

Northern Ireland Affairs Committee

Oral evidence: The effect of paramilitary activity and organised crime on society in Northern Ireland, HC 24

Wednesday 26 April 2023

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Members present: Simon Hoare (Chair); Stephen Farry; Mary Kelly Foy; Claire Hanna; Carla Lockhart; Jim Shannon.

Questions 474 - 495

Witnesses

I: John McBurney, Commissioner, Independent Reporting Commission; Monica McWilliams, Commissioner, Independent Reporting Commission; Tim O'Connor, Commissioner, Independent Reporting Commission; and Mitchell Reiss, Commissioner, Independent Reporting Commission.

Written evidence from witnesses:

- ([PNI0014](#)) - Independent Reporting Commission



Examination of witnesses

Witnesses: John McBurney, Monica McWilliams, Tim O'Connor and Mitchell Reiss.

Q474 **Chair:** Colleagues, thank you for coming back; I appreciate that it is our second meeting of the week—a busy week—so I am grateful that you are here for this resumed session. If you remember, we had to suspend our activities a few weeks ago due to parliamentary votes. Knowing of their time pressures, we are hugely grateful to the four independent reporting commissioners for finding the time to come back. It is hugely appreciated, and we are very grateful to you all for doing so.

I will kick off the questioning. We have obviously had, in recent weeks, the raising of the terror threat level in Northern Ireland. Northern Ireland has hosted some pretty spectacular, high-profile, attended events over the past two weeks, which have, thank God, gone very smoothly and safely. Just pausing there, our thanks go to the PSNI and to all of those who kept any of us attending any events safe and secure.

How concerned are you about that increase in the threat level, regarding the potential to see an increase in paramilitary activity? I am ambivalent as to whom I would want to start answering that question, but I look, possibly, to Professor McWilliams.

Monica McWilliams: Thank you, Chair. We were aware of that, and we were well briefed. It did not come as a surprise to us. We have been used to it in Northern Ireland before, and we live with the consequences of it. It is something that I think the PSNI is well capable of giving a good assessment on. To be honest, from our point of view, we have never really taken our eye off the ball regarding whether it has gone from “severe” to “substantial”, or back up again.

Q475 **Chair:** Notwithstanding the backdrop, it is still a newsworthy event when that change in status is made. Do you think it in any way serves—almost as an unintended consequence, I suppose—as a not unhelpful reminder to many people about, “You might just look over the precipice, but pull back, because what went before is something that we do not want to go back to, and the peace, security and stability is a precious prize that we sometimes almost take for granted”?

Monica McWilliams: I do not think that anyone takes the prize of peace for granted. I guess that it is more of a policing issue, and an intelligence-orientated issue. It is just to keep everybody alert. I do not think that there is much of a panic among society when it goes up. In fact, there used to be a response, in days gone by, when it went down. Particularly those on the Republican side might have said, “We’ll show you,” and, not long after, it might have gone back up again. So, there was a view of, “Why change it?” It used to be that there was an assessment done that it might be helpful to move it to “substantial”, and now it has gone back up



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to "severe". However, if you lived here, you would not get a lot of people on the streets talking about that as a relevant issue to their safety.

Chair: Sure. Okay, thank you very much. Do any of the other Commissioners have a thought on that?

John McBurney: I would like to come in, if I may. I would just say that the changing of the level back up to "severe"—and it had not gone down to "substantial" for very long—came in the aftermath of the terrible attack on Detective Chief Inspector John Caldwell. We very much wish him well in relation to his recovery, as much as possible, from the terrible injuries that he sustained. He is a fine officer of the PSNI, who, for many years, was at the forefront of investigating many of the terrible attacks and atrocities that have been carried out.

For me, personally, it came as no surprise whatsoever that the threat level went back up to "severe", when you see an attack on an officer such as John, in circumstances where he was with his 12-year-old son, with 10 shots fired—four of which took him down—and at a football practice. It was an outrageous attack, and that the threat level changed back to "severe" was no doubt partly as a result of that attack.

Q476 **Chair:** I think I understand that he is now home from hospital, or certainly out of hospital, and we echo your good wishes to him and his family.

We have talked there about the PSNI, and this Committee and the media have been hearing of concerns, from the chief constable down, about pressures on policing budgets and what that means both in-year and for the next financial year in terms of deployment of resources and so on. Given the heightened threat risk and the other issues that we are all too familiar with, what are your concerns about that in terms of the day-to-day robustness of the PSNI to face into paramilitary activity?

Tim O'Connor: Chair, if I could thank you and your colleagues for this opportunity again. Also, thank you for the dedicated focus you are bringing to bear in the Committee in this inquiry. What I am going to say is a truism, but as in anything in life, a problem can only be solved when it is first recognised and acknowledged and a focus is brought to bear.

You were there last week, Chair, marking or commemorating—whatever the verb might be—25 years since the Belfast/Good Friday agreement. However, we know what the anatomy of a recovery from conflict looks like and it is a bit like the recovery of a human being from a serious illness or surgery. Often it is slow and painful, with setbacks and so on, and that is the actuality. Six or seven years ago, with the Fresh Start agreement and the creation of this, paramilitarism had already gone on much longer than we all anticipated, I guess. So, by 2015, it proved necessary to once more intervene and actually bring a new dedicated focus to bear on this issue, which had not resolved itself organically, like we all would have hoped would have happened through the normal outworking of the peace process, whatever that might mean.



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Here we are, six or seven years later. We are all recognising with this focus and this being brought to bear, including through your own work, that this is complex, deep-seated, difficult and challenging across all the pieces and now, as my colleague John has just eloquently said, we have a new victim. We all wish John Caldwell tremendously well, and it is good that he is home and with his family again. Hopefully, he will continue his recovery. However, it is just a reminder at the sharpest end of what paramilitarism looks like. Yet, every day, there are lots of other things happening—right now, today—in terms of the outworking of paramilitarism.

In the commission, our analysis has been that you can only achieve your goal of ending paramilitarism once and for all through what we have been calling the twin-track approach of a robust policing and justice response, side by side with also a very robust and sustained tackling of the deep systemic socioeconomic issues facing the communities where the paramilitaries operate. Then—I am sure you will come to this—we have also added what we call this third dimension of a process of engagement with the groups themselves to bring about disbandment. However, a key part of it is this sustained twin track, of which the policing dimension is critical and you just quite rightly put the focus now on the resources around all that.

If 25 years later paramilitarism is still an issue and if, even despite this latest effort of all of us, which is now six or seven years in existence, paramilitarism continues to exist, it is axiomatic and it is vital that there is no slacking off of the effort to tackle it. So, we would be making the plea to you through your good officers—I know you had the Secretary of State with you earlier in the week—at every opportunity we have to keep reinforcing how fundamentally important it is that resources continue to be supplied, in this case, to PSNI but also all the other dimensions.

This issue has proven itself to be resilient. Unfortunately, if you look at it from a balcony view, it is axiomatic that paramilitarism is resilient in its roots, and therefore only the most robust, sustained, comprehensive approach will do. That requires resources. We know that these are tough times economically, but we ask you to continue to bring your offices to bear to make sure that these resources are protected.

Q477 Chair: We will certainly do our best. Dr Reiss, we have heard from a number of witnesses and read in submissions a call for the definition of national security to be revised to include threats other than to democracy and the state, and to include issues such as paramilitary activity, drug dealing, extortion and murder. Is that widening of the definition something that you would welcome or think might be helpful?

Mitchell Reiss: I think the first people to ask whether they believe it would be helpful if the definition were changed are the people at the coalface. Do they think that the current co-operation and support is adequate, or do they need a fundamental reassessment? From where we sit, it is very difficult—in fact, I think it would be unfair—for us to opine on that, but I will say, to echo what Tim said, that there has to be a holistic



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approach to this problem. It is not just the PSNI or MI5; it has to do with the socioeconomic piece, and then there is another leg of the stool, which is the criminal justice element. The PSNI can arrest dozens of people, but unless they are brought to trial promptly, acquitted if they are innocent, or found guilty and then sentenced to meaningful jail terms, it is going to be very difficult to have that piece help a negotiated end to paramilitary activity. Again, there are lots of moving parts here. They all need to move forward.

Q478 Chair: Some people have suggested that such an alteration of the definition could very well allow for greater joint working between the law enforcement agencies and the secret intelligence services when tackling paramilitarism. Do you see that that, at least in theory, may be an uptick to that—to have more eyes and ears on the issue?

Mitchell Reiss: I understand why people would suggest that. I think it is logical, but again, I think that the people to ask are the ones who are going to be most directly impacted. They are going to have the best line of sight into whether that would be a meaningful difference for them.

Chair: Monica, do you have a thought on that?

Monica McWilliams: No, I have nothing to add to what Dr Reiss has just said. We do meet on a regular basis with the relevant people. At our most recent meeting, they told us that they have all the tools that they need in terms of that intelligence, and we go by what they tell us.

Q479 Chair: So in terms of the opportunities and encouragement to co-operate jointly and collaboratively, you are content that that sort of *modus operandi* exists at the moment.

Monica McWilliams: Yes. As Dr Reiss has just said, until we hear different, we will take that. We have actually looked at that as a possibility in the past and we have asked that very question. From what we hear, that is not necessary. If things change, then we will come back and give you a different answer, but at the moment it seems that everything is in place and they are on top of it.

Chair: Thank you for that.

Q480 Jim Shannon: It is nice to renew some friendships, at least visually. I haven't seen you for a long time, Monica, so it is nice to see you again, and all the other gentlemen, such as Tim. I am not sure whether I have met the other ones in the past. If not, I look forward to engaging with them.

You referred to extortion and murder. I would add to that punishment beatings. My understanding is that the rise in punishment beatings over the last few years has been significant, so when it comes to addressing these issues, that is something that I think of because it is rising. It is an indication that it is not under control. The community is sometimes prepared to let those things happen or not try to stop them—or are unable to stop them, to be fair. So, to follow on from the Chair's question, where would you see punishment beatings in the process? I am



not sure who wants to answer or is able to answer.

Chair: The phrase “punishment beating” is of course a contested phrase. It is people taking the law into their own hands and presuming that they are the law enforcers and law interpreters. It gives them status within communities to which they are not entitled.

Monica McWilliams: It is good to see you again, Mr Shannon. I agree with you that they are not punishments. That assumes an element of justice, and there is no way that the individuals carrying out those attacks should take upon themselves the mantle of performing some kind of justice. That is the first thing. The second is that the numbers are actually dropping, but one is too many. We have just this week published some figures, and 384 were under 18 years of age, which is quite a shock. There is a trend there of many years. That is what I think society will respond to more than anything. Mitchell Reiss, my colleague, has referred to it as child abuse.

There is still much work to be done and we have made recommendations about when an individual is brought to hospital as a result of severe injury. There should be a wrap-around project put in place—that has been piloted in Altnagelvin—to ensure that that individual gets support and is not just back in the community again without the mental health support, without social work support, but with I would hope an advancement towards social work. That then would lead to the possibility of some employability in order to keep that person safe in future, and with a different kind of future and not going back into a community where this is likely to be a reoccurring event in that young person’s life, or indeed in an adult’s life.

We are looking at the evaluation of that wrap-around project, and I am very glad to see it. We have learnt from the experience of the violence reduction programmes in Scotland and England. This project will be expanded now, I hope, to other hospitals. That is a protection factor. It might not be a prevention factor.

As we have seen, it is very hard to get witnesses. It is a life-changing event to come forward to act as a witness, to go to court, and to name those individuals who exert that coercive control. But we are better placed than we have been in previous years with the programmes that are now in place on paramilitarism and reaching out to those people who are at the terrible end of a paramilitary-style attack.

It is interesting that a recent programme on TV, a series called “Blue Lights”, has got more public attention than some of the advertisements around the horror of what happens. That is good, because it is only when the public come forward with confidence to say that this must stop and are prepared to work with the police to ensure that there is no reoccurrence that we will begin to see the end of this.

Q481 **Jim Shannon:** I echo those comments, Monica. I think there is going to be a second series of that programme because of its stark reality. It is something that does resonate with many people across Northern Ireland.



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I suppose the question to ask you is, how could the UK and Irish Governments ensure that any person appointed to prepare the ground for a formal process of engagement with paramilitary groups has the confidence of all communities? Suspicion lingers, and it probably grows. I am thinking of a couple examples. Is South Africa an example? Is Colombia an example? Where has something similar been done? I would like to get your thoughts on that. I will ask the second question, Chair, if that is okay.

Chair: Yes.

Jim Shannon: A massive issue for me is the views of victims and survivors. I met the Probation Board for Northern Ireland in my town of Newtownards three weeks ago. I had a really good engagement with them about what they were doing on the very issue of the victims.

I will give just one example of many to illustrate the issue. It is someone who was in the shopping centre in Newtownards one day. She was doing her shopping, completely oblivious to what was going on. She looked around, and who was there? The person who killed her husband and was convicted of it. She knew him and probably panicked, as you would. I am very conscious of victims. Victims need to know when the perpetrators are getting out. They need to know where they are. The perpetrators also know, and should know, to keep away from victims and their families. When it comes to the victims, have you any ideas how that could be considered, including in designing such a process?

Tim O'Connor: Thank you very much, Jim; it is good to see you again. Those are two big questions you are putting to us, and they are very important ones.

On our suggestion to recall a process of engagement around group transition, with a view to disbandment, we have put forward in this report, as you rightly referred to, the idea of the two Governments appointing an independent person to almost be a preparer of the ground. What we were thinking of there is that we know that from previously proposing this idea of a new process of engagement with the groups—we know that around your table there would be mixed views about the wisdom or otherwise of such a process. We know that it is a challenging idea, but after six years or so together, we would love if it there was some alternative, but we do not see how we can achieve the goal of ending paramilitarism once and for all without some kind of a process like that. That is the view we have come to collectively.

I suppose what we have tried to do in this last report, Jim, is to bring in this new idea of an intermediary step ahead of a full-on process of engagement whereby the Governments would formally appoint an independent person or persons. We are open as to precisely what that mechanism is, but the idea would be that somebody would prepare the ground and, as you just suggested, talk to all the key stakeholders, probably the groups themselves and certainly the victims as well, with a view to seeing how a process could be designed and constructed that would have the best chance of success. I think we are all agreed on the



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outcome we want to see: we want to see this over with and done. We want to see paramilitarism finished, and I guess the debate is about how you best do that.

You are right—you mentioned South Africa— to say that we would be looking to international practice and all that. Mind you, we are recommenders, as it were. In a sense, that idea has now been handed over to the two Governments, and we know that they have it under consideration at the moment in the British-Irish Intergovernmental Conference. So in a sense, Jim, it is for them now to work through that. As I say, it is under consideration right now. Our job was to put the idea on the screen.

You have just highlighted one graphic, terrible example of what the actuality is like still today. In everything we do, we are very conscious of the perspective of the victims. We cannot bring back the dead, unfortunately, but what we are trying to do is make sure that there are no more victims, and that the perspective and sensitivity of victims is fully taken into account. That is the thinking, and that is where we are at, Jim.

Jim Shannon: The protection of the victims is really what I am referring to, Tim. I think that is what you are referring to as well. They continuously live those memories, and whenever they are confronted with the perpetrator, they relive them like they happened just yesterday.

Tim O'Connor: Absolutely, 100%.

Monica McWilliams: As far as I understand it, probation and the director of the Prison Service work very closely together on release. It was an issue that was raised many years ago, particularly after the Belfast/Good Friday agreement with the prisoner release scheme. I asked if they could do what they had done on domestic violence cases: the partner would be informed, the offender would not be located anywhere close to where the offence occurred, and that information would be exchanged in terms of a statutory duty of care. The same would apply in the case that you have just mentioned. It should never happen that someone who has been bereaved should have to face, on the same street, someone who has been given the tenancy of a house either in their neighbourhood or close by. We have enough good practice now to know that that should not happen, but that may not always be the case, and individuals may relocate without informing the services.

Q482 **Carla Lockhart:** Good afternoon, panel. It is good to see you all again. I want to pick up on Jim's questions about the independent person. Have you had much feedback since publishing that suggestion? Has there been an undercurrent that there is a feeling that it would be too public and formulaic in taking the process forward, which would then act as a barrier to the individual bringing forward a proposal that would actually work? I don't mind who answers that.

John McBurney: Thank you for the question, Carla. Obviously, the independent person idea is an intermediate step in considering whether a



full group transition process should occur. In my view, it is a useful intermediate step, because an independent person, to put it in fairly blunt terms, would have the opportunity to produce a report reversing back from a full-blown group transition process if it was considered not to be a worthwhile endeavour or it was considered that significant groupings would not engage and that there were obstacles or barriers to taking it further forward. It has a great usefulness in being an intermediate step first and foremost.

Clearly, there will always be people who will be very sceptical about the notion of engaging directly with the remaining paramilitary groups with a view to constructing a process towards disbandment—towards the permanent end of all of the paramilitary groupings that we have. There will always be a scepticism about that. My view on that is that it is worthy of being tested. If there are paramilitary leaderships—and we believe there are—indicating that they are willing to engage in the process, then I would put the question to all of us: what is to be lost by the attempt, and what is to be lost by having an independent person come in for a limited period of time to explore that?

Whether society more generally would consider it a worthwhile exercise is a very different question, because there will be some folk who think that the leaderships will not meaningfully engage and will not be able to bring a significant proportion of their groups to a better and different place. But you don't know until you try, and we have been saying in our reports, year after year, that from engagement with paramilitary leaderships, which we do from time to time in the context of trying to see disbandment achieved, it has been made clear to us that there is a willingness among leaderships—certainly if we speak for a moment on the loyalist side—to engage in a process. That process will be very difficult and will have lots of turbulence, no doubt, but if that kind of willingness is shown and—I will put it in very succinct terms—if there is the possibility of an organisation parading out and standing down, why would we rain on that parade? Why would we not encourage such a thing to happen?

Q483 Carla Lockhart: John, I am going to interrupt you. I suppose this is a very wide question, but do you think there is a real prospect of that happening? Do you think there is a prospect of something more than sub-group transitioning? Do you think it would be full-group transitioning?

John McBurney: Yes. I think Marie Breen-Smyth gave evidence to the Select Committee about the notion of sub-group transition. That is based on some thinking that we all share—that it is going to be virtually impossible to bring 100% of a paramilitary group to a very different place. There will always be a remnant. The question that then arises is: how large is this remnant likely to be? It will have to be dealt with by police and justice responses and by organised crime group legislation—the whole piece.

If the majority—60%, 70% or 75%—of an organisation can be brought through a group transition process to standing down, leaving the stage permanently and moving into other community-type endeavours, activism



or whatever by purely peaceful and political means, that is an enormous prize, and it is to be cherished. Sub-group transition would be a lesser step, and it has within it significant risks and dangers in and of itself. I will give you one example. If you are engaging with a smaller group within a paramilitary structure, are those who are not part of that process going to see it as a divide-and-conquer attempt, and is that going to create unnecessary turbulence? If a large proportion of the wider grouping is already saying, "We will engage," why would you progress forward and engage with a smaller cell or compartment of that wider organisation when you are being given the opportunity to engage with the vast majority of the group?

Sub-group transition is there for discussion and debate, and there are perhaps some examples across Northern Ireland of organisations that are effectively sub-group transitioning, but I come back to the notion—I am sorry to hog the time—that if paramilitary leaders are saying, "We will engage meaningfully with an independent person and a wider transition endeavour, dealing with the ending of recruitment, the decommissioning of weaponry, engaging with legacy bodies, allowing people to leave the organisation without repercussion and so forth," we have to seriously consider that as a viable step forward. I hope that helped a bit, Carla. I am sorry for the long-winded answer.

Carla Lockhart: Thank you very much, John.

Q484 **Chair:** Before we leave that issue, I just want to ask this. You referred to paramilitary leaders, John, and we live in an age and society where deference and hierarchy are very fluid. If the greyhairs and greybeards who often lead these organisations say, "Right, we're going to go down this route or that route. We're going to do it this way or that way," do we make an error in automatically presuming that everybody who subscribes to the group or is within the geography or whatever would say, "Oh yes, okay, fine. We'll just do as we're told and we'll all follow"? Nature abhors a vacuum. If some people decide to transition out of a group, leave or whatever, are people prepared to follow, in your experience, or will there always be some who say, "Okay, you want to quit the 'field of battle'. We're going to stay in it"?

John McBurney: Chair, in any process where you have a significant transition, there will always be, to use a vulgar term, leakage—leakage of members to other organisations or to smaller groupings that organise themselves and will call themselves "New" this, "Real" that or "Continuity" this. You will always have that. In the past—25 years ago and earlier—we have seen it, with splintering on the republican side as processes move forward, and there will be splintering on the loyalist side. As I said to Carla, we will be faced with a remnant—probably from each one of these organisations—that will never give up the prospect of turning quickly and decisively to violence, and obscene violence, to try to carry out their wishes. That will be the case on both the republican side and the loyalist side. But—this is a very simplistic term, but I think it's real—reduction of the problem is to reduce the problem—



Q485 **Chair:** There seem to be two strategies or two options. You just keep perpetually cutting off the head of the hydra—and then after the decapitation it regrows—or you cut the heart itself out of the hydra. The latter seems to be the most desirable, but the former seems to be the more likely.

John McBurney: I think that the years that have passed have shown us that it is impossible, in Northern Ireland terms, to see the end of all paramilitary and terrorist activity by purely policing and security service endeavours and, in the south, Garda Síochána efforts as well. The first track of the twin-track approach that Tim mentioned earlier is the policing and justice track. The policing and justice track will not get to that end result—it just won't. The years and years that we have witnessed have proved that to us. Those of us with grey hair and grey beards—I am one of them, on the screen—

Chair: You are lucky to have grey hair—

John McBurney: Yes.

Chair: Unlike Jim and I!

John McBurney: Those of us who have lived through that see that it is not a workable solution. We cannot arrest our way out of the thousands of continuing members of the various groups. In terms of individual transition, which is a worthy cause in and of itself, if someone leaves an organisation today because of old age or whatever, two young men might well be brought in as newly fledged recruits who didn't even live through the conflict and maybe were born after the agreement and so on. So that's a cycle that has to be broken. Dismantling the organisations, which would achieve the same thing as disbandment, is not—

Chair: Okay, thank you. I want to bring Ms Lockhart in now. I am grateful to her for letting me interrupt.

Q486 **Carla Lockhart:** I would never not, Chair. In relation to that group transitioning and to assets and funding, I am keen to explore further. We obviously had the terrible attack on DCI John Caldwell. It did shock us all, and our thoughts and prayers very much remain with him as he recovers at home. All paramilitary activity requires finance. If these groups dismantled their organisations, they would be dismantling their funding streams. Does that not act as bit of a disincentive? But I suppose my question is more that, because all paramilitary activity requires finance, where does that finance come from? Are there linkages between organised crime that would be established by the Provisional IRA?

Tim O'Connor: Carla, that is a fair question in terms of facing into a process of group transition, if such were to happen. By the way, on the first part of the first question you asked John—I totally agree with everything that John said in reply—you asked about the feedback that we had received since the publication of our report. Just briefly to come back to you on that, our primary audience in the first instance are the two Governments, because they are the governing authorities in terms of



taking up the idea or not. The response from both Governments has been positive, I would say. It is by no means over the line, but it is under active consideration. I think the Secretary of State was with yourselves on the Committee some weeks ago talking about this idea. I think he said words to the effect that he is looking closely at it. The Irish Government have similarly made comments. So the answer to your question is: we have not been told no, shall we say. Even more positively, it is under active consideration.

On the question about funding and assets, that is going to be a very difficult part of all of this. I know this question has been asked before in the Committee about the assets of the Provisional IRA. Those are big questions for us in terms of group transition and, in the first instance, probably for consideration by the independent person. That question is certainly going to have to be resolved in any satisfactory process of group transition and disbandment. We do not have an answer now, other than to completely agree with you that that is a key design requirement that is going to have to be met.

Carla Lockhart: Thank you.

Chair: Claire.

Q487 **Claire Hanna:** Hi, folks. Thank you very much for your evidence. It was good to see a number of you last week. Thanks for the really excellent presentations at the Queen's conference. I want to pick up on the issue of potential sub-group transition and the impact on other parts of an organisation that would not engage. How might the risk of non-transitioning parts of an organisation be mitigated? It is an opportunity to expand or satellite their criminal activities. It is something that we had raised with us in a session—if a certain branch or element of an organisation is prepared to move on, how do we guard against some other enterprising branch filling that space in terms of control or criminal organisations?

Monica McWilliams: It is a very good question, and it's hypothetical. The independent person, if appointed, would have to test that. We would hope that if one sub-group shows a willingness to go down this road, it would have a domino effect. It may also do what you suggest and lead to one group deciding to profiteer as a result. We were asked earlier whether this happened in Colombia or South Africa. Experience shows that there may be individuals who would attempt to profiteer if others were going down a peaceful transition route and standing down. It may not be a perfect process, but John has made the point that a reduction is better than doing nothing. That would become a policing project.

We have always said that you would need to put clear blue water between those people who say they are up for this, in terms of transition, and then we would have much more intelligence about the groups that aren't. At the minute, I think they are all being tarred with the same brush. From our discussions, we are trying to get a picture of those who show



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willingness, and to test that. Isn't that something we ought to be doing now, rather than just having the current stalemate?

It is also the case that those groups who approach us do need help. They don't have their own road map out of this. This will have to be tested; if they are genuine, it is a move away to letting politics work. Yes, you, I and everyone else would say, "Surely that should have happened 25 years ago," but we are where we are. I think we do learn from other conflict situations. Every one of them is different, and the context is different, but there are similarities. So we would have to tread that route very carefully.

Tim O'Connor: Good to see you, Claire, and it was good to see you last week.

I would take what Monica said, and also perhaps go back to John's point: we have been eating, sleeping and drinking this, and these are very difficult questions. It is a fair question. We are talking to the PSNI as well and really forensically going over all of this. To take John's point—I suppose that his analysis would have come partly out of these discussions—I don't know what percentage reduction he mentioned, but let's say 70%, and I suppose we have even hit 75%. If a prize of a 75% or 70% reduction was available, not only would that prize be available—let's go with the hypothesis here—but what you would be left with, in terms of the concerns you are correctly flagging, is that that grouping would be down to 30%. That also makes it a more manageable piece in terms of a policing and justice response, which can then be even more targeted and focused.

We have many problems, but I suppose that part of our problem right now is this mixture of politics, identity, criminality—all of them. I would use the analogy that it is like the mixture of salt and sugar. How do you separate salt from sugar? Everything is kind of clouded and shrouded. We need to separate out things here, which is partly what we are trying to do. Then, if you can have a process whereby you can get to John's 70% or whatever, your questions come in.

You have to accompany that then, though, with a very determined policing and justice piece, which is focused a bit like we did down south in '96 after the murder of Veronica Guerin. We introduced the Criminal Assets Bureau, which was able to go after the assets in a very targeted, focused way. Twenty-five years later, that has been very successful. That is just an example of where, when a context was created, a particular, determined, really strong focus can be brought to bear. I think that is the kind of thinking we would be having there, Claire. Your point is absolutely fair. That would be a critical question for any process.

Q488 **Claire Hanna:** Thank you very much. I appreciate those answers. It is good on popcorn, not in paramilitarism—the salt and sugar together.

That was a fair analogy about the different tools. Overall, on the different organisations, including the police and the Governments, what do you think the key lessons are in terms of the good and the bad of how we



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have done transition over the last 25 years? Is there a clear sense of the things that work and the things that don't work?

Tim O'Connor: I am sure colleagues will want to come in; I will just make one quick comment. I guess, looking back to 25 years ago—you were there last week, when the focus was on it—we were coming out the gate of Good Friday and so on, and it was all about, "Let's move forward with implementation of all the different elements of the agreement." I suppose the heroic hope was that, with all of that then, we would gradually, one by one, resolve the issues, including paramilitarism then just disappearing.

If you do the scorecard, a lot of good things have happened in the last 25 years, and a lot of things did happen as we hoped, but we also know that some things didn't. Nobody is saying that paramilitarism today is on the scale that it was 35 years ago—nobody is claiming that—but there is a residual dimension of it that has us occupied around this table here this afternoon. Unfortunately, the organics, if you like, which took care of some things, did not take care of this. Now we are left with this residual, unfinished piece of the business. That is why we have had to regroup over the last five or six years with a renewed effort.

What I would be saying to you is that what this effort has done—through the combination of the Tackling Paramilitarism programme and the efforts of the paramilitary crime taskforce and so on, and through this twin track—is that there are now, and Monica was making this point, a lot more measures and programmes in place to really bring a focus to bear on this. The good thing is that they are, more and more, being joined up. The latest initiative now, which is chaired by Jayne Brady, the head of the Northern Ireland civil service, is called the Tackling Paramilitarism Sponsor Group, which is actually a further attempt to pull the pieces together.

I suppose those are the learnings, Claire. It is only through this whole-of-Government and whole-of-system joined-upness that you can do this. The issues are so complex and interconnected that it is only with complex, interconnected responses that you can do this. We still think, none the less, even though that is all good stuff and needs to continue, that if we want to get to the shoreline we are all describing of the full ending of paramilitarism, some process of engagement with the groups to bring about disbandment is necessary. That is our analysis.

Monica McWilliams: I have learned a lot in terms of the aftercare of the years beyond the agreement. Expectations were high. Did we do demobilisation completely? No. Did we do reintegration in a way that we thought people would move off the scene, or indeed that there may be support for those who had shown remorse and who were prepared to acknowledge what they had done and to take responsibility for doing things differently, and did we decommission all the weapons? Probably not. Was it a perfect peace? It was probably imperfect.

The fact is that we are where we are at after 25 years, and other countries are looking to see what pieces worked. I always say learn from our mistakes as much as from what we did well, and this was probably one of



the mistakes. We should have paid much more attention to the issue of the legacy, in terms of victims and survivors, and much more attention to this issue, particularly around what we were going to do on young people who ended up aspiring to get into these groups, as opposed to running miles from them. Did we employ a big enough peace dividend to those areas that were left behind? Probably not: there was the marginalisation of the periphery and of the vulnerable groups, who ended up being rich pickings.

We have tried our best, in the seven years that we have been in place, to pay attention to that. Some of the recommendations we have made we are now saying are timely. There is a window of opportunity in the next few years, and we must take it. That is a risk, but I guess peace building is risk taking also. Time will tell whether we have made the right choices here. Some of them might be mistakes, but they are worth taking, because we have got to move into a more peaceful transition and put back together not only our governance, but the pieces of the communities.

Q489 **Claire Hanna:** Dr Reiss, did you want to come in as well?

Mitchell Reiss: Yes, thank you. From my perspective, what has worked in Northern Ireland over the last 25 years is devolved Government. When Stormont is up and running, the place works better. When there is foreign direct investment attracted to Northern Ireland to create meaningful, good, private sector jobs, Northern Ireland works better. The remarkable transformation of the RUC to the PSNI does not get enough credit, but again it was almost unthinkable 25, 30 years ago, and I think it is a real success story.

There are a couple of other pieces I would like to add. There is far too much segregation in Northern Ireland in terms of education in communities. Then, there is the point we are really focusing on today, which is that loyalism has not had a political voice or meaningful political representation, whether because it feels alienated or because of a lack of leadership within the community, for whatever reason. That is what we are really dealing with today.

There is not a political leadership that can help these paramilitary groups transition, as we saw on the other side. So again, this is all one of the consequences of us perhaps not paying as much attention as could have been paid, but we are trying to redress the situation now by this idea of an independent person, perhaps leading to some type of negotiation where there is proper engagement and we can see a much better outcome.

Claire Hanna: Thank you very much.

Q490 **Stephen Farry:** Good afternoon, everyone. First, to pick up the theme of group transition, which I suspect is a major focal point for us, I have a couple of questions in addition to what has been said. Can someone try to outline for me the current barriers that are stopping paramilitaries from stopping now? What is it in society that is preventing that from happening? I appreciate that there are foot soldiers, so to speak, with



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drug debts and loan sharking debts, but what is stopping somebody in a position of control in those bodies from stopping?

Monica McWilliams: John, do you want to come back on this? Tim, Mitchell and I have just held the floor for a little time.

John McBurney: Thanks very much, Stephen. It is very nice to speak with you again on these subjects. We have explored, on many occasions, what the barriers are to disbandment. Then, underneath the umbrella of the barriers to disbandment come the barriers to engagement. If we break it down, first, on what are the barriers to engagement, you have paramilitary leaders who will say, "We are prepared to enter in a process, but we need it to be a process where"—as the Chair said earlier—"other individuals do not then simply fill a vacuum." Taking Claire's point about sub-group transition, if a sub-group does transition, will some other non-transitioning group simply move in and claim the territory?

Barriers would be the fact that there is not actually a process in which to engage. So if you take an elderly paramilitary leader who says, "We would like to talk about the organisation standing down and paramilitaries leaving the stage, what is to happen about any remaining weaponry? How do we change the public narrative about where the organisation is at and what is happening within the organisation?", there is no process in which to do any of that. So, from that point of view, you are really then asking for a lightbulb moment when some of the thousands of individuals who traditionally have been connected to a particular group meet in a field or wherever and say, "From midnight, we no longer exist." That is simply not going to happen, nor has it happened in the past with any organisation that I am aware of.

The main barrier is the fact that there is not a process to put any of this to the test. We report and bring recommendations. We are not an assessment body, but within our bailiwick we have been able to listen to paramilitary leaders saying, "We want to meaningfully engage with the process," the end result of which will be that the organisation no longer exists as a disciplined, militaristic-styling organisation.

Q491 **Stephen Farry:** To follow that, Mitchell used the word "negotiation" in his last answer. There would be concerns in some quarters that the process of group transition or sub-group transition involves some sort of quid pro quo or a negotiation. That begs the question: what is it that the rest of society has to give up to facilitate that in either resources or something else? To most people's minds, this should be a one-way direction of travel.

John McBurney: I tend to use the word "brokerage", but I don't resile away at all from the word "negotiation". There have been many elements to it, Stephen, in a process, and it will have to evolve. Each group is slightly different from the other. You have several groups on the republican side not on ceasefire; you have several groups on the loyalist side on ceasefire. You then have to develop a bespoke process for each one of these groups as they come forward and engage.



It is too simplistic to say, "Oh, there will be money thrown at this project." It is a situation where these groups have political endeavours, perhaps in some cases in their infancy. They want to develop into community activities within their own communities, and they can see that continuing in the militaristic structures is counterproductive to moving forward in any of that. It seems so obvious to be stating that, but to break free from the militaristic structures without the vacuum being filled by others who will steal the badge and then try to invent themselves as being the new arrangement, that is a barrier and a concern. You are trying then to bring the widest possible percentage of a group to a better and different place without creating any kind of vacuum.

It is easy to say that these people just go away—go away to where? They never left where they have been at and are at now, so there is no sense of going away. It is a changing; it is a morphing; it is an altering; it is a new way of functioning entirely, but not a "going away".

Stephen Farry: Sure.

Tim O'Connor: Could I just—

Q492 **Chair:** Tim, before you do, I just want to ask a supplementary on what Dr Farry has asked. You mentioned political activity. Is there any trend or evidence that you have picked up on of people saying, "If we are going to do that, we are going to start talking to the official political parties" or, indeed, of the political parties themselves reaching out to say, "Why don't you join us in this ballot box initiative, this functioning of democracy?" What is your assessment of the relationship between the parties and these groups?

John McBurney: I think, Chair, that because there is no process, there is no cover for developing those kind of arrangements to which you refer. There is a complete absence of cover to do what you have just described, because it is not within a process bringing these organisations to a completely different, non-violent, non-disciplined, organised structure away from that. In the absence of a process, any central political party engaging with paramilitary leaders, or any organisations linked to the paramilitary groupings, is then at risk of being severely criticised for that engagement. There is no context of achieving disbandment because there is no process.

Tim O'Connor: That is a very important point, just in terms of analysing where we are at. I just want to take up what John was saying in conversation with Stephen. Stephen, one of the things that we address in this part of our report, because we recognise that what we are putting forward is very challenging—you are absolutely on the record, and your party is, that you have very grave misgivings about it. We absolutely understand that and they are very valid concerns.

There is not a definitive answer, but one of the things we look to in this report is international practice under the UN. In terms of tackling conflicts more broadly internationally, disarmament, demobilisation and



reintegration is, in a sense, the official UN response to your question, Stephen. What is supposed to happen to groups as conflict comes to an end? Chair, if you could indulge me briefly—

Chair: Always!

Tim O'Connor: Thank you, because I think this is valuable. This is a couple of sentences from a UN briefing paper: DDR “is a process through which members of armed forces and groups are supported to lay down their weapons and transition to civilian life. DDR processes contribute to stabilization and peacebuilding efforts, and to creating an environment in which a peace process, political and social reconciliation, access to livelihoods and decent work, as well as sustainable development can take root. For these reasons, DDR processes should be seen as integral parts of efforts to consolidate peace and promote stability, and not merely a set of sequenced technical programmes and activities.”

I suppose my point is that this is a recognised part of the finishing of a conflict. We are not making this up. It is recognised that it is highly problematic for all the reasons that your colleague said, but we are talking within a structure here.

Q493 **Stephen Farry:** That brings me naturally to the two questions I was supposed to be asking you. The first issue I want to pick up on, Tim—your colleagues may wish to come in on this as well—is around resourcing. I think that Northern Ireland is slightly different in terms of the DDR model, in that we do have social infrastructure in Northern Ireland in place already. My question is: what concern do you have around the funding of that?

Northern Ireland is in a budget crisis, which is about to get even worse. There are issues around mental health support—the structures there are being defunded. We have seen the loss of the European social fund, which supported a lot of work, particularly with marginalised young people—that is being eroded. We are seeing education cuts that are targeting, again, those who are most vulnerable in society. Our ability to engage in training, youth work and apprenticeships is being eroded. Alongside the commitment of the Governments in Westminster and Belfast to the paramilitary strategy, what is your concern around funding, both specifically to the paramilitary action plan and more generally in terms of the wider social infrastructure that will be important for DDR?

Tim O'Connor: I will be quick because I know Monica wants to come in. I repeat what I said to the Chair at the very beginning: we would be very concerned about that. We are coming off the back of last week’s events in Belfast, when everyone was reflecting on 25 years, but we all know that the work is not finished. You have just given the outline. The plea to all of the key purse-string holders in London, Dublin and Belfast is that this is unfinished business. If we are serious about completing the journey, we have to keep these resources going across all of the points you have just raised. It is absolutely critical, because the work is not finished.



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Really good work has been done under the tackling paramilitarism programme. All the various initiatives have been done, and we now have a framework in place—if I can use that word—towards bringing this to a conclusion. It would be a huge mistake now if we were to start dialling back on the resources. They are more necessary than ever if we are going to get to the fully peaceful society that we all seek to achieve.

Monica McWilliams: Stephen, all of those services that you have just spoken about are actually part of what we would call the systemic piece of our work—the twin track. If you do not tackle it with mental health services, employability and opportunities for the future, you will not get the transition. If that has been taken away—in particular, the youth services, which I just heard about today—what kind of services are we going to provide this summer if there is any particular unrest? We saw how well they provided support in the past. You are quite right to draw attention to that, but let me nail that one on the head.

When we talk about group transition, we are not talking about one penny of public or taxpayer funding going in the direction of those groups in order for them to transition. They do it because it is the right thing to do, not because of some financial incentive to do it. I think society's rightful concern is that they might be being paid to go away, but that is nothing to do with our recommendations—quite the opposite—so I am glad you raised that.

Many of the groups are charities and are working as registered charities. They talk about wanting to be menders of their communities. If anyone ever believed that they had an ideology that saw them as defenders, they want to move away from all that. No one should be paying them to move away. It is their concern, too, and I have no doubt that they see the cuts coming. We should probably all look at this as a window, because it will not come around again—particularly Peace Plus, which is the last of the European funds.

In the past, that helped. The very first peace programme, From Prison to Peace, was a very successful one, in which those who had gone to prison went into schools to tell children that it was not something they ever wanted their children or grandchildren to go near. Mentioning that is important, because we hear about the intergenerational effect of them not going away, and that their children and grandchildren are being affected by the fact that their family were at one time involved in the conflict.

There were a number of barriers that we had to address. One was that if people had a political conviction, they could never get a job in the public sector. The head of the civil service working group has addressed that, probably not as soon as it should have been, because many are probably older now and it no longer applies to them, because they are probably not in the “economically active” employment bracket. Small things like that have made a difference to full reintegration.

As for the question about the politics, I think that is really important. If people had a past, can they be politically active in the future inside



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political parties? Undoubtedly they were, and that was the case on both sides of the House, in republican and loyalist cases. We have met a group on the republican side who say that they are on ceasefire, against the agreement and standing in the local elections. Is that a good thing? That is probably part of transition. If we are successful, the community will let them know.

Democracy is all about constructive, not destructive, opposition. That is probably what some of the groups on both sides are now looking at. If they are serious, the political channels may well open up to them.

Q494 Stephen Farry: My final question is to Dr Reiss. There are distinctions between genuine community organisations, including ones that might have fully transitioned from being paramilitaries, and those that are still paramilitary connected, masquerading as community organisations. How do the Government and other agencies draw the distinction between the two? Clearly, one is benign and beneficial to the community, while the other may be exercising ongoing coercive control. How do they draw that distinction? It is a very fine one, at times.

Mitchell Reiss: The largest distinction is between criminal and non-criminal activity, so there is already a code and a set of rules and regulations that will help you make that distinction. I understand that the Justice Minister has also called for a statement—although I am not sure what the right term is for it—that anyone who receives public funds must assert that they will use them for the public good and will deny that they are going to use them for criminality; if it should be found out otherwise, the funding will be removed.

There are therefore tools and instruments to do this. Is it going to be perfect and work 100%? Probably not, because very few things in life do. But I think that there are ways to be careful, to be thoughtful and to make sure that public funding is used only for purposes for which it is intended. That is true not just for these types of groups, but for any aspect of public funding across the board. We seem to do a pretty good job most times of ruling out corruption, so I do not see that this would be any different.

Q495 Mary Kelly Foy: Thank you to the panel for your really useful and important input today and weeks earlier. John, you mentioned that if we are going to bring an end to paramilitary groups springing up, it is not just about the police and justice system; it will include a whole-system approach and third-sector organisations. However, we have had the PSNI raise concerns about their budget position; they describe it as very challenging and as something that could result in a need to prioritise core law enforcement initiatives over the other important prevention and early intervention work that is needed for a longer and sustainable outcome.

I guess that some of those approaches would be around violence. We have seen a rise in violence and criminal gangs, and these gangs are preying on vulnerable people. We heard from the meetings that it is mainly because of poverty and the lack of jobs. There is a lot of money laundering, trafficking and drug dealing. Budgets may not be able to



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cover that sort of policing, and the PSNI have presented us with the stark reduction in police officers, detectives and other experts in the field. What are your thoughts about the impact of the current budgetary pressures on the PSNI's ability to tackle the paramilitary groups and the rise in dissident republican groups?

John McBurney: That is an interesting question that is very pertinent at the present time, with all the budgetary scenarios that we are contending with. It will be very damaging if the funding for the paramilitary crime taskforce is cut back. It will be very damaging to the whole endeavour to bring about the ending of paramilitarism and terrorism throughout Northern Ireland. If neighbourhood policing is significantly cut back, it will be very damaging to the entire endeavour. I think the Chief Constable and his top team of officers appreciate that very intently, because we have embarked now for a number of years on trying to develop as wide a strategy as possible—the twin track that Tim mentioned earlier. We are now teasing out the possibilities in relation to group transition, the independent person and all of that. We cannot be doing all of that and then discover that the structures that have been put in place to carry all this forward are being allowed to wither on the vine and even disappear.

There are youth services that are diverting young people from being drawn into these paramilitary groups. There are youth services that are now on their knees in terms of funding and have people on protective redundancy notices and so forth. These are youth workers who have been doing sterling work in diverting young people away from being drawn into these paramilitary groups, and in diverting them away from trouble at flashpoint times, for various reasons connected to different events throughout the year. We step back and we witness these being emaciated and diminished in their resources, and all of that is of great concern if we are serious about prioritising the ending of paramilitarism.

Cyber-crime, domestic violence and all those other matters are very, very important and must be progressed, but we are dealing here with paramilitary groupings that have, and have traditionally had, thousands upon thousands of members. So if you are engaged in an endeavour to try to see those organisations dismantled, disbanded, ended or leaving the stage—use whatever term you wish—we cannot be allowed to have a blind spot towards that, not for one day, one week, one month or one year.

Tim O'Connor: I would just like to add to that. Your question is very important to us because—as we keep saying, and as Monica said—a very comprehensive and, I would say, sophisticated process has been built and is being expanded across Northern Ireland to address this very difficult, resilient issue of the peace process. As John just said, it has many moving parts. We are getting a better understanding all the time that it is a kind of ecosystem that has to be nurtured, developed, supported and resourced across all its elements.

Having gone to this big effort now, societally, to put it together and to put the investment into it, I think it would be a tremendous tragedy. I will just repeat what I said to the Chair at the start. With your influence with the



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Secretary of State and the authorities, we have got to make the plea here that, having gone to a huge effort to build all this up, the job is by no means done. I hope this is not too extreme a word, but I think it would be catastrophic now for that to happen because of the absence of resources.

As John said, it is not just about the paramilitary crime taskforce, which is a specialist grouping that, as you know, has been established under the programme to do this. They do very good work, and it goes without saying that we are asking for their resources to be continued. Also, as John said, it is also about neighbourhood policing, because the neighbourhood police are the police who actually understand. Literally house by house, door to door, they have the granular understanding and so they are a key, key part of it as well. Anything that involves cutting back there also damages the wider ecosystem that is painstakingly being built now. Thank you for that question, because it is so critical.

Mary Kelly Foy: Thanks for that. I guess I do not need an answer on this one, but given what you have said, that does reflect on the UK Government's commitment to New Decade, New Approach and the statement that the PSNI and others are appropriately resourced to deal with terrorism and paramilitary activity.

Chair: Are there any other questions from colleagues? No? In that case, I thank our witnesses very much indeed for the second half of our session. We are grateful, and I would like to put on record, on behalf of the Committee, our gratitude for the work in this area that the commission does. It is important, you are doing good work and we are grateful to you for doing it. Thank you very much indeed.