

**‘Paramilitary Punishments in Belfast:
Policing Beneath the Peace’**

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Abstract

As an enduring legacy of the conflict, paramilitary policing remains an unpalatable but indisputable fact within Belfast's working-class, Republican communities. Historically, while much attention has been devoted to the causes and consequences of paramilitarism along with the terrorist threat posed by such organisations, little attention has been paid to the influence upon, or relations between, such non-state policing actors, the communities in which they exist and the delivery of policing by the Police Service of Northern Ireland. While local and international literature surrounding paramilitary violence has tended towards political axiom or physical impact of such activity, the current paper presents an empirical study of the relations between communities and Republican paramilitary organisations who seek to exploit a perceived dearth of state-based policing at the community level within Belfast. Framing the ontology of paramilitary policing and its support from a community, rather than political or security perspective, the paper argues that continuing grass-roots support for this 'new' paramilitary policing within Republican communities of Belfast is more complex and nuanced than the political antecedents of the conflict from which such activity emerged – especially in terms of such support surviving successive political negotiations and police reforms since the 'Good Friday' Agreement of 1998.

Key words:

Paramilitary policing, Northern Ireland, post-conflict, Police Service of Northern Ireland, dissidents

Introduction

It is a truism that alternatives to the provision of state policing have a long pedigree within the context of the Northern Ireland conflict. From paramilitary policing through to non-state community activism, communities across the country possess a considerable capacity, as might bluntly be described, to simply ‘sort things out’ (Brewer, 2001; Topping, 2008b). In many ways, the ‘otherness’ to such policing provision may be described as a direct function of the complicating array of social, cultural and political divisions between Republican / Nationalist, and to a lesser extent, Loyalist / Unionist communities, and the state police (McEvoy & Eriksson, 2008). Because for both sides during the conflict and indeed, post-Troubles period of Northern Ireland’s history, the practicalities of policing and its delivery have acted as ‘meta-bargaining’ as to very nature of the conflict (Campbell, Ni Aolain and Harvey, 2003).

Within this non-state policing context, and specifically that associated with paramilitary policing, the literature has tended towards a narrow conception of paramilitary ‘justice’ – focusing upon the brutal punishments meted out by the various paramilitary factions; along with the moral turpitude of such parallel policing systems (Brewer, Lockhart and Rodgers, 1998; Hillyard, 1985; Morrissey & Pease, 1982; Knox, 2002; Monaghan, 2008; Silke, 1999). However, the intention of this paper is not to reiterate the grim realities of ‘back-alley’ justice, or to explore the subtle variations in the *modus operandi* of the competing paramilitary assemblages (Feenan, 2002; Kennedy, 1995; Monaghan, 2004).

Rather, the paper will outline the *continuing* existence of what the authors term ‘new’ paramilitary policing in the post-Troubles era of Northern Ireland, along with the rationale for such paramilitary interventions; while framing the continued demand and delivery for ‘alternative’ policing within the fluid dynamic security governance at the community level (Topping, 2008b; Wood & Shearing 2007). Indeed, current statistics demonstrate that paramilitary policing continues to be prominent (and increasing) feature of the broader policing landscape within Republican areas of Belfast, with Police Service of Northern Ireland (PSNI) statistics indicating that from 2005/06 - 2009/10, recorded Republican paramilitary shootings and assaults have risen from 25 to 57 (PSNI, 2011).

Specifically, the paper seeks to examine the *relationship* between and the nature of the service delivered by the PSNI and Republican, working-class communities of the Belfast area – along with the affective ties between these actors which contribute to the operational ‘legitimacy’ for paramilitary organisations who seek to exploit perceived and actual gaps in the state provision of community security more generally. In this regard, beyond broad assertions in the literature around the politics and legitimacy of state policing for paramilitary support, the paper will argue that *de facto* community demand for alternative policing is also linked to the *quality* of policing service delivered by the PSNI – the perceived lack of which has further created tensions within Republican communities in terms of the extent to which the new and inclusive policing environment has both met expectations and delivered tangible change on ground (Feenan, 2002; Hayes & McAllister, 2005; Hill, 2010).

In short, the paper will examine the context of increased paramilitary punishments and assaults within a framework of PSNI policing responsibility; the ideological position of dissident Republican ‘policing’; and the willingness of dissident Republicans to fill the perceived policing void. Furthermore, it will be argued that PSNI’s response to dissident activity is failing to negate the attendant community support for dissident ‘policing’ activity.

Methodology

The research for this paper draws upon extensive, qualitative semi-structured interviews conducted with community representatives and PSNI officers within Republican/Nationalist urban areas of Belfast. In total, the paper is based upon 65 interviews carried out between November 2007 and May 2011, with 30 interviews drawn from Republican communities of Belfast; and 35 interviews drawn from PSNI officers in those areas.

In terms of the volume of qualitative data, the present study combines the research data of two separate studies – one by Topping (2009) and one by Byrne (2011) – as a means of maximising the data available around the inherently controversial (and potentially dangerous) subject matter of paramilitarism in Northern Ireland (Knox 2001; McLoughlin & Miller 2006; Sluka 1990). In this regard, it is important to note the difficulty of ‘overt’ research around the sensitive issue of perceptions and attitudes towards paramilitary ‘policing’ insofar as:

‘suspicion of ‘outsiders’ is intense for this type of research in Northern Ireland, with the perceived religion of the researcher likely to be a key factor in the minds of interviewees...[who] will look for ‘clues’ to religious affiliation, which has become intrinsic to everyday social interaction in Northern Ireland’ (Knox 2001, p. 218).

Thus, the authors would argue that the present study’s methodology of combining two sets of research data has distinct advantages over a singular, overt study around paramilitarism.

Firstly, with the study by Topping (2009) drawing upon the subject of policing and security governance in Belfast; and the study of Byrne (2011) based upon the so-called ‘peace walls’ and segregation in Northern Ireland, it was apparent that both sets of research had significant portions of data related to paramilitarism, which arose naturally from the central subject matters. Indeed, such a circumscribed approach helped to avoid any of the ‘sensitivities’ associated with direct or potentially intrusive questioning about local paramilitary activities and influences within the sample areas. Furthermore, the combined use of such data allows for a more accurate exploration and framing of the epistemology of dissident Republican paramilitarism, ‘grounded’ within locales in which such activity exists; while importing valid and local perspectives around the phenomenon of paramilitary policing beyond that of political

posturing or trajectories of threat assessment (Edwards, 2011) – with participants as ‘experts’ on the structure and functioning of their own communities.

Secondly, with PSNI officers, and community representatives naturally bound up with the social fabric of the sample areas (Acheson, Williamson, Cairns and Stringer, 2007), many of the interviewees had the potential to be (and many cases were perceived to have had) strong associations and knowledge around Republican paramilitary activity (Sluka, 1995). Thus, beyond the moral arguments about engaging with such groups and individuals, it must be remembered that as active participants within community fora, they possess valid and reliable perspectives related to issues of paramilitarism. Furthermore, with the authors commanding pre-established research networks and contacts, the issues of ‘gatekeeper’ access, neutrality and research identity were also overcome when discussing paramilitary activity with interviewees as part of the wider research, further enhancing the validity of the methodological approach and reliability of the information (Knox, 2001; Jenkins, 1984; McLoughlin & Miller, 2006).

In terms of sampling, it is important to note that the interview data generally relating to police officers and community representatives was drawn from the urban region of Belfast, with paramilitary data specifically taken from interviews conducted within working class Republican communities – transcribed and analysed for their paramilitary-related content using ‘NVivo’, a computer aided qualitative analysis software (Ely, Anzul, Friedman, and McCormack, 1991; Sarantakos, 2005). Importantly, the sampling is based upon participants’ detailed knowledge, rather than their representativeness of the population – a key to improving congruence between the research method and what the researcher intends to measure (Hall & Hall, 1996). On the one hand, it is logical to argue that the resonance of issues raised may have limited applicability across the rest of the Northern Ireland, especially ‘rural and isolated areas of the country, often sheltered from the more damaging effects of the conflict’ (Topping, 2008b, p.780). But on the other hand, it is precisely in such communities where the effects of paramilitary policing are experienced most acutely; and where the transformative benefits of the broader peace process are often experienced least – in terms of those areas being characterized by multiple deprivation indices, political polarisation and lingering cultural legacies and attitudes associated with 30 years of internal, armed conflict (Shirlow & Murtagh, 2006).

Background

One of the first avenues to explore in terms of the nexus between paramilitary and state policing, and to set the context for the various issues that will follow, is with the current ‘operating environment’ of policing and security in the country. As shall be evidenced, the criminological ‘netherworld’ that is Northern Ireland presents a number of counterfactual narratives around the official notions of policing and crime, which helps to provide both an understanding of, and insight to, the complex dynamics underpinning the ‘positive peace’ in the country as it emerges from a protracted, internal armed conflict – and as a framework within which paramilitary policing still exists (Ellison & Mulcahy, 2001; Holen & Eide, 2000; Monaghan, 2000; Monaghan & McLaughlin, 2006; Topping, 2009).

Indeed, an ‘official’ aetiology of crime and security confirms that within historical and contemporary accounts of the country’s narrative, the conception of Northern Ireland as a low-crime, transitional ‘netherworld’ is undoubtedly compelling. From the first International Victim Survey in 1989 reporting Northern Ireland as Europe’s low crime comparator (Brogden, 2000; Van Dijk, Mayhew and Killias, 1990), contemporary evidence points to the lowest levels of conflict-related violence on record; the lowest levels of recorded crime in the past twelve years; along with victimisation rates at 13.8% - the lowest since records began in 1998, which also compares favourably to England and Wales. Furthermore, the Northern Ireland Policing Board (NIPB) continues to claim that satisfaction levels with policing across the country remain at record highs (Lyness, McEnarney and Carmichael, 2004; NIPB, 2010; PSNI, 2010a).

However, it must be noted that there are a number of substantial, if empirically less robust justifications to the contrary, which in turn (still) impact upon both community co-operation and reporting of crime to the police and laterally, community ‘relations’ with paramilitaries. Firstly, with the police occupying their symbolic position at the centre of the conflict, there was (and still is) significant alienation of the Republican / Nationalist community from any normal conception of interaction with the police (Ellison & Mulcahy, 2001; Mulcahy, 2006; Topping, 2008a). Thus, when combined with lingering police legitimacy issues, a sizable minority of the population in Northern Ireland generally, and Belfast specifically, remain at best ambivalent about engaging with the PSNI (Byrne & Monaghan, 2008). Even in spite

of the raw *political* basis for such disengagement having all but diminished in the face of substantial progress at the political table, contemporary studies continue to contradict the ‘official’ aetiology of community support for the policing institutions (NIPB, 2010), demonstrating that basic co-operation between working-class Republican / Nationalists is still strained (Ellison & Shirlow, 2008; Byrne & Monaghan, 2008; Topping, 2008b).

On a second and related point, the very conception of the PSNI and their role in Northern Ireland is still far from any uniform Peelian grasp of the term (Kelling, 2005). With PSNI having changed vertically in the sense of its switch from counter-insurgency to a community policing role; and horizontally in terms of downsizing and ‘normalising’, Republican communities have had the very basis for their experiences and relations with the police altered dramatically (Ellison, 2007). In many tentatively supportive Republican communities, satisfaction with PSNI is still derived by their absence – compounding the pre-existing levels of under-reporting currently fuelled by PSNI ‘missing the mark’ on the community-level service expected as part of the political support for policing by Sinn Féin since January 2007 (*Belfast Telegraph*, 2007; Topping, 2008b). In this regard, it may be seen that the post-Patten era of change to policing in Northern Ireland has posed numerous contradictions for ‘normal’ policing provision by PSNI, while creating a platform for the ‘new’ dissident factions to exploit the ingrained community experiences and expectations around policing forged in the crucible of the conflict.

And while the operational capacity of dissident Republicans is in no way comparable to the threat posed by mainstream Republican paramilitaries at the height of the conflict, it must be acknowledged that dissident Republican factions are still engaged in an armed campaign, along with the delivery of ‘civil policing’ within certain Republican areas of Northern Ireland. This has manifested itself through the planting of viable explosive devices and concerted efforts to kill members of the security forces across the country (*Belfast Telegraph*, 2008a, 2008b, 2008c; *Belfast Telegraph*, 2010a; *Irish News*, 2008; *Irish News*, 2009) – resulting in the deaths of British soldiers Patrick Azimkar and Mark Quinsey outside the Massereene Barracks in Co. Antrim on the 8th March 2009; and the murder of Constable Stephen Carroll on the 10th March 2009; and Constable Ronan Kerr on the 12th April 2011 (McDonald & Townsend, 2011). Indeed, it is a continuing feature of the post-Troubles landscape that the terrorist threat is now at its highest in 12 years; with PSNI annual statistics

evidencing 78 recorded ‘shooting and bombing’ incidents in 2006/07, rising by 2009/10 to 129 (Independent Monitoring Commission [IMC], 2010; Kearney, 2010; Owen & Dutta, 2011; PSNI, 2011).

So at this point, there is an obvious, conflicted frame for the parameters of the policing and security environment in terms of the competing narratives which seek to define the legitimacy of PSNI and community attitudes to the delivery of policing. Thus, it is within this tenebrous landscape in which the affective ties between paramilitaries, Republican communities and the PSNI shall be explored in more detail. Specifically, the paper concentrates upon the activities of the so-called dissident Republican factions currently operating in Northern Ireland – The Continuity IRA (CIRA), first formed in 1986 as the paramilitary wing of the splinter political party Republican Sinn Féin; The Real IRA (RIRA), first formed in 1997 from a split within the mainstream Provisional IRA over the ‘Good Friday’ (Belfast) Agreement of 1998 and who were responsible for the ‘Omagh’ car bomb that resulted in the deaths of 29 civilians along with two unborn children; Óglaigh na hÉireann (ONH), which has been considered an umbrella group for disaffected and disillusioned Republicans and has been active since 2005 (IMC, 2006; Tonge, 2004); and finally, the Irish Republican Army (IRA), comprised of former Provisional IRA members, who currently claim the mantle of mainstream Republican paramilitarism and were responsible for the murder of Constable Kerr in April 2011 (Frampton, 2010; McDonald & Townsend, 2011).

Paramilitaries, PSNI and the Community Relationship Crisis

Under the auspices of the Report of the Independent Commission for Policing in Northern Ireland (ICP), it may be argued that the changes to policing in the country have been nothing short of remarkable (ICP, 1999; Office of the Oversight Commissioner [OOC], 2007). With the police having occupied a central position during the conflict, the final piece of the peace process ‘jigsaw’ has finally been slotted into place (O’Rawe, 2003; Ellison, 2007). And along with all-party political support and a devolved administration now in charge of its own policing and justice matters, it is impossible to argue against the weight of change momentum and reforms which have been engendered within PSNI (Topping, 2008a).

However, one key issue which tends to be overlooked in the policing discourse is the *spread* and *effects* of such policing change – both within PSNI and at the community level – reflecting the uneven spread of paramilitary policing activity in Belfast. In reference to the former, recent empirical data strongly suggests that within PSNI, organisational barriers have at best, stifled their drive towards delivering a community-oriented service premised upon the ICP’s core vision of ‘Policing with the Community’ (Topping, 2008b; Topping, 2009). In this regard, while the PSNI have been radically transformed in line with Patten’s first ‘stream’ of reforms, the change to the delivery of policing on the ground within urban, working-class Republican communities in Belfast has been largely unaffected, insofar as policing ‘largely mirrors the reactive style of policing characteristic of the troubles, albeit in a relative peace-time context’ (Topping, 2008a, p.91).

Turning to the latter contention, beyond the successive Northern Ireland-wide satisfaction surveys from the NIPB which claim year-on-year increases in support and confidence for the PSNI, localized studies have severely questioned such ‘official’ accounts (Byrne & Monaghan, 2008; Ellison & Shirlow, 2008; NIPB, 2009; NIPB, 2010). These surveys suggest that working class communities have been bearing the brunt of uneven, and often ineffective policing by PSNI. Indeed, there is a consensus in some Republican communities that policing has simply ‘gotten worse’, failing to adapt to the necessities of peace-time demands; or to cope with the increased dissident terrorist threat as noted above (Topping, 2009). Indeed, within Republican communities there would appear to exist a significant disparity between the triumvirate of *expectation*, *demand* and *need* for policing by PSNI as part of the post

conflict policing environment. Thus, it is at this crucial juncture of competing policing narratives in which the ‘relationship crisis’ between PSNI and urban, working-class Republican communities in Belfast may be observed – which in turn has manifested itself in terms of renewed support, and increased levels of, paramilitary policing in those areas (Topping & Monaghan, 2009).

However, there are two dilemmas with regard to *continued* paramilitary policing and community support for such non-state policing operations in terms of political justifications for paramilitary punishments; and the underestimation of the resources and support required to replace the informal mechanisms of policing and justice that were once prevalent with Republican communities. Firstly, with significant political progress over the past fifteen years in Northern Ireland, including: the ‘Good Friday’ Agreement of 1998; reforms to policing under the ICP in 1999; all party political support for the policing institutions in 2007; and devolved policing and justice powers in 2010, it might be expected that a substantive ‘building block’ of community self-justification – along with the practical need for paramilitary policing, would have been removed. Though in reference to the contentions above, the lack of perceived, tangible change to policing on the ground beyond the ICP’s ‘first stream’ of superficial changes has raised questions of achievements gained at the negotiating tables within Republican communities of Belfast (Kempa & Shearing, 2005; Topping, 2008a). At least within working-class Republican communities of Belfast, as summarily noted by a respondent: ‘we policed it well enough on our own for long enough. If these guys [PSNI] aren’t better, what’s the point?’ (cited in Topping, 2008b, p. 791). Though arguably, this may not be an entirely uniform view throughout Republican communities in regard to the fact that Sinn Fein’s support for PSNI was about the transfer of policing legitimacy and roles to the state. However, it is within this emerging security and policing vacuum within Republican areas of Belfast in which paramilitarism *still* survives, with the dissident factions ‘selling’ the legitimacy of their activity through filling the perceived ‘deficit’ of state policing provision – as policing ‘entrepreneurs’ seeking to reinvigorate the credentials of the security ‘business’ of the conflict, albeit within a new political environment.

Looking to the second and related issue, it would appear that within PSNI and Government circles, there has been an underestimation of the importance of providing an effective frontline policing service as a means of supplanting the *de facto* role of paramilitary actors, once prevalent at the community level. It is well documented

elsewhere that paramilitary policing was often held as a swift, effective and visible form of controlling crime and anti-community behaviors in Republican communities (McGarry & Morrissey, 1989; Feenan, 2002; Monaghan, 2008). However, the current research would indicate that the practical response of paramilitaries to local criminality is *still* held as a benchmark of an effective policing service. In part, this may be due to the less than satisfactory service received by many communities from PSNI at present (Byrne & Monaghan, 2008; Topping, 2008b; 2009). Though equally, it is questionable whether any modern, bureaucratic police service could match the speed of ‘justice’ traditionally meted out by paramilitary actors – suggesting that unrealistic expectations reside within Republican communities with respect to the policing ‘experience’ promised at the political level as part of Sinn Féin’s support for the policing institutions since 2007. But regardless of this fact, it was aptly noted by one political respondent:

I think what has got better is that people want to depend less on the paramilitaries, paramilitaries want to depend less on them – we are a community in transition. But I think what has got worse is the police are not filling that vacuum very well. So when they don’t respond or they respond poorly the people then still knock on the doors of the paramilitaries to get something done. And we can’t have that happen, because you’re trying to remove power and status from those individuals and then the police service actually hands it back to them’.

Significantly, it must be remembered that Northern Ireland is still a bitterly divided society, with cleavages along social, political and cultural lines (Shirlow & Murtagh, 2006). In this respect, a strong indicator of division is housing, with the Northern Ireland Housing Executive, concluding that approximately 98% of social housing in Belfast, and 71% throughout Northern Ireland is segregated (deemed ‘segregated’ if over 90% of residents, within each estate, are from a particular background – Byrne, Hanson and Bell, 2006). Therefore, Republican communities across Belfast are in many regards, still alive as homogeneous Weberian ‘political communities’, a necessary ingredient in the support for paramilitary policing activities (Cavanaugh, 1997; Feenan, 2002). Indeed, this was apparent insofar as one community worker noted:

‘I would say every area is the same, every area has got a paramilitary influence...and the politicians, the bosses in PSNI are burying their heads...So if anyone says has the peace process done anything, we say no. This paramilitary influence has been brushed under the carpet by the politicians,

and the police don't deal with it and it's business as usual. And in some areas even being seen talking to the police is still considered informing'.

Thus, the research would indicate that in terms of continued support for non-state policing, changing the hearts and minds of communities around the paramilitary 'option' is a much 'longer game' than that considered by both PSNI and political proponents of simply police-centric 'change' and reform in the country. Even in spite of the strenuous efforts of former Provisional IRA members now involved in community work to mediate perceived and actual state policing deficits through accredited community-based restorative justice schemes (Criminal Justice Inspection Northern Ireland [CJINI], 2007a, 2007b), it was generally noted as 'frustrating' that they had to continually defend a perceived lack of policing by PSNI. As summarily stated by a Republican respondent:

'there's a palate out there for that [paramilitary justice] because people are getting so frustrated [at the lack of state policing]. They're saying 'I don't give a fuck who hits them [criminals], as long as somebody's hitting them, stopping it [crime]'. So they [the community] don't care if it's institutional beatings they get from the cops, or community beatings'.

It may therefore be argued that such paramilitary 'policing' in its current form is *not* an anachronistic resurgence of paramilitary factions seeking to make a final stand in the battle for the social and political transformation of Northern Ireland, at least within Republican areas of Belfast. Rather, the conflicted policing and security environment has in fact presented a new 'stage' for intra-Republican rivalries around the delivery of locally 'acceptable' policing – with the current and rising levels of paramilitary policing as a function of political and PSNI inertia within which these new groups are seeking to achieve credibility – in a context where they find themselves at odds with well organized (formerly PIRA) community activists (IMC, 2009; McDonald, 2010).

Thus, in terms of tangible levels of community support for paramilitary policing as evidenced thus far, the research indicates that as part of Belfast's transitional landscape, communities are still prepared to seek recourse to the option of 'rough justice' in the face of perceived or actual inadequate policing provision by PSNI. Indeed, PSNI statistics clearly show an increase over the last four years in the number of paramilitary style shooting and assaults (PSNI, 2010b). As evident from interviews more generally, there was a correlation between a lack of community-

oriented policing being delivered by PSNI, their ability to deal with low-level criminality, and the retention of the paramilitary mandate by the local community (Topping, 2008b). This was succinctly stated by one community worker who felt that in their recent experience:

‘I know people are putting pressure on ex-paramilitaries to do something [about criminality]...that’s more than what it ever was. I think there’s more community pressure being put on ex-paramilitary members...because the police aren’t doing anything. And I was speaking to an ex-combatant and he said to me ‘people are coming to your door and saying you need to do something’. That’s more than ever it was before’.

Therefore, it may be argued that certain sections of Republican communities have not so much become desensitized to the use of violence *per se* as a means of policing (Monaghan, 2008), but have in fact become more sensitive to the need for *someone* in the community – PSNI or otherwise – to police at a local level and maintain the traditionally low levels of crime to which they have become accustomed (Brewer et al., 1998; Shaw & Shearing, 1998).

On one hand, it may be perfectly logical to argue that Republican communities in Belfast have simply become more alert to ‘normal’ crime in the absence of the ‘big’, conflict-related incidents. But on the other hand, it is impossible to argue against what is a very real relationship crisis between the PSNI and Republican communities – which in turn has fed, in part, the dynamics of the relationship between the paramilitaries and community members. Here, the key driver of community demand for paramilitary policing was starkly highlighted by one respondent who stated that such policing was a result of:

‘a community crying out for proper policing...and that’s evidenced by the number of people that come into my office asking for help [about criminality]...really when they come in here it’s a covert way of saying, an implied way of saying, ‘we want the paramilitaries to sort this’...and we’ve found a real increase in the numbers of people coming in here...’.

Thus, in overview of the community relationship crisis, the authors contend that there is a very real and tangible dynamic between PSNI’s community policing responsibility and the ideological, ‘policing memory’ of Republican communities – which in turn is feeding the willingness of dissident Republicans to fill the perceived policing void.

Police Deficits and the Framing of Paramilitary Activity

In view of the argument presented thus far, it may be seen that in spite of the developments and transformations associated with Northern Ireland's post-conflict environment, a vacuum still exists with respect to PSNI's policing in working-class Republican communities. At a cursory level, there would appear to be an enduring historical 'overlap' in the minds of communities as to who could or should deliver a localized policing response. To varying degrees, this appears to have been perpetrated by factors (outlined above) which have collectively blurred the boundaries between the choice of formal state and informal paramilitary responses to local criminality (Minnaar, 2002).

Reference must again be made to the discontent within sections of Republican communities, both ideologically and operationally, to the fact that PSNI are failing to deliver an effective, community-oriented service (Ellison & Shirlow, 2008; Topping, 2009). With the patience of Republican communities tested at a practical and political level around the delivery of 'new', post-ICP policing, the research has evidenced a 'better-the-devil-you-know' cultural attitude in terms of community recourse to the 'new' paramilitary policing. In this respect, it was simply observed by one Republican respondent that

'if a kid comes along and they're constantly damaging windows and cars, they're [the community] calling the police and the police can't do anything. So they'll go to the big man [paramilitary] at the end of the street – and that's just a cultural thing'.

Although on a more general level, the research would suggest that such attitudes are certainly not as prevalent as in the past (Hayes & McAllister, 2005).

It must also be noted that a social platform of support was also evident through political 'sympathy' for such extra-state policing measures (*The Guardian*, 2010b). With (former) political ideologies of opposition and resistance as the basis for paramilitary intervention having all but disappeared (Feenan, 2002), it was the contemporary politics of community crime and policing issues which underpinned a tacit support for such interventions in the face of state policing deficits. As captured by one such political respondent:

'if you're an elderly person and there's an entry behind our house and there's kids there drinking and pissing and shitting, and you repeatedly summon the police and nothing ever fucking happens, you could be forgiven for going to

the pub and getting somebody [paramilitary member]...where policing and the law leaves a vacuum, something will move into it’.

And of significant note, the research found several examples of PSNI officers themselves, through inaction and indifference to community problems, indirectly referring members of the public to local paramilitaries. While it is not to suggest that at an organisational level, officers are prepared to abdicate their role in favour of the paramilitaries, three respondents highlighted different examples of officers providing space in which paramilitary actors could ply their trade of ‘black criminal justice’ (Byrne, 2004; Silke & Taylor, 2000). In one such case, it was re-counted that ‘in the past couple of years, it [paramilitary referrals]...happened a few times and people have gone to the police station to say they’ve a problem – their house broken into or whatever – and the police will advise them to go to the paramilitaries’. And similarly, as identified by a prominent community organisation:

‘a client we’re working with...he was told by [PSNI officer] that because he’s lived in the area for six years, and the last two-three months he’d been getting his window put in...when he complained to the police, he was told by a police officer ‘look, you’ve lived here long enough, you should know who’s in the community to go and see about it’...basically sending them to the local paramilitaries’.

The research findings, along with PSNI statistics suggest that at present in 2011, there continues within Republican communities to be an appetite for summary, paramilitary justice. This does not appear to be at the levels of support prior to Sinn Fein’s endorsement of the PSNI and criminal justice system (Hayes & McAllister, 2005). However, the evidence would suggest that such an appetite is in response to lack of whole-hearted, ideological Republican ‘buy-in’ towards the PSNI; and the failure of a community policing strategy by PSNI to address low level crime and anti-social behavior. Furthermore, in the minds of Republican communities, the wholesale acceptance of PSNI and shunning of the paramilitary policing is a more complex calculation than simply the moral arguments regarding the toleration of such violence.

Certainly, while there have been attempts to formalize the relationship between Republican communities and more formal justice interventions through accreditation of the Republican-based Community Restorative Justice Ireland by the CJINI as non-violent restorative justice alternatives to formal policing responses around community issues – supported by the mainstream Republicanism (CJINI,

2007a, 2007b) – cumulative policing ‘deficits’ (as noted above) continue to coalesce within communities, bridging the gap between policing deficits in the present and repressive paramilitaries practices of the past. As lamented by one respondent:

‘we went to speak to a youth...where the youth was involved in anti-social behaviour – and his father was able to tell us the paramilitaries were involved. There is still an influence there...I thought ‘have we really moved forward?’. The paramilitaries are *still* seen as being able to assist in some ways with these things’.

However, it must be stated that beyond merely filling a notional ‘gap’ in policing provision, a more insidious and retrograde agenda lurks beneath the façade of support for a ‘golden age’ of paramilitary-run, low crime communities in Northern Ireland which for many communities, never existed. Capitalising upon the ‘severe’ terrorist threat in the country, dissident Republican factions, the Continuity IRA, Real IRA and Óglaigh na hÉireann have recently sought to lever communities through the threat posed to PSNI officers (*Belfast Telegraph*, 2009a; IMC, 2010; McDonald, 2011). With notions of delivering community policing for PSNI severely curtailed within many Republican communities because of the immanent terrorist threat, policing by PSNI has in many cases been reduced to armoured convoy; with an unofficial return to ‘no-go’ areas for the police in certain ‘hardline’ areas which has aided in the creation of ‘space’ in which the dissidents may operate more freely to garner support through dealing with the germane concerns of local residents – enhancing their active support networks and legitimacy (*Belfast Telegraph*, 2010b).

On one hand, this renewed ‘grip’ on community life by dissident Republicans is limiting the democratic gains on the meta-issue of policing, highlighted by one PSNI officer who stated:

‘there’s a few meetings where we’ve been and people are contacting people who have a standing in the community [paramilitaries] and asking can they ring the police...there are people out there who want to work with the police – but ‘am I allowed to?’.

Furthermore, it is important to note that in spite of the rise in paramilitary policing activity within Republican working-class communities (IMC, 2010; PSNI, 2010b), it continues to remain largely hidden from the policing and political discourse. This has tended to be deliberately crafted through a ‘new’ security discourse propagated by Government and the media – with those involved in paramilitary activity painted as ‘conflict junkies’ and ‘Neanderthals’. Furthermore,

attacks have also been levied on the coherence of their political ideologies, with notions of politics replaced by a narrative of paramilitarism as a form of personal pursuit and gain through drugs, criminality and organized crime (*The Economist*, 2010; Rowan, 2008). However, a difficulty with this over-simplistic political frame of assessment is that localized paramilitary policing tends to be conflated with the national terrorist threat posed by dissident Republicans; and packaged as an isolated aberration of the peace-time landscape. Thus, by ‘othering’ the actual levels and effects of paramilitary violence as documented, the PSNI and Government have effectively ignored the cries of communities that ‘people still go to the paramilitaries in regard to certain crime issues rather than going to the police – the [named area] has actually got worse since the peace process’ (respondent).

Such a police response can also be evidenced through recent paramilitary-linked public order situations within the Greater Belfast area, where serious civil disorder erupted within the mainly Republican area of Ardoyne (*The Guardian*, 2010a); and even in the mainly Loyalist Rathcoole area on the outskirts of Belfast (*Belfast Telegraph* 2010c). In reference to the former, the violence which ensued the Protestant Orange Order marches through the mainly Catholic Ardoyne area were estimated by the PSNI to have cost several million pounds – which PSNI subsequently ‘equated’ to the funding of a new hospital ward or a primary school. Similarly, the violence in Rathcoole area following PSNI searches in the area associated with loyalist paramilitary activity by the Ulster Volunteer Force (UVF), were estimated to have cost £80,000 to police. However, it is the vicarious ‘responsibilisation’ strategy of PSNI in placing the ‘cost’ back into the hands of the community which is of interest (Garland, 2001).

Because firstly, such a discourse refuses to acknowledge any of the problems between PSNI and the local community, as noted throughout the paper. And secondly, it obviates the fact the paramilitary factions are still able to operate relatively freely at the community level, while influencing and orchestrating mass public disorder situations. In this regard, the Government and PSNI therefore define what is an ‘acceptable’ level of paramilitary violence, which must be tolerated by Republican communities as a means to a politically convenient end around the ‘state’ of policing in the country (Knox, 2002). Even a recent inspection of PSNI by Her Majesty’s Inspectorate of Constabulary (HMIC) has questioned the accuracy of PSNI’s ability (or desire) to articulate the *actual* level of paramilitary activity to the

media and public beyond their own conservative, technical measures insofar as:

‘If asked by the media how many ‘terrorist attack’ (bombings or shootings) have taken place in Northern Ireland, or when presenting figures connected to terrorism, PSNI respond with a figure around 25% of the absolute total. This is because PSNI describes terrorism as an assault on national security. This does not include attacks on civilian targets or on relatives of members of the police service’ (HMIC, 2011, p.26).

Thus, the authors would contend that PSNI’s current response to dissident activity is also failing to negate the attendant community support for dissident ‘policing’ activity as noted above. With an increase in the terrorist security budget to £245m over the next four years (BBC, 2011b), there has not been any equivalent funding or strategies made available for the delivery of community policing beyond the Chief Constable’s broad policy commitments around personal, protective and professional policing (PSNI, 2011) – precisely the type of policing strategy which the evidence would suggest *could* arrest the mandate for our dissident policing actors. In this respect, PSNI would appear to be more concerned with policing the macro-dissident terrorist threat rather than the low-level paramilitary policing manifestations of such activity, contradicting the ‘official’ discourse insofar as the Chief Constable Matt Baggott has recently argued:

‘it would be a mistake to say that policing can be separated into security policing and community policing when police officers rely upon community support to do their job, day-in and day-out’ (BBC, 2011a).

Indeed, while in a desirable operating environment community policing and counter-terrorism strategies would compliment one another, the current evidence would point to the fact they *have* become mutually exclusive policing tasks for PSNI – limiting the potential synergy between the two strategies as a means of ‘squeezing’ the operating space for dissident Republican activity.

The 'New' Paramilitarism Beneath the Peace

In view of the evidence thus far, not only does an undercurrent of Republican paramilitary policing clearly still exist across Republican communities within Belfast, but it still exerts a significant influence upon the affective ties between PSNI and the communities levels. In terms of assessing this wider paramilitary influence upon PSNI, a significant issue is that the real rises in paramilitarism are being mainly carried out by the dissident Republican factions, who seek to take advantage of an increasing community sentiment that 'no-one' is now dealing with anti-community behaviors within a number of Republican areas of Belfast. This is further fuelled by what the authors feel amounts to institutional inertia around the delivery of 'Policing with the Community' within PSNI (Topping, 2008b; Topping, 2009), which has in turn prevented them from anchoring a service at the periphery of communities – precisely where effective state policing is needed most; and where paramilitarism still exists. In this regard, the authors would argue that in the eyes of Republican communities within Belfast, this has supplied an operational mandate for dissidents to still enforce a visible 'justice' at the local level, further delegitimizing PSNI's authority to deal with low-level crime and disorder issues. Although by the same token, those who lend support to the paramilitaries cannot continually compare the response of PSNI as a modern, bureaucratic police service, to the expedient nature of 'rough justice' – often invoked by community members as a delegitimizing and convenient 'fact' within hard-line communities.

It should also be noted that the PSNI are not the only organisation responsible for meeting the public's expectations of the criminal justice system. With recent criticism directed towards the efficacy of the Public Prosecution Service (CJINI, 2007a), the slow prosecution of offenders is further fuelling community anxieties that something tangible is being done to address local criminality. Furthermore, from a PSNI perspective, a degree of responsibility to help communities move away from paramilitary dependence must also be levied on the community. As part of the community continuing to supply the 'water' for our paramilitary 'fish' (Sluka, 1989), as captured by one senior officer:

'the lawlessness that goes on...was created by the very organisation [Sinn Fein] that's now engaging with the police and holding the police accountable...they have a responsibility that they created a culture of lawlessness...they have an *additional* responsibility because they created this

monster, this dysfunctional society. So this meant that policing was never accepted. Somehow they [communities] have to change that...because the police can't just do that by being good at policing – it won't automatically change that culture'.

And while cultural, social and political changes around policing mentalities within Republican communities must be effected, it is clear that PSNI must also attempt to hasten their shift in reducing the organizational barriers associated with the delivery of a community-oriented service as a means of reducing the nexus between themselves and the various communities from which they remain detached (CJINI, 2009) – at least as a means of squeezing the mandate of the paramilitary factions in Republican communities.

In this regard, with recent criticism at PSNI's capacity to delivery community policing, or respond and deal with the current terrorist threat in terms of their reduced operational capacity and counter-terrorism experience compared with their predecessors, they have tread a 'middle ground' in the post-Patten era which has, from an objective viewpoint, struggled to deliver on either of the community policing or counter-insurgency fronts, especially within the last two years (*BBC*, 2010; *Belfast Telegraph*, 2010d; Topping, 2010; Topping, 2011). In terms of the implications of this situation, questions must therefore be raised as to why PSNI, as a highly skilled and trained organization with superior technical and physical resources, have failed to supplant the *de facto* role of paramilitaries whose policing methods are anachronistic in their justification; and archaic in their methods.

Conclusion: Defining the ‘New’ Paramilitary Policing

In view of the present research concerning paramilitary policing in Republican areas of Belfast, it is clear that little research attention has been paid to the *relationship* between communities, paramilitary actors and the PSNI as part of a broader policing landscape. While such relationships are not necessarily quantifiable, this paper has evidenced a fluid dynamic between state and paramilitary policing protagonists – one in which the historical, social and practical issues of policing and its delivery in Republican communities equate to a complex landscape greater than the sum of the individual policing issues taken in isolation.

Beyond the anachronistic, political dogma still driving the dissident paramilitary factions to continue their parallel agendas, there would appear to be a strong correlation between *community* demand for ‘rough justice’ and the perceived lack of policing provision by the state, as argued throughout the paper. In this regard, the ‘honeymoon’ period created through political, Republican endorsement of policing and justice structures since 2007 has been dashed on the rocks of the operational policing reality – with dissident Republicans seeking to achieve credibility and legitimacy within a policing ‘vacuum’ which has materialized.

Undoubtedly, what may be observed as the ‘new’ paramilitary policing is grounded in wider issues of the criminal justice process relating to prosecutions and re-offending (Kearney, 2008), further entwined with the broader social legacy of the conflict which has remained largely hidden under the veil of the ‘success’ of the peace process – an issue to which a policing response of whatever hue can only ever be a partial solution (Bursik, 1988; Eick, 2003; Hirschfield & Bowers, 1997; Young, 1999). As aptly remarked by one respondent:

‘most of this stuff [crime] is social policy. You can’t shoot educational achievement; shoot unemployment; you can’t shoot poverty...So you’re never going to resolve issues of criminality...because the reality is it’s the working conditions, living conditions, self-expectations that make a difference’.

On a cursory level, it would appear that aligning community-level expectations around the delivery of policing is a vital component to improving the nexus between what communities can expect from PSNI, and what they can deliver on the ground as a means of reducing the ‘space’ in which paramilitary policing can and does operate. However, a deeper analysis of the evidence would posit more

complex epistemology of community attitudes to paramilitarism within Belfast area. While the research did not uncover any overt support for a dissident military campaign, there were significant levels of ambivalence towards, and in some cases sympathy for, the perpetration of low-level ‘policing’ activities by such groups. In this regard, such police ‘thinking’ at the level of the locale actually heightens the predicament for PSNI in delivering what could be conceived as ‘normal’ policing (*The Guardian*, 2010b). Because where PSNI cannot penetrate the outer mantle of dissident terrorist activity enveloping communities at present, they are severely constrained in their ability to engage with the inner core of community demands around policing – precisely where dissidents *are* persuading communities of their ability to manage the policing ‘void’, capitalizing upon the conditional nature of community ambivalence grounded in the wider, conflicted narratives of the ‘state’ of policing in those areas.

Therefore, until a fundamental reduction in the nature of the current terrorist threat can be effected; and a change in community mentalities around policing can be engendered, the ‘netherworld’ of Northern Ireland’s criminological landscape will continue to provide the impetus for this parallel, ‘new’ policing. While it is important not to *overestimate* the scale or spread of paramilitary ‘justice’ in relation to the majority support for PSNI and the peace process more generally across Republican communities in Belfast, as the evidence has demonstrated, it would be disingenuous to the communities afflicted to *underestimate* the insidious capacity for paramilitaries to destabilize and delegitimize PSNI-community relations on a parochial level across urban, working-class Republican communities of Belfast – as part of an environment which continues to foster this ‘new’ paramilitary policing beneath the peace.

And finally, as Bayley (2008) contends, international focus on policing developments in Northern Ireland should be optimistic in terms of the positive lessons of change effected through the wider police reform process. However, if political settlement, devolved policing and justice powers and an advanced, well resourced police service cannot supplant the archaic policing tactics of paramilitary organisations, the lesson of Belfast’s transitional, post-conflict policing landscape is one of caution. Not unlike Goldsmith’s *Deserted Village* (Rousseau, 1974), the displacement and othering of paramilitary punishments with *only* the successes of change and reform to the institutional police landscape does not adequately resolve this ‘new’ paramilitarism – of which the PSNI is but one of many necessary social,

political and community arbiters required in the drive towards a more democratic governance of policing and security at the community level in Belfast.

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