>1</sup>

Transitional justice strategies are frequently considered to be necessary components of postconflict reconciliation processes, particularly in societies that have been deeply divided by histories of intrastate violence between antagonistic identity groups. Drawing on recent social psychological research into the dynamics of intergroup reconciliation, this article contends that the transitional justice strategies most successful in promoting postconflict reconciliation are those that take account of the collectivized nature of mass violence in divided societies and that seek to foster instrumental, socioemotional and distributive forms of ‘social learning’ among former enemies. This framework is used to assess the unique local programme of ‘decentralized’ transitional justice that emerged in Northern Ireland following the Belfast Agreement of 1998 and its contribution to ongoing processes of reconciliation between local nationalist and unionist communities. The article concludes by considering what insights this analysis of Northern Ireland’s decentralized local process might have for the broader field of transitional justice and for the design of future justice interventions in deeply divided societies.

## Introduction

Transitional justice interventions have proliferated in recent decades, based, at least in part, on the assumption that they remain a crucial component of postconflict peacebuilding processes by helping divided societies to reconcile following periods of intrastate violence. A recent survey of current transitional justice literature concludes that reconciliation remains a fundamental aim of these initiatives, and that preventing the recurrence of violence and stabilizing a postconflict peace are

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among the 'ultimate goals' of transitional justice.<sup>2</sup> In addition, studies suggest that transitional justice is a necessary component of sustainable peacebuilding processes in postconflict societies, particularly in those societies that remain deeply divided along entrenched lines of religious or ethnonational identity.<sup>3</sup> However, the ways in which transitional justice interventions are causally linked to post-conflict reconciliation tend to remain unspecified and undertheorized in current scholarship – a seminal gap that this article begins to address.<sup>4</sup>

Building on recent insights from the field of social psychology, this article contends that the ability of transitional justice interventions to contribute to intergroup reconciliation in divided societies depends in large part on whether the processes they employ are able to contribute successfully to redefining the antagonistic collective identities and hostile relationships that motivated past violence. While, to date, no formal criminal tribunal or truth commission has been undertaken to address the legacy of sectarian violence in Northern Ireland, a local programme of 'decentralized' transitional justice has emerged in recent years, combining widespread community-based reconciliation initiatives with a more 'piecemeal' approach to dealing with the past through interventions by governmental and nongovernmental actors.<sup>5</sup>

Based on 45 expert interviews conducted during the spring of 2008, this article provides a qualitative assessment of the contribution that this unique approach to transitional justice has made to ongoing processes of reconciliation between Protestant/unionist and Catholic/nationalist communities in Northern Ireland.<sup>6</sup> More specifically, it examines the degree to which this decentralized approach has contributed to the promotion of instrumental, socioemotional and distributive forms of 'social learning,' all of which are identified in the social psychological literature as necessary, though perhaps insufficient, causal conditions for intergroup reconciliation.<sup>7</sup> Consideration is given to the implications of these findings for

<sup>2</sup> Franklin Odoro, *What Do We Understand by 'Reconciliation'? Emerging Definitions of Reconciliation in the Context of Transitional Justice* (Ottawa: International Development Research Centre, 2007), 3.

<sup>3</sup> William J. Long and Peter Brecke, *War and Reconciliation: Reason and Emotion in Conflict Resolution* (London: MIT Press, 2003).

<sup>4</sup> Exceptions include: Laurel E. Fletcher and Harvey M. Weinstein, 'Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation,' *Human Rights Quarterly* 24(3) (2002): 537–639; Nevin T. Aiken, 'Post-Conflict Peacebuilding and the Politics of Identity: Insights for Restoration and Reconciliation in Transitional Justice,' *Peace Research: The Canadian Journal of Peace and Conflict Studies* 40(2) (2009): 9–38.

<sup>5</sup> Christine Bell, 'Dealing with the Past in Northern Ireland,' *Fordham International Law Journal* 26 (2003): 1095–1147.

<sup>6</sup> Where appropriate, 'unionist' and 'nationalist' will be used to refer to these communities, recognizing that the 'fundamental antagonism' in Northern Ireland is one of nationalism rather than religion. See, Brendan O'Leary and John McGarry, *The Politics of Antagonism: Understanding Northern Ireland* (London: Athlone, 1993), 3. Expert interviewees were selected via a 'key informant' purposive sampling of academics, government officials, civil society representatives and nongovernmental community leaders most familiar with issues of transitional justice and reconciliation in Northern Ireland. This sample included individuals from nationalist and unionist backgrounds, as well as international observers.

<sup>7</sup> Arie Nadler, Thomas E. Malloy and Jeffrey D. Fisher, 'Intergroup Reconciliation: Dimensions and Themes,' in *The Social Psychology of Intergroup Reconciliation: From Violent Conflict to Peaceful*

current debates regarding the design of effective transitional justice processes and, in particular, what lessons the local decentralized strategy employed in Northern Ireland offers to the broader field of transitional justice.

## Transitional Justice and the Politics of Identity

Mark Drumbl has noted that the international crimes to which transitional justice strategies respond are extraordinary not just for the scope of their violence but also because they are often inherently tied to collective religious, ethnic or national identifications. As he illustrates, large-scale gross human rights violations, such as mass repression, genocide and 'ethnic cleansing,' are almost exclusively carried out against 'large numbers of individuals based on their actual or perceived membership in a particular group that has become selected as a target on discriminatory grounds.'<sup>8</sup> Yet, when appropriate transitional justice interventions are considered in addressing such crimes, only rarely is there reflection on the role that justice mechanisms must play in negotiating these collective animosities.<sup>9</sup> Efforts to uncover the relationship between transitional justice and reconciliation in divided societies may therefore require a reconsideration of these strategies – one that engages with the fundamental issues of group identity at the root of mass violence and investigates how these collective antagonisms might be challenged. However, to do so seems to require the opening of a new – and perhaps overdue – channel of dialogue between transitional justice and the related literature of social psychology, a field that has advanced perhaps the farthest to date in the study of group identity and its role in reconciliation processes.

## Transitional Justice and Reconciliation in Divided Societies

While opinions diverge as to what 'reconciliation' entails as both a theoretical concept and an empirical goal, it is generally accepted that, at a minimum, reconciliation might be defined as the long-term processes of establishing peaceful relations between rival sides following the resolution of conflict, or 'transforming the relations between rival sides from hostility and resentment to friendly and harmonious relations.'<sup>10</sup> This concept forms the underlying thesis of a growing body of social psychological scholarship, which contends that reconciliation after

*Co-Existence*, ed. Arie Nadler, Thomas E. Malloy and Jeffrey D. Fisher (Oxford: Oxford University Press, 2008).

<sup>8</sup> Mark A. Drumbl, *Atrocity, Punishment, and International Law* (Cambridge: Cambridge University Press, 2007), 4.

<sup>9</sup> Notable exceptions include: Eric Stover and Harvey M. Weinstein, *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004); James L. Gibson, *Overcoming Apartheid: Can Truth Reconcile a Divided Nation?* (New York: Russel Sage, 2004).

<sup>10</sup> Yaacov Bar-Siman-Tov, 'Dialectics between Stable Peace and Reconciliation,' in *From Conflict Resolution to Reconciliation*, ed. Yaacov Bar-Siman-Tov (Oxford: Oxford University Press, 2004), 72.

periods of mass group-based violence in divided societies must necessarily involve an element of 'identity negotiation.' This means engaging former enemies in re-defining the antagonistic identities and belief systems that motivated past violence and (re)creating a more positive system of relations governing their interactions.<sup>11</sup> As Herbert Kelman argues, given that collective identity is a prime contributor to violent conflicts in divided societies,

identities have to change, at least tacitly, if protracted identity conflicts are to be settled and, certainly, if they are to be resolved in a way that transforms the relationship and opens the way to reconciliation.<sup>12</sup>

The social psychological perspective therefore emphasizes the necessity of what might be termed 'social learning' in divided societies, namely, the need for social and cognitive processes of identity negotiation among former enemies centred around

changing the motivations, goals, beliefs, attitudes, and emotions of the great majority of society members regarding the conflict, the nature of the relationship between the parties, and the parties themselves.<sup>13</sup>

The postconflict period can bring with it a unique 'transformative moment' for this kind of learning in divided societies, as the end of widespread conflict offers an initial opportunity, however difficult, for former enemies to begin to redefine their relationships. Transitional justice strategies may be uniquely situated to serve as sites of social learning in these moments by providing the first, and sometimes only, societal venue in which former antagonists are brought together to confront the legacies of past violence and to reconsider the nature of their relations with the Other.<sup>14</sup> This leaves questions, however, as to the specific mechanisms through which transitional justice strategies could help to catalyze reconciliatory social learning in divided societies. A recent 'state of the art' collection of social psychological research on intergroup reconciliation undertaken by Arie Nadler and his colleagues offers one potential answer. Its findings suggest that three broad 'types' of intervention may ultimately be required to promote social learning in transitional societies: strategies targeting instrumental, socioemotional and distributive reconciliation.<sup>15</sup>

*Instrumental reconciliation* refers to interventions designed to engage former antagonists in sustained cooperative interaction, through which they can begin

<sup>11</sup> Herbert C. Kelman, 'The Role of National Identity in Conflict Resolution: Experiences from Israeli-Palestinian Problem-Solving Workshops,' in *Social Identity, Intergroup Conflict, and Conflict Reduction*, ed. Richard D. Ashmore, Lee J. Jussim and David Wilder (Oxford: Oxford University Press, 2001).

<sup>12</sup> *Ibid.*, 194.

<sup>13</sup> Daniel Bar-Tal and Gemma H. Bennink, 'The Nature of Reconciliation as an Outcome and as a Process,' in *From Conflict Resolution to Reconciliation*, ed. Yaacov Bar-Siman-Tov (Oxford: Oxford University Press, 2004), 12.

<sup>14</sup> Nevin T. Aiken, 'The (Re)Construction of a Culture of Human Rights: Transitional Justice and Human Security,' *Human Security Journal* 8 (2009).

<sup>15</sup> Nadler, Malloy and Fisher *supra* n 7.

to transform their relationships with one another and 'gradually learn to replace enmity with trust and negative with positive perceptions of the Other.'<sup>16</sup> That increased levels of positive contact across community boundaries can lead to improved relations between communities in conflict is the central assertion of the longstanding 'contact hypothesis' in social psychology, with a substantial body of experimental and 'real-world' research evidencing the reliably independent effect of intercommunity contact on challenging negative stereotypes and misperceptions, reducing prejudice and building a more inclusive sense of intercommunal identification.<sup>17</sup> Of equal importance, however, is the content and context of such interaction and, in particular, the question of whether it can serve to foster deeper exchange in the form of meaningful intercommunal dialogue.<sup>18</sup> In effect, intergroup dialogue is held to be the mechanism through which groups can begin to 'unfreeze' the rigidified and hostile perceptions about the Other that informed past conflict, thereby allowing for greater recognition of shared values and needs, the development of intercommunal empathy and mutual recognition of the Other's basic humanity.<sup>19</sup>

*Socioemotional reconciliation* involves interventions designed to confront directly the emotional and perceptual legacies of past conflict by way of breaking down obstacles to reconciliation caused by existing feelings of victimization, guilt, distrust and fear between groups.<sup>20</sup> Central to these interventions is the provision of justice, requiring transitional authorities to counter impunity by acting in some way to recognize the injustices of the past, acknowledge those victimized by violence and assign responsibility to perpetrators.<sup>21</sup> The provision of justice can also contribute to social learning by symbolizing a shift in the normative ethos that once legitimized the use of violence between former enemies, serving as a vital 'bridge' between a society's divisive past and a more inclusive future.<sup>22</sup>

Alongside justice, reconciliation is increasingly seen to require some form of historical inquiry that can record the 'truth' – understood as a mutually accepted

<sup>16</sup> *Ibid.*, 6.

<sup>17</sup> Miles Hewstone and Rupert Brown, eds., *Contact and Conflict in Intergroup Encounters* (Oxford: Blackwell, 1986); Walter G. Stephan and Cookie White Stephan, *Improving Intergroup Relations* (Thousand Oaks, CA: Sage, 2001); Samuel L. Gaertner and John F. Dovidio, *Reducing Intergroup Bias: The Common Ingroup Identity Model* (Philadelphia, PA: Psychology, 2000).

<sup>18</sup> Jared B. Kenworthy, Rhiannon N. Turner, Miles Hewstone and Alberto Voci, 'Intergroup Contact: When Does It Work, and Why?' in *On the Nature of Prejudice: Fifty Years after Allport*, ed. John F. Dovidio, Peter Glick and Laurie A. Rudman (Malden, MA: Blackwell, 2005).

<sup>19</sup> Donald G. Ellis, *Transforming Conflict: Communication and Ethnopolitical Conflict* (Lanham, MD: Rowman and Littlefield, 2006); Ronald J. Fisher, 'Social-Psychological Processes in Interactive Conflict Analysis and Reconciliation,' in *Reconciliation, Justice, and Coexistence: Theory and Practice*, ed. Mohammed Abu-Nimer (Lanham, MD: Lexington, 2001). See also, Kelman, *supra* n 11.

<sup>20</sup> Arie Nadler and Nurit Shnabel, 'Instrumental and Socioemotional Paths to Intergroup Reconciliation and the Needs-Based Model of Socioemotional Reconciliation,' in *The Social Psychology of Intergroup Reconciliation: From Violent Conflict to Peaceful Co-Existence*, ed. Arie Nadler, Thomas E. Malloy and Jeffrey D. Fisher (Oxford: Oxford University Press, 2008).

<sup>21</sup> Ervin Staub, 'Reconciliation after Genocide, Mass Killing, or Intractable Conflict,' *Political Psychology* 27(6) (2006): 867–894.

<sup>22</sup> Ruti G. Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2002).

(or at least mutually tolerable) shared understanding – about past events.<sup>23</sup> As Daniel Bar-Tal notes, groups in conflict tend to form selective ‘collective memories’ of violence, ones that ‘focus mainly on the other side’s responsibility for the outbreak and continuation of the conflict and its misdeeds, violence, and atrocities’ while at the same time ‘concentrat[ing] on their own self-justification, self-righteousness, glorification, and victimization.’<sup>24</sup> Left unaddressed, these antagonistic belief systems can pose obstacles to the development of more cooperative relationships and risk recidivist violence.

Finally, there is strong evidence that social learning also requires *distributive reconciliation*, involving sustained attempts to reduce structural and material inequalities and limit perceptions of inequitable power relations between former antagonists. As Ervin Staub and Daniel Bar-Tal have stressed, social learning in postconflict societies ultimately demands real change in the socioeconomic conditions of former enemies, alongside psychosocial transformations:

When conflict is already entrenched and groups have inflicted violence on each other, psychological changes are required for overcoming hostility . . . but without structural changes, psychological changes may not be possible to bring about or maintain.<sup>25</sup>

Interventions that foster distributive reconciliation might include broader socioeconomic and legislative reforms, provision of reparations or compensation programmes for those worst affected by past conflict and other strategies designed to at least ‘signal’ a commitment to establishing more equitable future relations.

To date, studies in transitional justice have tended to focus almost exclusively on socioemotional reconciliation, that is, how different strategies can work to prevent future human rights violations through the provisions of ‘truth’ and ‘justice.’ While these efforts remain vitally important, insights from this social psychological framework suggest that such initiatives necessarily need to work in conjunction with longer-term interventions designed to promote instrumental and distributive reconciliation.<sup>26</sup> Indeed, as Arie Nadler and Nurit Shnabel contend, these components remain highly interdependent and all three are ultimately required to promote the social learning needed to reconcile a society divided by intrastate violence.<sup>27</sup> To contribute to intergroup reconciliation, therefore, transitional justice strategies must keep socioemotional, instrumental and distributive ends in mind, or should at the very least be designed to work in tandem with other

<sup>23</sup> See, Tristan Anne Borer, ed., *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies* (Notre Dame, IN: University of Notre Dame Press, 2006).

<sup>24</sup> Daniel Bar-Tal, ‘Collective Memory of Physical Violence: Its Contribution to the Culture of Violence,’ in *The Role of Memory in Ethnic Conflict*, ed. Ed Cairns and Michael D. Roe (New York: Palgrave, 2003), 78.

<sup>25</sup> Ervin Staub and Daniel Bar-Tal, ‘Genocide, Mass Killing, and Intractable Conflict: Roots, Evolution, Prevention, and Reconciliation,’ in *Oxford Handbook of Political Psychology*, ed. David O. Sears, Leonie Huddy and Robert Jervis (Oxford: Oxford University Press, 2003).

<sup>26</sup> This is reflective of earlier calls regarding the need for ‘transformative’ models of transitional justice. See, Wendy Lambourne, ‘Transitional Justice and Peacebuilding after Mass Violence,’ *International Journal of Transitional Justice* 3(1) (2009): 28–48.

<sup>27</sup> Nadler and Shnabel, *supra* n 20.

ongoing societal efforts to rebuild trust, cooperation and equality between former enemies.

## Overcoming Intractability in Northern Ireland

For much of the past century, Northern Ireland has been the archetype of a society deeply divided by collective identity conflict, with communities of (largely Roman Catholic) Irish 'nationalists' locked in a protracted and seemingly intractable national struggle with both local (largely Protestant) pro-British 'unionists' and the security forces of the British state. This conflict culminated in a period of intense violence between the late 1960s and the late 1990s known locally as 'the Troubles.' During the course of the conflict over 3,500 people lost their lives, the vast majority of them civilians killed by the actions of 'republican' or 'loyalist' paramilitary organizations ostensibly fighting on behalf of their constituent communities.<sup>28</sup>

The constant threat of violence over the course of 30 years took a devastating toll on societal cohesion in Northern Ireland, leading to patterns of severe residential, educational and social segregation in the towns and cities of the country and creating high-tension 'interface' zones between proximate nationalist and unionist neighbourhoods. An extensive system of territorial demarcation consisting of flags, curb paintings and murals developed over time further to delineate the geographical boundaries of communities, resulting in the carving-up of urban areas into psychological 'chill zones' where members of the opposing community feared to tread.<sup>29</sup> The protracted nature of the conflict and the personal sense of loss suffered by a large proportion of the population also led to deeply ingrained feelings of fear, mistrust, prejudice or outright hatred associated with members of the Other community.<sup>30</sup> Such feelings were compounded by the deep sense of victimization felt in nationalist communities at having been historically marginalized under a system of socioeconomic and political discrimination by the unionist majority.<sup>31</sup>

More than a decade after the formal signing of the Belfast Agreement (BA), which brought an end to the overt political violence of the Troubles on 10 April 1998, Northern Ireland remains a deeply divided society marked by a polarized political system, high levels of communal segregation and the continued presence of intercommunal mistrust and resentment.<sup>32</sup> Some progress has been made, however, in transforming the hostile mindsets and antagonistic attitudes that have long characterized intergroup relations in Northern Ireland, factors that may, in no small part, help account for the resumption of power-sharing governance and a marked decline in intercommunity violence. At least some of these gains

<sup>28</sup> Mari Fitzduff, *Beyond Violence: Conflict Resolution Process in Northern Ireland* (New York: United Nations University Press, 2002).

<sup>29</sup> Pete Shirlow and Brendan Murtagh, *Belfast: Segregation, Violence and the City* (London: Pluto, 2006).

<sup>30</sup> Pete Shirlow, 'Fear and Ethnic Division,' *Peace Review* 13(1) (2001): 67–74.

<sup>31</sup> O'Leary and McGarry, supra n 6.

<sup>32</sup> Tony Fahey, Bernadette C. Hayes and Richard Sinnott, *Conflict and Consensus: A Study of Values and Attitudes in the Republic of Ireland and Northern Ireland* (Boston, MA: Brill, 2006).

may be attributable to the ‘decentralized’ programme of transitional justice that has emerged in recent years, one combining a focus on community-based instrumental reconciliation initiatives with a more ‘piecemeal’ approach to dealing with the past through discrete governmental and nongovernmental initiatives, all of which have been implemented against a backdrop of aggressive equality and equity reforms.<sup>33</sup> Drawing on insights from the social psychological framework of social learning discussed earlier, the remainder of this article highlights the contributions of this decentralized approach to intergroup reconciliation in Northern Ireland and considers what potential insights might be drawn for the broader field of transitional justice.

## Distributive Reconciliation in Northern Ireland

Structural and material inequalities among nationalists and unionists have been widely recognized as primary motivators of Northern Ireland’s protracted conflict, with consensus that from the time of partition from Ireland in 1921 the country existed under a system dominated politically, socially and economically by the majority unionist population.<sup>34</sup> However, following on the momentum established by the civil rights movement of the late 1960s, a number of measures were introduced that sought to reduce the worst of these inequalities. Extensive legislative reforms were undertaken to limit discriminatory practices in housing and employment allocation, address widespread disparities in income, reform a highly inequitable educational system and reduce unfair electoral manipulation.<sup>35</sup> While these measures did go a long way towards establishing the foundations for a more equitable society, for the most part they were overshadowed by the outbreak of intercommunal violence with the onset of the Troubles.

In support of the nascent peace process of the early 1990s, the Northern Ireland Office (NIO) embarked on an aggressive reform agenda designed to target the remaining structural inequalities between nationalist and unionist communities. In 1991, a government-wide strategy of ‘targeting social need’ was implemented to help ameliorate the high levels of economic deprivation that disproportionately affected Catholic communities as a legacy of past discrimination. This was combined with the creation of an independent Equality Commission and the drafting of an inclusive (though yet to be adopted) bill of rights for Northern Ireland in 1998, followed by the introduction of an independent Human Rights Commission in 1999. These initiatives were supplemented by the extensive Fair Employment and Treatment Order of 1998, which renders it unlawful to discriminate on the basis of religious or political opinion in housing or employment and permits the use of affirmative action policies to ensure that equitable participation is secured in the workplace. An extensive review of the criminal justice system in 2000 led to nearly 300 recommendations for reforms to increase levels of efficiency, impartiality and

<sup>33</sup> Fitzduff, *supra* n 28.

<sup>34</sup> O’Leary and McGarry, *supra* n 6.

<sup>35</sup> For a more detailed account, see, Fitzduff, *supra* n 28.

accountability, many of which were given legislative effect under the Justice Acts of 2002 and 2004.<sup>36</sup>

Politically, the BA established a consociational power-sharing Assembly to govern Northern Ireland, an arrangement in which legislative and executive powers are divided equally between nationalist and unionist representatives and important resolutions are required to receive a measure of cross-community support. These initiatives have since been joined by extensive reforms to the highly contentious policing services.<sup>37</sup> These measures included changing the name of the Royal Ulster Constabulary (RUC) to the Police Service of Northern Ireland (PSNI) and implementing a policy of 'positive discrimination' to recruit aggressively from the Catholic population and reduce their historical underrepresentation in the policing services. They also involved the creation of an independent Office of the Police Ombudsman to deal with complaints and allegations of police misconduct.

Among the experts interviewed for this article in Northern Ireland, nearly all cited the reduction of structural and material inequalities as crucial to the promotion of intergroup reconciliation, most often noting that this distributive work has served as a kind of 'minimum baseline' from which all other reconciliatory activities have been able to build.<sup>38</sup> As Ray Mullan, programme director of the Community Relations Council, noted, distributive justice has been central to reconciliatory efforts in Northern Ireland because

equity is about justice. You can't have a good community relations environment if one side feels they are being treated unfairly . . . you cannot build a positive environment if one side feels they are getting the short end of the straw. There has to be equity.<sup>39</sup>

Overall, assessments of the government's wide-ranging initiatives to introduce greater socioeconomic equality have been very positive, with evidence from recent survey data suggesting that disparities between the communities, while certainly still present to a reduced degree, no longer represent the major source of conflict they once did in Northern Ireland.<sup>40</sup> As Jennifer Todd, professor of political science at University College Dublin, asserts,

For a long time the conflict from the perspective of nationalists was fed by inequality . . . [but] nationalists have, for the most part, got to where they can see the possibility of equality and it's simply become pretty much depoliticized.<sup>41</sup>

However, a reduction in distributive inequalities, though crucial, has not been sufficient to achieve intergroup reconciliation in the country. This is perhaps

<sup>36</sup> Criminal Justice Review Group, *Review of the Criminal Justice System in Northern Ireland* (March 2000).

<sup>37</sup> Independent Commission on Policing for Northern Ireland, *A New Beginning: Policing in Northern Ireland* (September 1999).

<sup>38</sup> Fitzduff, *supra* n 28.

<sup>39</sup> Personal interview, Belfast, Northern Ireland, 21 April 2008.

<sup>40</sup> Recent survey data shows a steady increase in positive perceptions of intergroup equality following the BA. See, Northern Ireland Life and Times, 'Moule: Community Relations: Equality,' ARK Online Archive, <http://www.ark.ac.uk/nilt/results/comrel.html#equality> (accessed 4 February 2010). See also, Fitzduff, *supra* n 28.

<sup>41</sup> Personal interview, Dublin, Ireland, 29 April 2008.

evidenced most clearly at the political level, where entrenched feelings of mistrust and animosity between the dominant nationalist and unionist parties led to a prolonged suspension of the governing Assembly from October 2002 to May 2007. Further, while gains in employment equity have facilitated more intercommunal interactions in the workplace, the places where people choose to live, go to school, shop and socialize remain deeply segregated along communal lines.<sup>42</sup> This is particularly true in the most economically disadvantaged areas of Northern Ireland's cities, where 'low-intensity' violence has continued since the BA in the form of youth-led and other sectarian 'anti-social' behaviour at high-tension interface areas.<sup>43</sup> Therefore, while levels of relative equality may have grown, this has not necessarily translated into the transformation of antagonistic mindsets and relationships essential to intergroup reconciliation. As a result, the gains that have been made by the government's equality agenda still tend to be viewed through the 'zero-sum' perspective that marked past conflict, with many unionists, in particular, feeling that recent gains for nationalists have occurred through their own victimization.<sup>44</sup>

## Socioemotional Reconciliation in Northern Ireland

By the mid-1990s, the major protagonists in the conflict recognized that the use of violence was no longer an effective means of moving their respective nationalist agendas forward. The BA was therefore a pragmatic choice by unionist and nationalist political leaders – made in concert with the British government and the leadership of the main paramilitary organizations – to negotiate an end to violence but to continue their national struggle by political means. While an agreement was reached as to the necessity of peace in Northern Ireland, no consensus was ever reached among the parties about the past, particularly with regard to the morality (or otherwise) of the use of violence during the Troubles or to who the 'real' victims and perpetrators of past violence are.<sup>45</sup> In the interest of stability, these highly contentious issues of responsibility were left unresolved in the 'fault-neutral' framework of the BA – a decision that effectively ruled out the inclusion of a formal transitional justice institution such as a tribunal or truth commission to address the past. What has emerged instead is a much more decentralized and 'piecemeal' approach that combines a range of government initiatives with the efforts of nongovernmental organizations (NGOs) and the community/voluntary sector.<sup>46</sup>

<sup>42</sup> Shirlow and Murtagh, *supra* n 29.

<sup>43</sup> Joanne Hughes, Andrea Campbell, Miles Hewstone and Ed Cairns, 'Segregation in Northern Ireland: Implications for Community Relations Policy,' *Policy Studies* 28(1) (2007): 33–53.

<sup>44</sup> *Ibid.*

<sup>45</sup> Brandon Hamber, 'Rights and Reasons: Challenges for Truth Recovery in South Africa and Northern Ireland,' *Fordham International Law Journal* 26(4) (2003): 1074–1094.

<sup>46</sup> Personal interview, Christine Bell, professor of law, University of Ulster, Belfast, Northern Ireland, 14 February 2008; Bell, *supra* n 5.

## Victim Acknowledgement and Prisoner Reintegration

During the negotiations leading up to the BA, the parties involved recognized the need to acknowledge and address the suffering of the victims of violence as a necessary element for reconciliation in Northern Ireland. Following a period of extensive consultation with civil society and local communities, in 1997 the NIO established a Victims' Commission that released a report recommending, among other provisions, increased access to compensation for victims, trauma counselling and support services.<sup>47</sup> This led to the creation of a specialized victims' minister within the NIO to provide support services for victims and survivors. The NIO has also worked to provide direct financial compensation to victims and their families through two independent charities, Victim Support Northern Ireland and the Northern Ireland Memorial Fund. In 2000, a dedicated Victims' Unit was established under the devolved Northern Ireland Assembly, which outlined a government-wide policy for addressing the needs of victims.<sup>48</sup> This policy included an agenda to fund a wide body of nearly 150 community-based victims' support organizations, such as the WAVE Trauma Centre, many of which have been working independently to provide localized services to victims since the early 1990s. Most recently, in 2008, the Assembly established a permanent Commission for Victims and Survivors, appointing four commissioners to work with the government on behalf of the victim population. To date, these combined efforts have resulted in over £20 million being invested in victims' initiatives by the NIO since 1998. Recent announcements indicate that this funding will increase to £36 million between 2009 and 2012.<sup>49</sup>

The BA also included provisions to address the perpetrators of past violence, most particularly those from paramilitary organizations imprisoned during the Troubles for the commission of violence. Under the framework of the BA, over 450 'qualifying' prisoners – largely ex-combatants from republican and loyalist paramilitary organizations – were to be released within two years of its signing. While the decision to reduce significantly the term of incarceration for paramilitary prisoners has been highly controversial, it was nevertheless deemed necessary by all parties to moving the peace process forward.<sup>50</sup> A specific clause in the BA tasked the government with providing support for aiding prisoners' reintegration into communities. This work has largely been led by the independent Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO), which has acted as an 'umbrella' organization supporting a range of local community groups involved in providing education, skills training, financial and welfare

<sup>47</sup> Sir Kenneth Bloomfield, *We Will Remember Them: Report of the Northern Ireland Victims Commissioner*, Sir Kenneth Bloomfield KCB (Belfast: Stationery Office, 1998).

<sup>48</sup> Office of the First Minister and Deputy First Minister, Victims' Unit, *Reshape, Rebuild, Achieve* (April 2002).

<sup>49</sup> Northern Ireland Office, 'Victims,' <http://www.nio.gov.uk/issues/victims.htm> (accessed 4 February 2010).

<sup>50</sup> Kieran McEvoy, 'Prisoners, the Agreement, and the Political Character of the Northern Ireland Conflict,' *Fordham Law Review* 22(1) (1999): 1539–1576.

advice, housing and accommodation and counselling services to ex-prisoners and their families.<sup>51</sup> A number of ex-prisoners from republican and loyalist backgrounds have also become involved in highly regarded grassroots peacebuilding and 'restorative justice' projects designed to reduce levels of violence in their own communities.<sup>52</sup> To date, these programmes appear to have met with a good deal of success, with the result that only 20 of the 450 prisoners released have had their licenses revoked for reengaging in violence or criminal activity in the 10 years since the signing of the BA.<sup>53</sup>

Assessments of the funding and support provided to victims following the BA were quite positive among those experts interviewed in Northern Ireland, with consensus that efforts to acknowledge victims have been fundamental steps towards reconciliation and the prevention of future violence. However, it was also widely acknowledged that the issue of victimhood remains highly politicized in Northern Ireland, with victims having been historically squeezed 'like a grape in a vice' between the competing narratives of nationalist and unionist politicians seeking to blame the Other for the violence of the past.<sup>54</sup> This has been particularly evident in charges among members of the nationalist community that a 'hierarchy of victims' had emerged in Northern Ireland under which 'innocent' unionists and state security forces were considered to be 'more deserving' of support, while republican 'terrorists' and those nationalists 'guilty by association' were considered to be less so.<sup>55</sup>

Similar polarization continues to surround perceptions of the release of political prisoners among nationalist and unionist communities. As Christine Bell has argued, while without the release of paramilitary prisoners 'there wouldn't have been a peace process and there wouldn't have been an Agreement,' it nonetheless 'divided unionists and nationalists like a hammer, like an axe down the middle.'<sup>56</sup> For unionists, whose leadership largely downplayed the political nature of the Troubles and portrayed the conflict as 'an extended crime wave committed by men of violence for their own gain,' the release of paramilitary prisoners – republican or loyalist – was largely viewed as a 'travesty' and a 'sacrifice of justice.'<sup>57</sup> The nationalist community, whose leaders had long narrated the conflict as a political struggle against an unjust state, showed a much greater willingness to countenance the early release of republican prisoners and to reintegrate ex-combatants into

<sup>51</sup> Ibid. To date, support for prisoner reintegration has largely been provided through government and European Union funding totalling over £9.2 million between 1995 and 2003.

<sup>52</sup> Peter Shirlow and Kieran McEvoy, *Beyond the Wire: Former Prisoners and Conflict Transformation in Northern Ireland* (Ann Arbor, MI: University of Michigan Press, 2008).

<sup>53</sup> Ibid.

<sup>54</sup> Personal interview, Peter Shirlow, senior lecturer of law, University of Ulster, Belfast, Northern Ireland, 25 April 2008.

<sup>55</sup> Patricia Lundy and Mark McGovern, 'The Politics of Memory in Post-Conflict Northern Ireland,' *Peace Review* 13(1) (2001): 27–33.

<sup>56</sup> Personal interview, Christine Bell, Belfast, Northern Ireland, 14 February 2008.

<sup>57</sup> Personal interview, Kieran McEvoy, professor of law, Queen's University Belfast, Belfast, Northern Ireland, 17 April 2008.

their communities.<sup>58</sup> Therefore, despite a high level of sustained funding and the extensive provision of support services through government, NGOs and the community/voluntary sector, issues surrounding victims and prisoners continue to serve as points of communal division as a result of widely divergent, and often antagonistic, perceptions of past conflict.

## Legal Investigations into the Past

Several legal initiatives have been attempted by governmental actors to begin addressing the unresolved legacies of Northern Ireland's past. One of the most prominent of these was the 1998 decision by British Prime Minister Tony Blair to establish an independent judicial inquiry into the events of 'Bloody Sunday,' an incident in which 14 Catholics were killed by British soldiers on 30 January 1972 in the city of Derry. This followed longstanding critiques of an earlier investigation that exonerated British security forces of wrongdoing in the incident but was widely viewed as being marred by evidentiary inconsistencies.<sup>59</sup> The Bloody Sunday Inquiry opened in 2000 and involved testimony from over 900 individuals, including victims' families, experts, eyewitnesses and the implicated British soldiers. While the inquiry itself did not have prosecutorial powers, it was seen by many within the nationalist community as a chance to establish a definitive 'truth' of the events of that day, to acknowledge officially the innocence of those killed and to achieve a measure of accountability by having the state publicly admit its complicity in the wrongful deaths of civilians.<sup>60</sup> However, for many of those family members who came forward to provide testimony, the adversarial process of cross-examination by state lawyers during the inquiry led to a highly antagonistic, rather than cathartic, experience.<sup>61</sup> Given the enormous cost involved (estimated at well over £200 million to date) and controversial decisions to use state funds to provide legal counsel for the implicated British soldiers and to permit them to testify anonymously, the inquiry has largely served to inflame, rather than reduce, intercommunal tensions. Accordingly, as Stephen Ryan of the University of Ulster has argued, while the legal inquiry model 'may be a way of uncovering the truth, it's not a very good way of building better relationships between communities – in fact it's quite confrontational.'<sup>62</sup>

Following an independent investigation into British security force collusion during the Troubles led by Canadian Judge Peter Cory in 2003, a number of

<sup>58</sup> As evidenced by recent survey data, Northern Ireland Life and Times, 'Module: Political Attitudes,' ARK Online Archive, [http://www.ark.ac.uk/nilt/2000/Political\\_Attributes/GFAPROP7.html#religion](http://www.ark.ac.uk/nilt/2000/Political_Attributes/GFAPROP7.html#religion) (accessed 4 February 2010).

<sup>59</sup> This refers to the original 'Bloody Sunday' investigation carried out by Lord Widgery in 1972. See, Angela Hegarty, 'The Government of Memory: Public Inquiries and the Limits of Justice in Northern Ireland,' *Fordham International Law Journal* 26(4) (2003): 1148–1192.

<sup>60</sup> Personal interview, Paul Arthur, professor of politics, University of Ulster, Derry, Northern Ireland, 13 February 2008. See also, Lundy and McGovern, *supra* n 55.

<sup>61</sup> Personal interview, Paul O'Connor, program coordinator of the Pat Finucane Centre for Human Rights and Social Change, Derry, Northern Ireland, 13 February 2008.

<sup>62</sup> Personal interview, Derry, Northern Ireland, 10 February 2008.

other public inquiries were suggested to look into the killings of high-profile figures, including Pat Finucane, Rosemary Nelson, Billy Wright and Robert Hamill. However, these cases reveal that the legal inquiry model may be limited in the amount of 'truth' it is able to provide, particularly when findings might be used to implicate members of the British security forces. Indeed, directly following Cory's request for inquiries into these four cases, the British government passed the Inquiries Act of 2005, which effectively limited the independent and public nature of future inquiries by placing them under the direct control of government ministers.<sup>63</sup>

Legal investigations into past violence have not been limited to public inquiries. The Historical Enquiries Team (HET) was established in 2005 as a new investigation unit under the PSNI with a mandate to reopen and reexamine cases pertaining to Troubles-related deaths between 1968 and 1998. Working with a budget of roughly £40 million over a six-year term, the HET is responsible for reviewing over 3,268 deaths. Staffed by a team of professional police investigators, from its inception the HET has been avowedly victim- and family-focused in its work, with a primary aim to bring a measure of comfort and closure to the families of those killed during the Troubles.<sup>64</sup> It is widely recognized that the degradation of physical and eyewitness evidence that occurs over time makes it highly unlikely that prosecutions will be undertaken in the majority of the historical cases the HET is investigating.<sup>65</sup> Nonetheless, the HET has become widely respected by nationalist and unionists alike for its ability to offer an important source of 'truth' and official acknowledgement to bereaved families by accumulating factual evidence surrounding the deaths of their loved ones.<sup>66</sup>

Unfortunately, the work of the HET has met with stiff resistance from both the British security forces and paramilitary organizations, which have, as a whole, refused to participate in these investigations for fear of providing evidence that may be incriminating to their respective institutions.<sup>67</sup> Recent reports have also raised questions about the independence of the HET in regard to cases involving the police and British security forces, noting that the unit remains part of the PSNI and that former RUC officers tend to be overrepresented on the HET's investigation team.<sup>68</sup>

<sup>63</sup> Hegarty, *supra* n 59.

<sup>64</sup> Police Service of Northern Ireland, 'Introduction,' Historical Enquiries Team: Policing the Past, <http://www.psnl.police.uk/historical-enquiries-team/historical-enquiries-team> (accessed 4 February 2010). For an excellent review of the HET's role in Northern Ireland's transitional justice process, see, Patricia Lundy, 'Exploring Home-Grown Transitional Justice and Its Dilemmas: A Case Study of the Historical Enquiries Team, Northern Ireland,' *International Journal of Transitional Justice* 3(3) (2009): 321–340.

<sup>65</sup> Healing Through Remembering, *The Viability of Prosecution Based on Historical Enquiry: Observations of Counsel on Potential Evidential Difficulties* (October 2006).

<sup>66</sup> Personal interview, Kieran McEvoy, Belfast, Northern Ireland, 17 April 2008.

<sup>67</sup> Personal interview, Paul O'Connor, Derry, Northern Ireland, 13 February 2008.

<sup>68</sup> 'Report Criticizes How PSNI HET Team Investigates Murders,' *Belfast Telegraph*, 17 September 2008. See also, Lundy, *supra* n 64.

## Civil Society and Local Community Initiatives

Alongside these legal mechanisms, a number of independent initiatives have been undertaken by nongovernmental and community organizations to address the past in Northern Ireland. Chief among these has been the work of the cross-community NGO, Healing Through Remembering (HTR), which, since 2001, has been tasked with aiding reconciliation efforts by independently ‘seeking views on the development of truth and justice processes for Northern Ireland.’<sup>69</sup> Following a lengthy consultation process with individuals and organizations across Northern Ireland, HTR submitted a final report to the government recommending several approaches to remembering the past.<sup>70</sup> These included the creation of a collective storytelling and archiving project and the establishment of a permanent memorial or museum to the victims of the Troubles. This also led to a second research report in 2004 outlining several options for truth recovery that might be used in combination, given that the use of a single centralized mechanism is considered unworkable in the divided environment of Northern Ireland.<sup>71</sup> It should be noted, however, that to date the work of the HTR – while certainly invaluable for promoting greater dialogue around addressing the past in Northern Ireland – has largely remained at the conceptual stage because of continued communal tensions regarding the conflict. Only suggestions for a relatively apolitical ‘day of private reflection’ initiative have been put into actual practice.

Several unofficial community-level truth recovery efforts have been created in the absence of a centralized transitional justice institution in Northern Ireland. One prominent example is the Ardoyne Commemoration Project (ACP), which, through the collection of over 300 oral interviews, sought to record the stories of the 99 people killed during the Troubles from the small nationalist community of Ardoyne in Northern Belfast. The ACP emerged in 1996 as a direct response to the perceived ‘hierarchy of victims’ in Northern Ireland and a desire by community members to acknowledge and commemorate their victims as a ‘counter to state-sanctioned forgetting’ and to ‘tell their story’ from the perspective of the community.<sup>72</sup> The end result was an edited volume of collected testimonies published in 2002 as *Ardoyne: The Untold Truth*, a copy of which was distributed to all those who participated. As Patricia Lundy, one of the co-editors of the volume, has suggested, the experience of the ACP may evidence the importance of ‘sequencing’ truth recovery efforts in a highly politicized context like Northern Ireland, with intracommunal truth recovery being the first necessary ‘building block’ for people to develop the sense of self-confidence, security and receptiveness necessary to

<sup>69</sup> Victims’ Unit, *supra* n 48.

<sup>70</sup> Healing Through Remembering, *The Report of the Healing Through Remembering Project* (June 2002).

<sup>71</sup> Healing Through Remembering, *Making Peace with the Past: Options for Truth Recovery Regarding the Conflict in and about Northern Ireland* (October 2006).

<sup>72</sup> Patricia Lundy and Mark McGovern, *Ardoyne: The Untold Truth* (Belfast: Beyond the Pale, 2002), 2.

grapple with the much more contentious issues surrounding intercommunal truth recovery.<sup>73</sup>

## Assessing Socioemotional Reconciliation in Northern Ireland

This brief review indicates that some aspects of socioemotional reconciliation have been advanced since the BA through a range of piecemeal initiatives undertaken by government, NGOs and the community/voluntary sector. It is equally evident that no agreement exists in Northern Ireland as to the moral responsibility of state and nonstate actors for past violence, and that no consensus exists on the broader 'story' of why violence occurred during the Troubles and who the real 'victims' are. This lack of a common understanding regarding the causes of past violence has, in turn, directly impeded efforts to move forward in any meaningful way in advancing socioemotional reconciliation through truth and justice in postconflict Northern Ireland. As Nadler and Shnabel warn, this is a common danger for postconflict societies, where a sense of 'double victimhood' prevails in which each identity group perceives itself to be the sole legitimate victim of past violence and therefore expects its former enemies to accept responsibility for past wrongdoing. In effect, this zero-sum perspective on the past creates 'an impasse and an inability to move forward on the path of socioemotional reconciliation,' as each side embraces an interpretation of the past that fails to recognize any kind of mutual complicity.<sup>74</sup> In Northern Ireland, this situation is only further exacerbated by the inclusion of the British state as a third 'victimized' party of Troubles-era violence.

The continued impasse surrounding socioemotional reconciliation is perhaps most evident in reactions to the January 2009 release of a report by the Consultative Group on the Past (CGP), an independent body tasked by the British government to engage in cross-community consultation on how best to address the legacy of past violence in order to move towards reconciliation in Northern Ireland. The CGP report recommends, among other initiatives, the creation of an independent 'Legacy Commission' that would establish a single centralized body to pursue processes of reconciliation, justice and truth recovery in Northern Ireland. Working under a five-year mandate, this Legacy Commission would take over the examination of historical cases from the HET under a new Review and Investigation Unit, engage in a separate process of truth recovery through a series of public hearings and work to replace legal inquiries with a 'thematic' exploration of unresolved issues of public concern, such as the alleged collusion of security forces. The Legacy Commission would also include the development of a Reconciliation Forum that would centralize support services for victims and create a storytelling initiative to commemorate victims, the continuation of an annual 'Day of Reflection and

<sup>73</sup> Personal interview, Patricia Lundy, senior lecturer in sociology, University of Ulster, Belfast, Northern Ireland, 21 April 2008.

<sup>74</sup> Nadler and Shnabel, *supra* n 20 at 53.

Reconciliation' and the creation of a shared memorial of the conflict. Most controversially, the report recommends a one-time 'recognition payment' of £12,000 to the families of all those who died as a result of the conflict, regardless of political affiliation or whether that victim was a civilian, a paramilitary combatant or a member of the police or security forces.<sup>75</sup>

The release of the CGP report was met with angry protests and bitter condemnations by many of those who lost relatives during the Troubles – recriminations that reveal the continued perception of a 'double victimhood.' For instance, one unionist woman whose brother, a police officer, was killed in a 1997 Irish Republican Army (IRA) attack charged that her

brother was an innocent man defending this whole community. When IRA men died while launching cowardly attacks on this community, they actually received justice. The families of those murderers should not be consoled with a single penny today.<sup>76</sup>

Similarly, Peter Robinson, the current first minister under Northern Ireland's Assembly and leader of the Democratic Unionist Party, responded by saying that his party has 'consistently opposed any equation between the perpetrator of the crimes during the Troubles and the innocent victim,' contending that 'terrorists died carrying out their evil and wicked deeds while innocent men, women, and children were wiped out by merciless gangsters.'<sup>77</sup>

The continued intractability of the zero-sum perceptions evidenced in these statements does not bode well for the realization of the CGP's recommendations for a more centralized approach to transitional justice in Northern Ireland at any point in the near future. This seems to have been recognized by Rev. Robin Eames, one of the two co-chairs of the CGP, who, in response to protests following the release of the report, conceded that 'maybe this gesture, for those outside our group, is too sudden.'<sup>78</sup> More recently, an inquiry into the feasibility of implementing the CGP's recommendations by the British Northern Ireland Affairs Committee led to the release of a December 2009 report concluding that due to the fact that 'Northern Ireland has not yet reached a consensus on how to move on from its recent past,' plans to implement the recommendations were premature.<sup>79</sup>

<sup>75</sup> Consultative Group on the Past, *Report of the Consultative Group on the Past* (January 2009).

<sup>76</sup> John F. Burns, 'Payment Plan for Northern Ireland Reconciliation Provokes Outrage,' *New York Times*, 28 January 2009.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.* Indeed, while discussions are underway in the British government regarding the CGP's recommendations for a Legacy Commission, in June 2009 the Northern Ireland secretary of state confirmed that the controversial reparations provision would not be adopted.

<sup>79</sup> Northern Ireland Affairs Committee, *The Report of the Consultative Group on the Past in Northern Ireland: Second Report of Session 2009–2010* (December 2009).

## Instrumental Reconciliation in Northern Ireland

Perhaps because directly addressing the past has remained highly contentious, most postconflict peacebuilding initiatives undertaken in Northern Ireland have focused on attempts to foster elements of instrumental reconciliation. This has involved a range of programmes designed to rebuild trust, cooperation, understanding and better relations between divided communities through the promotion of positive contact and dialogue. Indeed, much of the relative success of reconciliatory efforts in Northern Ireland to date seems attributable to its unique integration of grassroots, civil society and government organizations under a cohesive strategy to improve 'community relations' between nationalists and unionists.

### Government Interventions

In 1987, the secretary of state for Northern Ireland established the Central Community Relations Unit as a distinct agency of the central government (later renamed the Community Relations Unit (CRU) under the devolved Assembly) tasked with addressing communal division in Northern Ireland. Following a period of extensive consultation with civil society and local communities, in 2005 the CRU launched its 'shared future' strategy, which was to be

coordinated across government and throughout civic society to ensure an effective and coherent response to sectarian and racial intimidation with the aim of rebuilding relationships rooted in mutual recognition and trust.<sup>80</sup>

In particular, this strategy advocated the need to combat sectarianism by supporting projects at a local level that would increase opportunities for intercommunity contact and dialogue and, in so doing, help promote 'mutual respect, understanding, and appreciation of cultural diversity.'<sup>81</sup> As part of this programme, all 26 of Northern Ireland's 'district councils' were invited to receive funding from the CRU through the District Council Community Relations Programme (DCCRP) designed to support local projects dedicated to building cross-community contact and mutual understanding. This involved the appointment of community relations officers to each district council to ensure that sensitivity to improved community relations was reflected in all local government policy and to administer small 'seed grant' initiatives that redistributed government funding to local community and voluntary organizations engaged in reconciliatory work.<sup>82</sup>

### Civil Society and Local Community Initiatives

At the level of civil society, the CRU also recognized a need to create an independent organization at 'arm's length' from government to avoid alienating any

<sup>80</sup> Community Relations Unit, *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland* (March 2005), 7.

<sup>81</sup> *Ibid.*

<sup>82</sup> Colin Knox and Joanne Hughes, 'Crossing the Divide: Community Relations in Northern Ireland,' *Journal of Peace Research* 33(1) (1996): 83–98.

segments of society and to add legitimacy to its work. The Community Relations Council (CRC) was formed in 1990 as an independent company and registered charity organization to work as a unified regional body in supporting community relations efforts by local organizations across Northern Ireland. In this capacity, the CRC helps administer government funds by distributing small grants to local community organizations, providing these groups with training and research on 'best practices' in community relations work and serving as an advisory body for government agencies and commercial institutions dealing with issues of sectarian division.<sup>83</sup>

A wide range of local community organizations engaging in mediation, peace-building and socioeconomic development work also emerged in Northern Ireland over the course of the Troubles and the ensuing peace process. Broadly speaking, these have taken the form of both programmes operated primarily within and on behalf of a single community (often referred to as 'single-identity' work) and non-partisan initiatives involving both communities in addressing issues of common concern ('cross-community' work). In 2001, over 130 registered organizations were working on various kinds of cross-community initiatives – a number that has only increased in recent years as opportunities for grant funding have multiplied through the CRU, CRC and DCCRP.<sup>84</sup> These include individual groups engaged in development projects aimed at regenerating local communities and programmes designed to encourage cross-community contact and dialogue. They also involve larger 'peacebuilding partnership' networks of multiple organizations, which have developed in urban centres such as Derry and Belfast and created increased opportunities for sharing resources, strategies and best practices for effective community relations work.

## Assessing Instrumental Reconciliation in Northern Ireland

A 2008 study carried out by researchers from the University of Ulster and Queen's University Belfast provides substantial evidence to suggest that increasing levels of intercommunity contact through the integrated 'community relations' approach has had a measurable causal effect in promoting more positive intergroup relations in Northern Ireland. In particular, this study shows that increased contact has been highly effective in helping to increase cross-community tolerance, trust, friendship, understanding and positive affect, while at the same time reducing negative perceptions of intergroup threat, anxiety, bias and prejudice. It also shows that an increase in cross-community contact has correlated with a decline in support for political violence and perceptions of group identity that are less highly

<sup>83</sup> The CRC also helps administer funding from regional and international donors, the most extensive of which has been the European Union's Programme for Peace and Reconciliation (PEACE), with support in excess of £1.5 billion since 1995.

<sup>84</sup> Fitzduff, *supra* n 28.

polarized and monolithic.<sup>85</sup> These findings are supported by recent survey data evidencing that participation in cross-community programming has led to more positive perceptions of the Other, significantly greater support for religious mixing and intercommunity friendships and a marked decline in negative feelings towards members of the Other community.<sup>86</sup>

Finally, early evidence suggests that the experience of positive intercommunity relations may be responsible, in part, for a growing trend of individuals identifying with group identities that are less oppositional than traditional nationalist/unionist or Protestant/Catholic ones, including an increase in identification with a more inclusive 'Northern Irish' identity.<sup>87</sup> As Miles Hewstone and his colleagues contend, based on such findings, strategies to increase intergroup contact such as those promoted by Northern Ireland's *Shared Future* policy

would seem to be not only useful, but necessary, for building a new society in Northern Ireland, one that is no longer deeply divided, sectarian, and split along lines of identity, but a mixed, tolerant polity with emerging forms of cross-cutting identities.<sup>88</sup>

Further, many of those experts interviewed in Northern Ireland stressed the powerful reconciliatory potential that renewed intercommunity contact can have when combined with opportunities for engagement in safe and sustained dialogue processes. In Northern Ireland, such dialogues have tended to take the form of carefully mediated 'storytelling' forums in which a small number of nationalists and unionists are brought together to share their personal experiences of past conflict and hear those of the other community. Based on his extensive work promoting dialogue between ex-combatants, victims and the broader communities of Northern Ireland at the Glencree Centre for Peace and Reconciliation, Wilhelm Verwoerd notes that such processes may be essential to reconciliation as they allow people 'a chance to look beyond their political narratives and political stereotypes, to individualize and humanize the Other.' As he illustrates, the experience of dialogue can help get

people who were in deep conflict actually to a point where they are willing to look beyond those crude stereotypes, get through the initial anger and mistrust and emotional baggage and get to a point where there's a willingness to be in the same place, and a willingness to move beyond that.<sup>89</sup>

In addition, as Michael Doherty, director of the nongovernmental Peace and Reconciliation Group in Derry has contended, storytelling can lead not only to a greater willingness to reconcile in the present but also to a more nuanced and

<sup>85</sup> See, Miles Hewstone, Joanne Hughes and Ed Cairns, *Can Contact Promote Better Relations? Evidence from Mixed and Segregated Areas of Belfast* (Belfast: Office of the First Minister and Deputy First Minister, 2008).

<sup>86</sup> Dirk Schubotz and Gillian Robinson, 'Cross-Community Integration and Mixing: Does it Make a Difference?' *ARK Research Update* 43 (2006).

<sup>87</sup> Orla Muldoon, Niamh McNamara, Paula Devine and Karen Trew, 'Beyond Gross Divisions: National and Religious Identity Combinations,' *ARK Research Update* 58 (2008).

<sup>88</sup> Hewstone, Hughes and Cairns, supra n 85 at 219.

<sup>89</sup> Personal interview, Glencree, Ireland, 28 April 2008.

empathetic understanding of the past. As he suggests, storytelling provides an opportunity to

look at each other and hear each other's stories [and to go] away with a completely different mindset about the Other . . . You do not destroy people's real feelings about what they say happened to them, but you go away with a better understanding as to why some things actually happened, looking at the cause, the impact of the other party's actions, and the impact it had on the other party.<sup>90</sup>

## Conclusion

What role has the decentralized transitional justice strategy pursued in Northern Ireland played in encouraging reconciliation between nationalists and unionists? This analysis suggests that a continued zero-sum perception of victimization between these communities has effectively blocked any significant movement forward in socioemotional reconciliation. Accordingly, those 'piecemeal' initiatives that have been employed to date in an attempt to promote truth, justice and acknowledgement continue to be hindered by mutual distrust and conflicting interpretations of the past. At the same time, considerable gains have been made through an aggressive distributive reconciliation policy that has greatly reduced structural and material inequalities in Northern Ireland. As a result, one of the primary drivers of the conflict has, in recent years, been largely removed as a major source of intercommunal tension. The most evident contribution to intergroup reconciliation appears to have been made through the promotion of instrumental reconciliation initiatives centred on creating opportunities for social learning through positive intercommunity contact and dialogue. However, limiting reconciliation to improving 'community relations' between local populations in Northern Ireland may underemphasize the involvement of the British state. Ultimately, all actors implicated in past violence will need to be involved in any truly successful process of transitional justice in Northern Ireland.

This analysis would also seem to support insights from social psychology suggesting that any transitional justice process capable of contributing to lasting intergroup reconciliation in Northern Ireland will ultimately require a tripartite combination of distributive, socioemotional and instrumental interventions. For instance, it is doubtful that the BA would have been possible if widespread distributive inequalities had continued to divide communities in Northern Ireland, let alone the socioemotional and instrumental reconciliation programmes that followed. Further, the recent public outcry accompanying the release of the CGP report's recommendations suggest that further attempts to address Northern Ireland's past will not prove constructive until ongoing instrumental reconciliation work helps to develop enough trust and understanding that former antagonists can begin to view the conflict – and each other – from a less zero-sum perspective. It is equally clear, however, that truly reconciled community relations will require

<sup>90</sup> Personal interview, Derry, Northern Ireland, 14 February 2008.

a greater degree of socioemotional acknowledgement and accountability for the violence of the past than that provided by the current 'piecemeal' strategy. Recognition by all parties that they share some degree of mutual complicity for past conflict appears necessary – though perhaps just not yet.

Taken together, these findings also point towards a number of insights for the broader field of transitional justice. First, they raise an interesting point regarding the importance of 'sequencing' for transitional justice interventions in postconflict societies. Northern Ireland's experience suggests that to be most effective in the promotion of intergroup reconciliation, attempts to provide acknowledgement and accountability for the past may need to be delayed until at least a minimal level of progress towards distributive and instrumental reconciliation has been reached, particularly in those societies where consensus has not been reached on the status of victims and perpetrators. These findings warn against the imposition of strategies that would seek to assign accountability too soon in postconflict societies, as in some cases this might prove counterproductive or even dangerous for nascent reconciliation efforts. Notably, this runs in direct opposition to the predominant approach to transitional justice rooted in international law that mandates immediate criminal accountability for gross human rights violations in the wake of intrastate violence – clearly a source of tension between the demands of international justice and national reconciliation that remains unresolved.

Second, this analysis underscores the need to broaden the definitional scope of transitional justice beyond the narrow focus on centralized institutional mechanisms such as trials, international tribunals and truth commissions. As the case of Northern Ireland indicates, many of the socioemotional functions these formal institutions perform could conceivably be carried out through local decentralized initiatives undertaken by government, civil society or local community actors. Further, Northern Ireland's experience implies that efforts to promote necessary forms of distributive and instrumental reconciliation require longer-term societal interventions that may be ill-suited to the limited timelines and mandates often afforded formal transitional justice institutions. For instance, rebuilding widespread intergroup trust, interaction and communication is a task that may prove particularly unwieldy for more formal institutions and might best be left to the work of civil society and local community actors. To be sure, Northern Ireland enjoys many advantages that are unlikely to be available to most divided societies emerging from conflict, such as intact democratic governance structures, a highly professionalized civil society and unprecedented access to regional and international funding. Regardless, even as a 'best case' example, Northern Ireland remains instructive about the relative merits of more decentralized approaches to transitional justice, in addition to the cautionary note it sounds about the inherent difficulty of intergroup reconciliation in deeply divided societies.

Third, this analysis underscores the notion that the ability of transitional justice strategies to contribute to intergroup reconciliation is heavily mediated by the politics of identity in divided societies. As Northern Ireland's current impasse over socioemotional reconciliation suggests, the influence of transitional justice

strategies is deeply affected by the current state of intercommunal relations and the relative levels of trust, understanding and empathy that exist between former antagonists. Further, this analysis suggests that by promoting social learning through distributive, instrumental and socioemotional interventions, transitional justice strategies can help to facilitate changes in the antagonistic identities and hostile systems of relationships within divided societies and thereby contribute to intergroup reconciliation. These findings confirm the need to give greater consideration to the inherently collectivized nature of the violence to which transitional justice strategies respond in divided societies, as well as the potential benefits of opening a broader interdisciplinary dialogue with fields such as social psychology to gain greater understanding of how these strategies might contribute to intergroup reconciliation.

Finally, the recognition of the inherent interrelationship between instrumental, distributive and socioemotional reconciliation provided by social psychology suggests that transitional justice strategies will be most successful in advancing intergroup reconciliation if they not only work towards the familiar goals of 'truth' and 'justice' but also help to facilitate – or at least work alongside – other efforts to promote contact, dialogue and the amelioration of material inequalities. Such a reconceptualization offers an opportunity to move beyond the traditional comparative debates surrounding whether various institutional designs, be they trial, truth commission or indigenous practices, are more effective in promoting reconciliation in divided societies. Ultimately, insights from social psychology suggest that asking whether one kind of transitional justice strategy is intrinsically 'better' than another in promoting postconflict reconciliation is less important than asking whether the processes employed by each strategy serve to impede or impel the social learning and transformation of relationships ultimately required for intergroup reconciliation.