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Discussion Document LC - 11 September 2003

## 1 Purpose

- 1.1 The purpose of this paper is to take stock of progress and lay the foundations for a debate that will challenge the status quo, define the role of the Commission and come out with a strategy that will provide direction and purpose. It seeks to do so in a way that realistically deals with what is deliverable. It acknowledges the fact that the Commission is a multi-organisational body and does not seek to interfere with the integrity of any group's independence, but aims to highlight issues and areas that will collectively affect the work of the Commission if not addressed. It is also intended to provide a framework for the Commission's work and to ensure that all member organisations are committed to their respective positions and all comments are predicated on confidentiality.

# Loyalist Commission

## Discussion Document

- 1.2 The LC was formed with the following aims:

- A. To reduce tensions between the major loyalist paramilitary groups thereby contributing to peace and stability in the north and south of Ireland and minimising the potential for further conflict.
- B. To co-operate in contributing to the peace and welfare of loyalist communities.

## 2 Paramilitary Relationships

- 2.1 The Loyalist Commission has contributed significantly to cordial relations between all member organisations at leadership level, which has been developed into a formal dialogue with the Commission. In recent months the manifestation of co-operation between the RUC and UFFG has been a significant step forward in the process of reconciliation and provided a basis for further dialogue.

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- 2.2 However, external organisations and individuals have entered the field and have continued to hinder the Commission's progress over the past two years. The hindrance has been the result of either internal difficulties or an incident between member groups escalating into an area specific dispute. Although in the main where member groups of the Commission are concerned, both sides have shown restraint and aspire to resolve the issues involved peacefully. However, there are some local situations unresolved that have the potential to undermine the co-operation and unity of purpose aspired to by all. It is imperative that these do not become a permanent hindrance to the satisfaction of all. Otherwise they will create a backdrop that will make meaningful progress difficult. Existing protocols for dealing with incidents between Commission organisations need to be reviewed and agreed.

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## 1 Purpose

1.1 The purpose of this paper is to take stock of progress and lay the foundations for a debate that will challenge the status quo, define the role of the Commission and map out a strategy that will provide direction and purpose. It seeks to do so in a way that realistically deals with what is deliverable. It encroaches on topics that are internal to the membership organisation, but does so not to interfere with the integrity of each group's independence, but simple to highlight issues and areas that will collectively effect the work of the Commission if not addressed. It is also written without the full insight of decisions of the Inner Council and respective Brigade Staffs. The assumption is also made that member organisations are committed to their ceasefire positions and all comments are predicated on consolidating it.

1.2 The LC was formed with two primary aims: -

- A. To reduce tensions between the major loyalist paramilitary groups thereby contributing to healing the hurts of the 2000/2001 feud and minimising the potential for further feuds.
- B. To co-operate in contributing to the peace and welfare of loyalist communities.

## 2 Paramilitary Relationships

2.1 The Loyalist Commission has contributed significantly to cordial relations between all member organisations at leadership level, which has developed into useful dialogue out with the Commission. In recent months the manifestation of co-operation between the PUP and UPRG has contributed significantly to the public perception of enhanced relationships and provided a basis for optimism within loyalist communities.

2.2 However, external organisations and 'individuals' have ensured that feuding has continued to hinder the Commission's progress over the past two years. The feuding has been the result of either internal difficulties or an incident between member groups escalating into an area specific dispute. Although in the main where member groups of the Commission are concerned, both sides have shown restraint and aspire to resolve the issues involved peaceably. However, there are some local situations unresolved that have the potential to undermine the co-operation and unity of purpose aspired to by all. It is imperative that these do not fester and are transparently resolved to the satisfaction of all. Otherwise they will create a backdrop that will make meaningful progress difficult. Existing protocols for dealing with incidents between Commission organisations need to be reviewed and agreed.

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- 2.3 The internal difficulties within the UDA have largely been resolved and any future incidents will probably be as a result of the remnants of the old C Company creating problems. The potential of the fall out from this dispute periodically rearing its head will be a reality that will have to be lived with for the foreseeable future.
- 2.5 The existence of the LVF and its aspiration to expand remains a threat to stability within loyalist para-militarism. There remains an uneasy peace between the UVF and LVF, which at times manifests itself in minor incidents. In order to minimise the LVF's potential to spark a major feud, there needs to be an agreed protocol on how provocation is responded to within the framework of the ceasefires. If consensus is not reached by member organisations prior to such a happening then the agenda becomes controlled by the LVF who could engineer incidents to embarrass and discredit the main loyalist organisation's strategies.
- 2.6 Differences in approach will always exist between member groups; mistrust and rivalry will only be dealt with through time and genuine engagement. The hurt of previous feuds will not be airbrushed from the experience of many. However, for the greater good of Loyalism common cause must be found where possible and disagreements must not again be allowed to translate into armed feuding. The recent opportunity for the Commission to input in the Prison Review body and offer to act as a guarantor in any settlement was a major advancement in effectively using the Commission by empowering it to act on behalf of all three groups.

### 3 Unionist Relationships

- 3.1 A founding aspiration to include the wider unionist family in Commission discussions would appear to be better served at local level at this point in time. The danger of party politics being played out against the backdrop of contact with the Commission is a distinct possibility. Many interested parties are already briefed on the work of the Commission and privately recognise the contribution to peace and stability already made and the potential for future positive interventions. The Commission's desire to support unionist unity where appropriate was evidenced in the pivotal role played in the Shankill Convention.
- 3.2 The contact with David Trimble has proved useful with distinct advantages, however it also creates suspicion and allows some to allege a particular partisan approach. The reality is the Commission has always maintained its integrity and independence regardless of party political bickering and unionist fragmentation. The Commission seeks a more pragmatic approach by focusing on the opportunities and challenges of the post Agreement debate that deals with the legacy and the fall out from it. The views of the member organisations on political issues are the responsibility of the PUP and UPRG to articulate; the policies advocated simply inform the context in which the Commission functions.

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#### 4 External Relationships

- 4.1 One of the successes of the Commission has been the ability to engage with a wide range of individuals and bodies. This has often been with the support and facilitation of the three Protestant church leaders, whose commitment to the work has been key. The meetings that have occurred have largely been exploratory and involved those present articulating the mood of loyalism and sharing about the work of the Commission. There is scope for such meetings to continue not least with political parties, including the Alliance, SDLP and Women's Coalition. However, it is time to formalise some of these contacts into structured relationships, those falling into this category would include NIO; OFMDFM; Republic of Ireland's Government. Such a development would require a more focused approach as to the purpose and agenda of such engagement.

#### 5 Contact with Republicans

- 5.1 While an emotive issue and one that evokes the line in the sand position. It has to be recognised that two avenues of contact with PIRA have been engaged in, albeit with deniable cover and intermediaries and on both occasions responses to the issues raised were forthcoming. There are significant benefits in using the Commission as a vehicle for such dialogue - not least the endorsement of all member groups - if the necessity arises, which in a conflict resolution process is inevitable. Therefore it would be advantages if the Commission began to establish rules of engagement and identifying issues that need addressed in order to be prepared for such an eventually. Individuals unwillingness to engage with republicans is understandable, however if parameters are not thought through and the ground work undertaken in organisations to prepare for engagement then the Commission becomes responsive rather than proactive and the agenda is outside it's control.

#### 6 Commission Structures

- 6.1 In order to manage and address the issues raised in this paper the relationships and co-operation between the UVF, RHC and UDA must be significantly enhanced. The dynamics within the Commission need to progress from cordial to good and must be encouraged and reflected at every level of the respective organisations. Decisions must be owned by the respective memberships and the mutual benefit derived from such a joint approach recognised by all. Hurts of the past and territorial rivalries must be managed to ensure they do not hinder progress. The Commission can play a key role in this process and the following suggestions are made to enhance the Commission's working arrangements and protocols to facilitate progress.

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- The Commission meets on a monthly basis, with every third meeting attended by the respective leaderships.
  - The representation at all meetings becomes more formal - the present revolving door policy, while useful to establish inclusiveness needs to be replaced with one more conducive with making decisions and implementing strategies.
  - That at least every other meeting is held outside Belfast, when if appropriate local activists of member groups will have an opportunity to engage with the Commission.
  - A review day is arranged to devote time to discussing this paper. The nature, format and agenda to be agreed at the next meeting.
  - Encourage enhanced co-operation on Interface Initiatives; Restorative Justice; Bands; Mural Replacement. Good practice in one area needs to be shared with other parts of the Province.
  - Establish where appropriate locally based Commission style initiatives that include local clergy and community activists. Areas of good practice that are being recognised publicly in this respect include Ballymena and East Belfast.
  - Joint training be provided in areas of history, ideology and citizenship. One possibility that could be immediately explored, is to develop the 'Principals of Loyalism' presentation by making it more accessible and appropriate to all member organisations. Indeed there is a strong case that to enhance the unity of the unionist family it could be adopted for an even wider constituent.
- 6.2 The principal of veto in Commission decision making must remain guaranteeing the genuine commitment of all to actions agreed. It would be helpful to articulate the relationship between the Commission and the PUP and UPRG, not only for demarcation purposes, but also to ensure continuity of approach when a political line is being pursued.
- 6.3 The greatest barrier to development of the work of the Commission is the time restraint of those involved and the lack of resources. These deficiencies must be addressed if we are to develop even a percentage of the actions emanating from the debate surrounding this paper. The previous idea of a Commission Office maybe worthwhile revisiting and is explored further elsewhere in this paper. The immediate need is for a dedicated co-ordinator to enhance communication and administration.
- 6.4 Revisit the established working groups and put in place clear working agendas with aims and objectives. It will be advantageous to increase the number of lay persons on the Commission to help share this workload.

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- 6.5 The PR working group is the only one that has maintained any momentum and a strategy is beginning to be formulated. However, in order to address immediate needs a series of exclusive press interviews may serve the purpose of keeping the Commission's profile in the frame and counter some of negativity, which emanates largely from a lack of knowledge of what the 'so called' commission is about.

## 7 Paramilitary Activities

- 7.1 The Commission respected that its function did not involve decommissioning, however it has always sought to ensure that all illegal activities engaged in were consistently challenged and critiqued. The rationale for current illegal activity appears to fall into four categories offensive, defensive, punishments and fundraising.

### 7.2 Offensive

All member groups of the Commission are currently on ceasefire. The reality of this being violence is not a credible or justifiable option - a ceasefire - is a ceasefire - is a ceasefire - exceptions should no longer be permissible for the integrity of the member groups. The respective memberships need to buy into the concept of the benefits that will result for Loyalism from an honoured ceasefire. It is recognised that the maintenance of the ceasefires will prove difficult if there is an increased effectiveness in republican dissident violence. However, maintaining the peace is always more difficult than waging war. If organisations allow themselves to be drawn into retaliatory action then they are allowing outside influences to dictate the agenda. Commission organisations need to effectively control their own destiny, being predictably reactive especially militarily allows others to manipulate them to their benefit.

- 7.2a The lay members on the Commission are convinced that the preferred direction by the majority of the leaderships is that of pursuing peace. There is no credible evidence that either UDA, UVF or RHC currently wish to pursue a policy of aggression. Indeed, the Commission has encouraged and witnessed substantial moves to negate such activities over recent years; i.e. the significant reduction in number of pipe bombings; restraint shown in the face of republican provocation; involvement in initiatives to reduce interface tensions. These activities need to be quantified, monitored and managed to combat a hostile press and a sophisticated republican propaganda machine.

### 7.3 Defensive

There is recognition, especially due to the running down of the security forces that there arguably remains a potential role for Loyalist Paramilitaries in respect of defending local communities. However, the maxim that the best line of defence is to attack is not permissible in this context. There are

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several examples over recent years were Loyalist Paramilitaries engaged solely in defensive action, using where possible peaceful means or showing considerable restraint that resulted in successful outcomes. The role of defenders is one that may be articulated to members as currently the primary focus for existing. Therefore some of the energies previously used to engage the enemy offensively must be redirected and utilised to this end.

#### 7.4 Punishments

There is clear evidence that local communities often welcome the role of judge and jury played by paramilitaries on occasions. However, popular it may be - it must stop and strategies developed to encourage Restorative Justice programmes as a viable alternative. Sadly, while supported in principal by the police, effective resources and commitment have not been forthcoming, because of the resistance by republicans to become involved with PSNI. If supporting Restorative Justice became a negotiating item to facilitate the halting of punishments, the leverage created may be sufficient to establish their effectiveness and credibility to a wider constituent.

7.4a The PSNI are responsible for investigating crime and enforcing the law, therefore they alone must be held accountable for their success or otherwise. While there are clearly questions regarding the effectiveness of the police service at present, a healthy respect for law and order are essential to a stable society and must be encouraged by all. Ultimately to continue to provide a 'summary justice' service will be self-defeating to the ideals aspired too.

7.4b Punishment beatings and shootings are counter productive as a means of internal discipline, if an organisation is worth belonging to expulsion must be the ultimate sanction.

#### 7.5 Fundraising

It is accepted that all organisations need funds to function, not least paramilitaries with all their associated costs - political development; prisoners; wages; transport; etc. However, the criminal methods used to secure funding for Loyalist Paramilitaries are more exposed in the emerging peace and therefore less acceptable now than during the conflict. In addressing this issue it may be useful for an internal fundamental reassessment of financial needs of each organisation. The participation in criminal activity to fund paramilitary organisations has become the major stumbling block to acceptance and credibility at all levels of society. A conversation recently saw someone of influence describe the PIRA as having an ideology, while Loyalist Paramilitaries merely existed as criminal gangs. That perception is replicated in many communities, including working class loyalist areas. While arguably illegal activities may have been justified to fund a 'military campaign', organisations on ceasefire and pursuing peace have to reassess all aspects of their tactics and practice and desist from those activities that are not only unacceptable, but have the potential to fundamentally destroy the fabric of the organisation.

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- 7.5a Simply put drug dealing; extortion and racketeering have to stop and alternative fund raising avenues explored. Such activities whether engaged in by criminals or paramilitaries damage the quality of life in loyalist communities. Indeed drugs do more to destabilise, demoralise and debilitate loyalist areas than the Republican movement did in 30 years of attacks. While paramilitaries are not the moral police and drug taking is a societal problem, there is a clear responsibility to disengage from any activity that tolerates or is involved in the drug trade, if groups really have the welfare of 'their' people as a principal for their existence.
- 7.5b Clear unambiguous statements need to be forthcoming as to where Loyalist Paramilitary groups stand on the various aspects of criminality described. The commission if desired can facilitate this role, however the disengagement must be transparent and effective. Known drug dealers, distribution points and premises tolerating drugs need to be exposed. Similar strategies need to be debated and evolved in respect of loan-sharking; extortion and other activities that destroy inward investment and economic growth, not to mention the misery to many individuals. The difficulties in addressing these issues is not underestimated, however if not addressed they will ultimately condemn loyalist paramilitaries as being responsible for achieving what the IRA failed to achieve. While many Commission meetings have discussed criminality and heard support expressed for tackling these issues - the time has come to move from the aspirational to implementation.

## 8 Post Conflict

- 8.1 The Commission seeks to create space to facilitate a debate as to the current role and future of loyalist paramilitaries. This process would look at the rationale and historic reasons for their existence, while seeking to define what their present and future role should be. This dialogue needs grounded in the membership or at least with the middle management of the organisations so that ownership of the outcome is assured. The view of many that Loyalist Paramilitaries exist to perpetuate their organisations and for personal financial gain needs to be addressed. A joint mission statement - i.e. 'The organisations that comprise the Loyalist Commission seek to defend Ulster and contribute to stable, peaceful and confident Loyalist Communities' - could herald a joint approach, however such words need to be backed by strategies, initiatives and actions that clearly underpin these roles. It will only be truly effective if all member groups combine their influence and agree on the way forward.
- 8.2 The culture of paramilitaries must be one of prefixing all their activities with the question. - Will this action enhance the community we seek to serve and defend? - If the honest answer is no - then the moral legitimacy of such an action is bankrupt and ultimately corrupts both the organisation and the cause they espouse.

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- 8.3 There needs to be a range of options that paramilitary personnel can engage in as an alternative to what went before, while keeping their distinct organisational identity and ethos. Activities could range from cultural to political; historic to active citizenship; community development to retraining. The possibility that members may simply want to get on with life and relinquish or park their paramilitary attachment - needs also to be accommodated.
- 8.4 There has been an influx of young recruits into all member groups, part of the rationale being to ensure they don't join another organisation and thus enhance that group's capability. While there is logic to this action, there must be clear strategies to ensure they do not simply listen to the 'war stories' of the past and seek to emulate such actions. But that there are pathways and training to ensure they realise the present position and future vision of the groups they have joined. Otherwise membership without meaning and direction allows the potential for a group of 'young Turks' to emerge with no clearly defined role for existing and mimicking attitudes that no longer apply to the current situation.

## 9 Monitoring Transformation

- 9.1 There needs to be a realisation that transformation is required and an understanding of the consequences of such transformation fully assessed and realised. Member groups while remaining true to their founding principles need to map out the process of transformation from conflict to normalisation including the resources and support needed to make the journey.
- 9.2 A situation existed for a short while where member groups monitored activities that they were accused of, either confirming or denying involvement. Once parameters have been agreed in respect of consolidating the ceasefire it may be useful to again formalise such an arrangement. This mechanism could also be utilised for investigation into allegations of criminality and alleged breeches of the ceasefire. The Commission's umbrella function makes it ideally placed to facilitate such a development. In theory this group could be the format for engaging with the International Monitoring Group, whereby a collective input could be achieved rather than allegations emerging of one group blaming another group. Depending on the logistics involved it may be worth resurrecting the idea of a joint office allowing a structure to be developed that would serve the wider needs of the Commission.

## 10 Conclusion

- 10.1 It has been stated had the Commission not existed over the past two years, it would have had to be invented. The present potential to move forward in the process of transformation and build on the good will gained is

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evidenced in the positive feedback of the Commission's work from those that matter. However, ownership of the Commission lies with member organisations and it will only succeed if groups want it to succeed. Those lay persons who identify and deliberate with the Commission are committed to working to achieve agreed aims to carry forward the policy of transformation. The positive impact on the Commissions role in addressing issues pertaining to Glenbryn; flags; murals; interface violence; threats; etc and their pivotal role in encouraging the Shankill Convention - the model which may soon be rolled out to other areas of the Province - are solid foundations on which to build and move forward. The role of the Commission, cannot be overstated in creating the context and backcloth for some of the most positive developments in normalisation. The preparedness to engage on issues surrounding drugs indicates the willingness to be involved in the hard issues. Society needs to realise that paramilitaries can only address directly what they have control over, they are neither the sole cause nor solution to all societal ills. Many of the problems faced by loyalist communities will only be resolved by a collaborative response from across communities. The Commission has regularly stated they seek to be part of those solutions were appropriate.

- 10.2 The Commission for several months prior to April 2003 had been preoccupied with actual and threatened feuds. The opportunity now exists to move on and constructively build on the relatively quiet summer. It was clear from early 2003 that Republicans did not want violence this year and hence the relative calm. Loyalist paramilitaries came to that decision several years ago, but were thwarted in their endeavours by Republican aggression. The question must be was the quiet 2003 summer another Republican tactic or an honest indication the ongoing war is closer to being over. The Commission need to be testing this premise and have a clear strategy to respond whatever way the Republican movement proceeds.
- 10.3 The bottom line being the less active the Provisional Republican movement are, the greater opportunity their will be for Commission member groups to respond accordingly, thereby making this part of the United Kingdom a safer place for all who reside here. The Government frequently draws attention to the fact that the quality of life is better now than during the 'troubles', however this tends to be contextulised as a solely republican manifestation of peace. The Commission must seek to articulate the contribution Loyalist paramilitaries now contribute to this process particularly in respect of addressing sectarian violence.
- 10.4 The Commission member groups must seek to support peaceably all those who genuinely seek to improve the quality of life in Loyalist areas This includes the transformation of communities both in terms of infra structure and contributing to a normal environment. This paper while prepared in the vacuum of political inactivity seeks to contribute to the process of transformation from armed aggression to peaceful engagement. The Commission is well placed to address the barriers to progress and to deal with the issues outlined so that loyalist communities remain British and live in peace.

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