

A new challenge or a new role? The ICRC in Northern Ireland

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Abstract

Despite the narrative of success surrounding the Northern Ireland peace process, which culminated in the 1998 Good Friday Agreement, there remain significant humanitarian consequences as a result of the violence. The International Committee of the Red Cross (ICRC) has opened an office in Belfast after its assessments demonstrated a need for intervention. While a two-year 'dirty protest' in Northern Ireland's main prison has been recently resolved, paramilitary structures execute punishments, from beatings to forced exile and even death, outside of the legal process and in violation of the criminal code. This article examines the face of modern humanitarianism outside of armed conflict, its dilemmas, and provides analysis as to why the ICRC has a role in the Northern Ireland context.

Keywords: Northern Ireland, the Troubles, Good Friday, transition, legacy, punishment beatings, dirty protest.



The signature of the Good Friday Agreement in 1998 signalled the end of a long-drawn-out period of violent conflict in Northern Ireland. With nearly 4,000 people killed and many more scarred physically and mentally, a line was drawn through

* This article was written in a personal capacity and does not necessarily reflect the views of the ICRC.

this turbulent and violent period of unrest. Fourteen years after the effective end of the use of force by all belligerents, the vestiges of this era remain worrying and carry significant humanitarian problems. These include the continuing use of punishment beatings by paramilitary-style groups, the unaccounted-for missing persons, persistent use of force by so-called dissidents, the ongoing detention of persons for ‘terrorist’-type offences and their separation in segregated prison wings, and street violence of a sectarian nature and against security forces.

As there is no armed conflict in Northern Ireland, the ICRC does not operate there on the basis of the provisions of the Geneva Conventions; instead, the ICRC’s responses are based on its humanitarian ‘right of initiative’.¹ They are defined by considerations relating to the ICRC’s added value as a neutral and independent international organisation that works with a variety of groups and governments in generating better humanitarian outcomes for persons who require them.

Throughout the cycle of violence² in Northern Ireland in the 1970s and 1980s, responses to humanitarian consequences of this violence were addressed by the state authorities, local communities and their leaders, and the paramilitary groupings engaged in the use of violence. The international humanitarian community was not present, or monitoring the context, and the absence of a label such as ‘humanitarian crisis’ reinforced state responsibility over a voluntary internationally led response. During this period, this eruption of violence, leading to more than 3,600 fatalities amongst a population of just over a million,³ was seen through a variety of prisms depending on the viewers’ perspectives – but humanitarian crisis was not one of them. And yet, the targeting of civilians sometimes by virtue of their religious-ethnic background, the use of lethal force, and the deployment of a security apparatus which included up to 26,000 troops on the ground⁴ would, with hindsight in most observers’ eyes, raise questions about the humanitarian consequences of the situation. Northern Ireland today remains, in part, a deeply sectarian community where divisions run deep; Belfast alone has

- 1 ‘The four Geneva Conventions and Additional Protocol I confer on the ICRC a specific mandate to act in the event of international armed conflict. In particular, the ICRC has the right to visit prisoners of war and civilian internees. The Conventions also give the ICRC a broad right of initiative. In non-international armed conflicts, the ICRC enjoys a right of humanitarian initiative recognized by the international community and enshrined in Article 3 common to the four Geneva Conventions. In the event of internal disturbances and tensions, and in any other situation that warrants humanitarian action, the ICRC also enjoys a right of initiative, which is recognized in the Statutes of the International Red Cross and Red Crescent Movement. Thus, wherever international humanitarian law does not apply, the ICRC may offer its services to governments without that offer constituting interference in the internal affairs of the State concerned.’ See ICRC’s mandate and mission, available at: www.icrc.org/eng/who-we-are/mandate/overview-icrc-mandate-mission.htm. All internet references were last accessed in November, unless otherwise stated.
- 2 The period between 1968 and the signing of the Good Friday Agreement in 1998 is known colloquially as ‘the Troubles’, a term that does not carry any legal significance per se and which has been contested by some of the groups engaged in the violence there. For the purposes of this article, reference will be made to the use of violence as reflective of the context during that time.
- 3 For example, see ‘Northern Ireland: conflict profile – the Troubles in Northern Ireland’, in *Insight on Conflict*, available at: www.insightonconflict.org/conflicts/northern-ireland/conflict-profile/.
- 4 For troop numbers, see ‘Table NI-SEC-03: British Army personnel (number) in Northern Ireland, 1969 to 2005’, compiled in Fionnuala McKenna, Brendan Lynn, and Martin Melaugh, *Background Information on Northern Ireland Society: Security and Defence*, available at: <http://cain.ulst.ac.uk/ni/security.htm>.

ninety-nine 'peace walls' dividing communities, and a week does not go by without the threat of violent dissident republican action.⁵ The main prison was the host of an ongoing dirty (or no-wash) protest for nearly two years, and the annual marching season generates sporadic street violence. For most of 2013, sustained protests over the removal of the Union flag from Belfast City Hall and violent protests over curtailed parades have led to violence, injuries, and growing national and international concern.

In the Northern Ireland context, peace processes dominate the national and international narrative and have become an exportable commodity through which former combatants can advise in new conflict-prone emergencies, for example. But what about those marginalised, radical, and frustrated communities who feel that the peace dividend has not reached them and/or where the overarching unanswered question remains an open and fluid political dispensation? What drives such groups to the continued use of force, protest, bombs, and even killings? And what particular value can the ICRC bring in such contexts, and in Northern Ireland specifically?

There is no gainsaying the challenges involved in looking at the very real difficulties of understanding and responding in humanitarian terms to these internal disturbances and tensions which at local levels cause suffering, injury, fear, and division, and where armed groups still manage to exert a mobilising influence amongst certain sections of society. Young men on dirty protest in prison, exiled and/or injured victims of so-called 'punishment beatings', households evacuated because of repeated bomb alerts, and children growing up with a strong sense of distrust in 'the other side' are all too common and unacknowledged features of the working class in Northern Ireland – these are all images that re-emerge when the television cameras highlight one or other grievance.

In such circumstances, the ICRC offers a perspective of independence and neutrality in its analysis and approach, and is one of a limited number of organisations that can cross political and community lines at ease and talk in confidence with cross-sections of society. This renders it uniquely placed to consider offering interventions, humanitarian in nature, in respect of those affected by violence, protests, or attack.

This article will discuss Northern Ireland during the violence in past decades and today, looking then at the existing need and the ICRC's responses. This will include examining some of the challenges and dilemmas faced by humanitarian actors, and a discussion of the added value that the ICRC can bring. The article will conclude by looking at the legacy of transitions more generally.

Northern Ireland: the context

The long shared history between the British Isles and Ireland reflects a not uncommon pattern of tribal loyalties and territorial raids over centuries. In time the

5 Sean O'Hagan, 'Belfast, divided in the name of peace', in *The Guardian*, 22 January 2012, available at: www.guardian.co.uk/uk/2012/jan/22/peace-walls-troubles-belfast-feature.

larger island was not only to dominate the relationship but also to assume a position as an imperial power globally, and while Ireland was incorporated into the state (Great Britain and Ireland), it retained an ambiguous and sporadically violent relationship with London, most notably around the allocation of resources, both political and material. The mainly intermittent and low-intensity struggle, with some notable armed confrontations, to achieve independence, occasionally aided by the enemies of Britain, finally led to an insurgent military campaign,⁶ which gave rise to the Anglo-Irish Treaty of 6 December 1921. With hindsight, the almost inevitable civil war (1921–1923) that followed focused most energies on managing the horror of divided communities and families, and not on addressing one of the main causes of the conflict, the last-minute partition of the island into two jurisdictions. Whilst this conflict was to ultimately lead to the formation of the Irish state, the temporary nature of partition remained and remains a political feature of the island.

Traditional Irish republican sensitivities, throughout the island and beyond, found it difficult to accept this political separation of the island, notwithstanding that it reflected the predominant wish of communities living in respective parts of the island at that time. This again intermittently led to violent campaigns by actors who cited physical force as the only way to secure full and rightful independence.⁷ Britain and its loyal (loyalist) citizens in Northern Ireland consistently viewed such behaviour as terrorism and as a violation of the criminal code. The conflict between armed and violent (proscribed) groups and the UK state was seen by the groups as a legitimate political struggle and by both the Irish and UK states as criminal activity to be prosecuted accordingly.

Irish Republican Army (IRA) violence re-emerged in the 1940s (1942–1944) through the Northern Campaign⁸ and again in the 1950s (1956–1962) through the Border Campaign,⁹ before the protracted violence that started at the end of the 1960s and was to persist until the end of the 1990s, known as the Troubles.

The rise of an activist civil rights movement in response to human rights abuses and the economic exclusion of specific groups in Northern Ireland, and the parallel and not unrelated emergence of militant republicans (and loyalists) in the late 1960s, led to four decades of violence and human tragedy on a scale not seen before in Northern Ireland. The period saw several thousand fatalities, bombings,

6 The War of Independence, as it became known, lasted from 21 January 1919 until 11 July 1921. It resulted in partial independence and the partition of the island.

7 Physical Force Irish Republicanism has a long history: see Dr Fearghal McGarry (Queen's University Belfast), 'The Easter Rising', in *Irish History Live*, available at: www.qub.ac.uk/sites/irishhistorylive/IrishHistoryResources/ArticlesandLectures/TheEasterRising/, which discusses the effect of the Easter Rising in 1916 – it 'led many nationalists to believe that the use of force had achieved more than decades of patient constitutional activity'. In more recent history, such tactics are cited in the Troubles-era Irish Republican Army Green Book; see *Irish Republican Army 'Green Book'* (Books I and II), available at: http://cain.ulst.ac.uk/othelem/organ/ira/ira_green_book.htm.

8 The Northern Campaign refers to the IRA plan to attack British forces in Northern Ireland during the Second World War, between September 1942 and December 1944.

9 The Border Campaign, also known as Operation Harvest, was a series of attacks by the IRA on Northern Ireland in 1956–1962.

bomb alerts, a highly visible military presence, and the temporary introduction of powers to detain without trial,¹⁰ as daily life came to be viewed through a security prism. This violence was led by a largely Northern Irish-dominated faction of the IRA that became known as the Provisional IRA (in opposition to the Official IRA, who continued to function but at a much reduced level). Loyalists in Northern Ireland also armed themselves through a series of paramilitary organisations, and in fact initiated armed action in 1966, before the IRA had begun its campaign¹¹. The presence of diverse paramilitary organisations and the security forces of the state (police, army, reservists) on the streets, and the concomitant levels of violence, came to symbolise this part of the United Kingdom (UK).

After nearly four decades of intermittent violence in 1998, most parties came publicly to the table (although not together), and a peace settlement was hammered out with the support of the Irish (who had long held the constitutional view that the government of Ireland was responsible for the entire island¹²) and UK governments, supported strongly by the United States, which had recently entered the negotiations through the intervention of then President Bill Clinton. The Good Friday Agreement (also commonly referred to as the ‘Belfast Agreement’) was shrouded in ‘constructive ambiguity’, and while this allowed all parties to consider that they had in effect ‘won’, an immediate and short-lived round of dissent followed.

The Omagh bomb in the same year, which killed twenty-nine people, was planted by armed dissident factions opposed to the peace agreement.¹³ The outrage that accompanied this taking of life drove the then nascent dissident movement into the shadows for the best part of a decade. Dissenting republican views remain based on two political arguments; first, that the Good Friday Agreement has failed to deliver an all-Ireland state, and second, that it has only been through generations of dissent and physical force that political achievements have been won.¹⁴

10 Detention without trial was introduced on 9 August 1971 in the Special Powers Act. See ‘1971: NI activates internment law’, in *BBC News*, ‘On this day – 9 August 1971’, available at: http://news.bbc.co.uk/onthisday/hi/dates/stories/august/9/newsid_4071000/4071849.stm.

11 ‘On 7 May 1966 The UVF carried out a petrol bomb attack on a Catholic owned bar and off-licence in Upper Charleville Street in the Shankill Road area of Belfast’: see Brendan Lynn, ‘A chronology of key events in Irish history: 1800 to 1967’, available at: <http://cain.ulst.ac.uk/othelem/chron/ch1800-1967.htm>.

12 ‘It is the firm will of the Irish Nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland’: Article 3, Bunreacht Na hÉireann – Constitution of Ireland, enacted 1 July 1937, in operation from 29 December 1937.

13 ‘Bomb atrocity rocks Northern Ireland’, in *BBC News*, 16 August 1988, available at: http://news.bbc.co.uk/1/hi/northern_ireland/151985.stm. See more recently, John Hall, ‘Two men found responsible for Omagh bombing after landmark civil action’, in *The Independent*, 20 March 2013, available at: <http://www.independent.co.uk/news/uk/crime/two-men-found-responsible-for-omagh-bombing-after-landmark-civil-action-8542702> (last visited March 2013).

14 Rejection of the Good Friday Agreement is outlined in a recent paper by the Republican Network for Unity, which can be seen at: www.scribd.com/doc/112236562/RNU-Standing-outside-the-Peace-Process. On violence, groups espousing such beliefs will often announce it following a bomb or attack: see, for example, ‘ONH claims rocket attack’, in *Irish Republican News*, 3 August 2012, available at: http://republican-news.org/current/news/2012/08/onh_claims_rocket_attack.html.

ICRC re-engagement

Whilst the cycle of violence has ended and the large-scale security infrastructure has been removed from Northern Ireland, republicans and loyalists remain divided over the future of the political dispensation. Such is the division and political separation that Belfast has more than ninety-nine so-called ‘peace walls’ dividing communities; (London) Derry sees regular violence and growth, albeit limited, in support for dissident republicanism; and the security forces are on permanent alert to the threat of paramilitary targeting. Bomb scares and the threat of violence are frequent occurrences, and outside the city centres (a newly shared middle-class and commercial space), divisions are as fiercely demarcated as at the height of the Troubles. The main prison has again hosted a ‘dirty protest’¹⁵ by dissident republicans, and whilst the main paramilitary groups have disarmed, their structures and leadership are widely considered to remain intact. Such is their continued relevance that many paramilitary leaders are referred to directly in name or through their political front organisations, and their role as supporters or spoilers is widely discussed.

In 2010, the ICRC decided to review, together with the Northern Ireland Office (and subsequently, the devolved Department of Justice in Belfast), the long-standing agreement regarding ICRC visits to prisoners in Northern Ireland.¹⁶ The last prison visit had taken place in 1999, and the dialogue had ended at that point. This dialogue required an engagement with a variety of civil society institutions, which led to the ICRC’s increased awareness of several additional humanitarian issues of concern. These included ongoing prison protests, the undermining of both prison and staff dignity, and the existence of low-intensity but clear use of violence by small dissident groups and the persistent use of punishment by paramilitary groups. This ongoing violence, through bombs, riots, and the continuing practice of punishment beatings in which alleged paramilitaries physically injure, expel, or kill, often on the pretext of correcting anti-social behaviour, is a legacy of the Troubles that has outlasted the signing of the 1998 peace agreement.¹⁷

In assessing these dynamics in Northern Ireland, it was apparent that in some sections the levels of sectarianism, far from falling, had actually risen. Faced with this division and the resulting violence and humanitarian problems, the ICRC was well placed to offer its neutral services to both sides in an effort to mitigate these humanitarian problems. The independent nature of the ICRC has allowed it to

15 Infamously in 1981, ten republican detainees died after a protracted hunger strike which followed nearly five years of a dirty protest in which detainees refused to wear prison clothes and smeared their excrement on the cell walls.

16 The ICRC established a series of agreements throughout the period in question in the form of memoranda of understanding, letter exchanges, and oral agreements, which facilitated ICRC visits to places of detention in Northern Ireland. On at least one occasion, the ICRC also visited a prison in Ireland housing political (IRA) prisoners.

17 Some of the violence is discussed in Jamie Smyth, ‘Northern Ireland: a peace to protect’, in *The Financial Times*, 14 August 2012, available at: www.ft.com/cms/s/0/0e11edd8-da2a-11e1-b03b-00144feab49a.html#axzz2BeAIU2AL.

move with ease from one community to another and to be accepted for only having a single agenda, that of support to victims of violence.

In the course of the period 2010 to date, extensive consultation with the Northern Ireland Office, the devolved authorities, political parties, the police, and institutional hosts in Whitehall has been sought at each step of the way so as to ensure that a gap is not generated between ICRC analysis, action, or activities and the expectations and support of the authorities. Critically, it is through this support and engagement that the ICRC has been able to take the steps it did. Such endorsement has always been forthcoming and has provided valuable and important insights.

The ICRC's response

The determination of any ICRC response systematically demands clarity around criteria of intervention and added value in operational terms. The added value comes in two forms: first, the experience of an organisation in dealing globally with similar phenomena; and second, the value of being an organisation whose effectiveness is perceived and measured on the basis of its practical humanitarian contribution to a given situation.

The criteria of intervention have been based on the clear identification of a set of humanitarian consequences or implications of violence, some of which was generated on an ideological or political basis. Despite any motivations lying behind violence in Northern Ireland, it is a violation of the criminal code and is treated as such by the authorities. The role of the ICRC per se does not confer any combatant status¹⁸ on those who promote and engage in acts of violence, and the ICRC's engagement does not legitimise the criminal use of violence, but promotes an insertion of notions of humanity, as a principle, with key stakeholders.¹⁹ In operational terms, a close working partnership between the ICRC and the British Red Cross is seen as a potentially key element of this engagement. The ICRC's historical operational familiarity with Northern Ireland has been limited to episodic prison visits, in particular during the 1970s and 1980s.

The methodology that the ICRC established during the process of re-engagement in 2010 addressed some of the lessons learned from other contexts as well as from Northern Ireland itself. These elements reflect a response to

18 Combatant status under international humanitarian law is granted to those who do not enjoy the protection against attack accorded to civilians (for more information, see rule 3 of the ICRC Customary Law Study: ICRC, *Customary International Humanitarian Law, Vol. I: Rules*, Jean-Marie Henckaerts and Louise Doswald-Beck (eds), Cambridge University Press, Cambridge, 2005, pp. 11–14). This status is not conferred or otherwise by the presence of ICRC operations. ICRC operational or monitoring presence is mainly based on an analysis that an organisation like the ICRC can provide services to respond to the likely humanitarian consequences arising from the use of violence, and in particular related to legal protection and humanitarian assistance. Any legal considerations regarding the qualification of the conflict or attribution of combatant status will be addressed separately.

19 The situation in Northern Ireland, not fulfilling the legal criteria of armed conflict, allows for all forms of violence, except those authorised by the state, to be prosecuted as violations of the criminal code.

humanitarian situations in general that was applied to Northern Ireland, and include some basic considerations. The delegation assumed from the outset that dialogue and transparency of dialogue were key to any presence of merit. As a result, it focused on establishing links with as broad a spectrum of stakeholders as possible. Primarily, this dialogue respects the primacy of the state as in all contexts, but takes into consideration the role of the Good Friday guarantor states, the United States and Ireland. It has also necessarily embraced contact with those opposed to the peace process and with a wide range of political and civil society groupings.

For the ICRC, an immediate difference between Northern Ireland and other contexts in which the organisation is present is that the former has not been defined by its explicit humanitarian needs and therefore by the identification of standard programme responses, based on indicators linked with mortality, economic security, health care, and availability of water and other public services. In examining the situation in Northern Ireland, such immediate indicators were not relevant as the humanitarian issues were linked with more subtle effects of the violence. Therefore the approach taken had to be adapted to one in which assumptions about needs could not be made. As such, the ICRC's approach has been based to date primarily on a listening model – on understanding the interplay between various pressures and relationships. This model, in turn, allows the ICRC to identify what role, if any, an independent humanitarian organisation can bring in response to specific humanitarian consequences. The listening model is in effect a way to accompany communities and organisations in a process of acknowledgement of the use of violence and a recognition that it has humanitarian consequences.

A key element for such a process in developing relationships with perpetrators and victims of violence has always been the guarantees around confidentiality. Long an ICRC operational modality, this has proved critical, together with some other elements discussed below, in establishing levels of confidence conducive to persuasion, the key factor in the delivery of humanitarian inputs anywhere.

In relation to the key substantive issue, that of the measurement of humanitarian needs, the starting point lies with the protection and vulnerability of the individual. It presupposes that whilst the use of force may have no legal legitimacy, it takes place and therefore causes harm and suffering. Northern Ireland has proven very challenging in this regard. Violence is meted out in the name of politics, criminality, and community justice (where communities call in paramilitaries to execute summary justice), and while humanitarian consequences flow as a result of each of these processes, appropriate responses from state, civil society, and international organisations need to be established in transparency and consistent with agency principles, values, and doctrine. Thus, states need to balance national security, foreign policy, and other priorities, whereas the ICRC focuses exclusively on the humanitarian situation.

A further clarification is helpful in relation to these organised groups which challenge the state through their actions. Their classification as illegal, because they promote and engage in the use of force against the state, means that states neither recognise them nor engage with them other than through security operations and litigation. The ICRC as a humanitarian organisation has an established practice

of talking to and questioning such groups, for humanitarian purposes.²⁰ This practice is accepted, subject to the proviso that engagement in this practice is transparent. While it is therefore incorrect to say that the ICRC negotiates with terrorists, it is correct to say that the ICRC needs to have a dialogue on its own terms with those taking part in armed conflict or other situations of violence. This dialogue and its confidentiality need to be explicitly endorsed not only by states themselves, but also by other actors.

Range/typology of ICRC activities in the context of Northern Ireland

We will now look at substantive intervention/programming of ICRC activities in this context. Three areas of operation have emerged, each of which is in its own phase of implementation. These are discussed below.

Dialogue with prison authorities

Since 2004, separated housing has been re-introduced for republican and loyalist prisoners in Maghaberry Prison on the basis that their respective security required it.²¹ Prisons in Northern Ireland have long been used by differing groups as places to develop and apply a variety of strategies aimed at frustrating or drawing attention to the political environment, if not at mobilising action on the outside in their favour. In Easter 2010, republican prisoners launched a protest against the prison regime involving destruction of their facilities and including for some the act of smearing their excrement on their walls. This 19-month long protest resulted in a curtailment of freedoms, opportunities, and socialisation, and led to heightened tension between prison groups and with prison authorities. Amongst the community of prisoners, staff, their families, and communities, significant concern has been expressed regarding the impact of this protest, and the dissident killing of a prison officer in December 2012 only served to heighten concerns. The loss of dignity associated with this protest and the security tensions and adversarial behaviours underpinning it are matters of humanitarian concern. The ICRC's operational role, as established with the Department of Justice, is to gather and analyse perspectives from groups, families, significant individuals, staff, and officials in order to make its own independent assessment of the current prison context, which forms the basis of confidential reports to the authorities. Such reports, it is hoped, can serve to generate more positive outcomes in relation to the treatment and conditions of detention, as appropriate.

20 Such engagement has been discussed in recent issues of the *International Review of the Red Cross*: see the issues on 'Engaging armed groups' (Vol. 93, No. 883, 2011) and 'Understanding armed groups' (Vol. 93, No. 882, 2011).

21 For detailed information, see House of Commons, Northern Ireland Affairs Committee, 'The separation of paramilitary prisoners at HMP Maghaberry', Second Report of Session 2003–04, Vol. I, 3 February 2004, available at: www.parliament.the-stationery-office.co.uk/pa/cm200304/cmselect/cmniaf/302/302.pdf.

Support to grassroots organisations working to reduce inter-communal violence

A second avenue for ICRC action is through the support of grassroots organisations throughout the community who provide a service in relation to the threat and implementation of paramilitary ‘punishment beatings’, usually against young men, allegedly for anti-social behaviour or for internal discipline. A generic punishment tariff exists, ranging from warnings and threats to physical beatings, shootings, exiling, and even killings. The practice of punishment beatings is historical and is based on limited police access to hard-to-reach neighbourhoods. It can be mobilised by community residents on the basis that they know the perpetrators of both anti-social behaviours and those who can execute punishments, as both are from the same community. It was used in most areas where paramilitary organisations were active and was expected to ensure selected community discipline. It is often appreciated by the communities themselves, many of whose members have grown to favour summary and rapid justice for anti-social or criminal activity.²² The ICRC-supported community organisations provide a range of interventions to limit or address this practice. These include verification of the supposed threat, support for the victims in providing counselling, and activities which can substitute temporarily or permanently for the punishment. Associated with this is the ICRC support given to organisations that are working on the incidence of interface²³ violence, by establishing alternatives to sectarian violence for young people.

Work on missing persons

The third area is one of common practice in ICRC operations, that of the unresolved humanitarian issue around those persons missing as a result of the conflict – a legacy of all conflicts. This remains an issue also regulated by criminal law, and the police may investigate it as such. However, from a humanitarian perspective, the families of the missing have a right (and need) to know the fate and location of their loved ones,²⁴ and the state has an obligation to facilitate the return of the remains.²⁵ In Northern Ireland, the organisations involved, the IRA and the Irish National Liberation Army, have acknowledged their role and have been

22 Based on discussions with ICRC interlocutors.

23 Points of intersection between the two communities are known as interfaces and are often the scene of tension and clashes between communities who live in very close physical proximity to each other.

24 Including under the prohibition of torture, the right to privacy and family life, and the right to an effective remedy under human rights law. See *inter alia* Arts. 3, 8, and 13 of the European Convention on Human Rights. Under international humanitarian law, see Art. 32 of Additional Protocol I which provides for the right of families to know the fate of their relatives. See also Rule 117 of the ICRC Customary International Humanitarian Law study provides that: ‘each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate’. ICRC, *Customary International Humanitarian Law*, Vol. I: Rules, Jean-Marie Henckaerts and Louise Doswald-Beck (Eds.), Cambridge University Press, Cambridge, 2005 [hereafter ICRC Customary Law Study], p.421.

25 Under human rights law, see recent case law, e.g. Inter-American Court of Human Rights, *Moiwana Village V. Suriname*, Judgment of 15 June 2005, (Ser. C), No. 124, 2005; European Court of Human

forthcoming in providing information to the Independent Commission for the Location of Victims' Remains, established by British and Irish governments. Whilst cooperation is at a reasonable level and family support organisations are well established, the nightmare of not being able to bring these tragic deaths to a closure through a recovery of the remains and their burial weighs heavily on families. The role of the ICRC focuses exclusively on using its contacts and access to promote as strongly as possible the sharing of all information that may bring this part of the Troubles to a complete conclusion.

Challenges

Aid conventionally appears to be non-controversial, and yet humanitarian assistance is challenged on a wide number of grounds. It can be viewed as interference, or even as a cover for intelligence gathering.²⁶ Aid is often criticised as inadvertently legitimising or reinforcing the authority of different groups through granting them the potential to administer, manage, provide, or hold back assistance²⁷. And in the twenty-first century, it has become synonymous with all kinds of state intervention, as an integrated part of government response.²⁸ All of that being said, there remains a common endorsement of the humanitarian project, and it is one that has proven hard to reject. It even stretches beyond that to be projected as a global human value which knows no boundaries because it is based on the value of humanity – global humanity.²⁹

The ICRC's brand of humanitarian action is both at the origin of the wider notion and a specific form of intervention. It rests its interventions on a universal set of international treaties – the Geneva Conventions, which mandate impartial humanitarian organisations such as the ICRC to offer their services³⁰ – and on a set of principles which underpin large parts of humanitarian action. Notable amongst these are the principles of humanity, independence, neutrality, and impartiality. The ICRC itself has interpreted and applied these principles in situations of armed

Rights, *Maskhadova and others v. Russia* (application No. 18071/05), and *Sabanchiyeva and other vs. Russia*, (application 38450/05). Under international humanitarian law, see Art. 17(3), Geneva Convention I, Art. 20, Geneva Convention II, Art. 120(6), Geneva Convention III, Art. 130(2), Geneva Convention IV, Art. 34, Additional Protocol I, and Rule 114 of the ICRC Customary International Humanitarian Law study: 'parties to the conflict must endeavour to facilitate the return of the remains of the deceased upon request of the party to which they belong or upon the request of their next of kin. They must return their personal effects to them' (*Ibid.*, p. 411).

26 'Save the Children foreign staff ordered out of Pakistan', in *BBC News*, 6 September 2012, available at: www.bbc.co.uk/news/world-asia-19500103.

27 There is a wealth of literature on this topic. For one introduction, see Shyam Nath and Sanjeev K. Sobhee, 'Aid motivation and donor behavior', in *American Review of Political Economy*, Vol. 5, No. 1, pp. 1–13, available at: www.arpejournal.com/ARPEvolume5number1/nath-sobhee.pdf.

28 Sarah Collinson, Samir Elhawary, and Robert Muggah, 'States of fragility: stabilisation and its implications for humanitarian action', in *Disasters*, October 2012, available at: www.ncbi.nlm.nih.gov/pubmed/20846346.

29 One indicator of this could be the existence of Red Cross and Red Crescent societies in 187 countries.

30 This can be found in Art. 3 common to the four Geneva Conventions of 1949, and further examples exist elsewhere, for instance in Art. 70 of Additional Protocol I.

conflict as well as in situations that do not reach the legal threshold of armed conflict.³¹

As a matter of practice, the ICRC considers that its interventions should favour those in need of protection and assistance, and as it relies on establishing a dialogue with all parties to a conflict for reasons both of staff security and the impartiality of its support, it generally works with what could be termed as 'hard-to-reach communities'. Such communities are typically in close proximity to violence or in prison, and have in common the need to engage in political dialogue and diplomacy in order to reach them. Such is the sensitivity about these populations in all conflict-affected and violent areas that extensive negotiations, often over protracted periods of time, are required in order for the ICRC to secure the necessary confidence of all belligerents or communities and thereby to be effective in its work of providing protection and assistance. An overriding common denominator in looking at the effectiveness of an ICRC action is its exclusive focus on humanitarian issues, while basing these on an understanding and analysis of the political context. Such analysis is important not only for determining potential or real humanitarian issues, but also for distinguishing between the political and the humanitarian, a crucial element for the ICRC.

The work of the ICRC in Northern Ireland is in the early stages of implementation. It is premised on key operational pillars, those being a transparent and confidential dialogue with the main stakeholders in different jurisdictions and an awareness of and building on the qualities of an international organisation with many years' experience of working abroad in similar situations. It relies on the diplomatic, moral, and financial support of a donor base that also provides non-earmarked funding on the basis that ICRC operations are worth supporting.

All of this being said, working in such a context poses a number of dilemmas and challenges. Some of these are unique to the nature of Northern Ireland, while others, such as the those relating to the missing, are shared with other contexts. An exploration of these challenges and the processes by which they are addressed may provide insights into comparable areas. In particular, Latin America, where criminal behaviour generates humanitarian problems on a par with or even more severe than those created by armed conflict, but where the law of armed conflict does not apply, has served as a useful reference point for this operational approach. When working in such contexts, emphasis is necessarily placed on the support of civil society or state structures in the provision of sustainable interventions, based solely on criteria of mitigating suffering. This contrasts with the more classical humanitarian response, which substitutes itself for state structures and replaces their service delivery, such as in food delivery or provision of health care through parallel humanitarian structures. The design of programme intervention needs to be based on the unique added value of an independent

31 International humanitarian law applies in international and non-international armed conflicts, when the legal threshold is reached, whereas below this threshold, human rights law and domestic law apply. In all cases, humanitarian principles guide the decision-making and humanitarian action.

neutral intermediary and the programme responses require widespread acceptance by groups that prefer to hide in the shadows.

Access and acceptability in relation to operations

Central to any humanitarian intervention are the key notions of access and acceptance. It is now well established that recognised humanitarian needs alone are not sufficient to ensure access to victims and acceptability to leaders. Political, security, and other potential obstacles need to be negotiated before protection and assistance can be extended to victims of violence. However, the reality is that whilst overt opposition is infrequent – although never excluded – states and non-state actors find ways to limit foreign access to sensitive places or persons. The pursuit of an operation which will address needs across the board is premised on assurances that such activities are acceptable. These assurances need to be explicit and largely unconditional, and they rely heavily on the perception that what the organisation offers is indeed humanitarian, and exclusively so. In political contexts – and Northern Ireland is no exception – these assurances need to be secured repeatedly; once is never enough. Contexts are fluid, leaderships and strategies change, and humanitarian organisations need to affirm their acceptance regularly.

Thus, while it is tempting for humanitarian reasons to implement programmes as a matter of urgency because of need, such implementation must always take account of different stakeholders. The case of punishment beatings therefore needs to be continuously discussed with a variety of concerned authorities, including in particular the police, as well as with community-based or other local groups whose relevance as supporter or opponent is high. Any doubts about the motivation of an organisation will directly impact on its acceptance by leaders and its efficacy in reaching communities. Community political leadership seems to accept agencies on the basis that they limit themselves to humanitarian issues and do not stray into anything that can be considered political.

Peace narrative versus humanitarian needs

As with all transition contexts, in Northern Ireland an adaptation in dialogue and relationships is required in order to recognise the changing and emerging roles that leaders have, whilst recognising their backgrounds, in what becomes a different political dispensation from one based on a level of violence. Political antennae, however, remain sharpened and sensitive to all perceptions around messages and substance, and messages are carefully scrutinised for any elements that go beyond the strictly humanitarian.

The pre-eminent state in the peace narrative remains the British government, which, with the support of Ireland and the United States, sponsored the Good Friday Agreement and remains deeply committed to its execution. Specifically, there is a devolved power-sharing executive in Northern Ireland charged with taking the peace process forward. To that end, the dominant political discourse and narrative is the success of the peace process. If peace can be

understood as the absence of violence, then the years since the agreement have been an essentially successful period: the number of security incidents is very small compared to the past.³² However, if peace is understood as a process that will examine and over time resolve the differences that led to conflict in the first place, a journey remains to be travelled. In the meantime, people in communities on both sides suffer unnecessarily from a low-intensity projection of politically motivated force, through bombs, threats, punishments, and protests.

The ICRC rises to the challenge of providing assistance and protection where needed as a result of violence. As an organisation, the ICRC must assess, identify, and share its analysis with regard to humanitarian needs, despite the fact that in the Northern Ireland context, needs seem less massive than in the large-scale, armed conflict contexts in which the ICRC operates on a regular basis. It behoves the organisation to share these findings with all concerned, be they perpetrators, victims, political structures, or others, in an effort to draw attention to the existence as well as to the lack of acceptance of such problems. The dilemma that arises is how to articulate the balance between the ICRC's provision of added value for persons and institutions based on the organisation's mandate whilst not adding substance to those arguments which would see it to be an indicator of an emerging or growing armed conflict. In brief, in what ways is the ICRC of benefit, based on its capacity to work simultaneously with divided – and sometimes violent – communities? This, after all, is one of the fundamental strengths of the organisation.

Lack of institutional experience in Northern Ireland versus experience in similar situations

In many ways, the lack of specific institutional knowledge has been a significant challenge, all the more so because many of the current points of contact were present during the Troubles and shared a disappointment, or curiosity, over the absence of the ICRC during various stretches of time. Added to this is the scrutiny that any new actor, such as the ICRC, will inevitably be subjected to in a closely managed and crowded context such as Northern Ireland, where roles, responsibilities, and space are clearly demarcated and managed. It took a great deal of time to identify and establish relationships of confidence that would lead to a clear view on priorities and concerns. Such start-up operations in virtually new contexts like this have similarities to sudden onset emergencies such as the Arab Spring, the difference being that the latter are contexts in which humanitarian needs are easily identified and responses are evident. In all cases, the management responsibility is to be sure that, despite recently arriving in a context, leaders, their communities, and victims are ready to identify and accept the support that can be offered. Such acceptance is never a given, and there is a vast gulf between active support for the

32 The Police Service of Northern Ireland records a total of 127 incidents in 2011 compared to (for instance) 2,438 in 1975. See 'Security-related incidents: 1969–29 February 2012', available at: www.psnipolice.uk/security_related_incidents_cy.pdf.

ICRC and reluctant acquiescence, where a group might accept ICRC presence only because – faced with its own limited resources – it has no choice.

The lack of institutional familiarity in Northern Ireland is counterbalanced by the ICRC's experience elsewhere, working in countries emerging from conflict. All societies in such situations present similar challenges: demobilised combatants/prisoners, lack of employment opportunities, missing persons, lack of long-term institutions, residual rancour, and criminality. Of the typical transition challenges, policies tackling the problem of the missing and that of detainees are those that have informed ICRC operations in Northern Ireland; new interventions have focused, very precisely, on those targeted by ongoing punishment-related violence. At the same time, each of the organisation's programme approaches has been informed by existing policies but has adapted the approach to be consistent with needs in Northern Ireland. Thus, for example, in the case of the missing, the ICRC engages with the perpetrators and others and encourages, persuades, and works with them in terms of the identification of the location of remains.

Northern Ireland continues to challenge the ICRC in relation to the existence of problems in which the organisation can play a role and provide standardised humanitarian responses. Agencies, their supporters, and authorities are arguably more comfortable in an environment which corresponds to regulated and accepted limits, involving health-care needs, food assistance, shelter, logistics, and the whole humanitarian machinery. Northern Ireland does not require those inputs but remains beset by direct humanitarian challenges, and it behoves agencies and others to articulate how these challenges can most effectively be met. The operational choices made by the ICRC respond to real needs but are not based on a standard set of responses that exist in-house. Working with detainee issues whilst not visiting the detainees and supporting efforts to limit physical and other injuries inflicted as punishment by paramilitary bodies are new challenges requiring a scope of action that of itself is different to the known and tested standards for which policies and procedures exist in abundance.

Existing humanitarian needs versus lack of acceptance

If the operational challenge remains the balancing of field needs against policy, guidelines, and practice, it would be dangerous to assume that humanitarian intervention is accepted precisely because of the unconditional support of action per se. Humanitarian action must demonstrate an ability to convince those responsible that some space is always reserved for addressing the needs of people who suffer unnecessarily or inappropriately, even if, as in the case of punishment beatings, those inflicting the damage are those that control access and influence. Thus, perpetrators of violence need to be convinced of the humanitarian prerogative that prevails, regardless of their own established priorities.

It goes without saying that contexts such as Syria and Libya have generated widespread international humanitarian support because of the obvious and high numbers of victims there, whereas Egypt and Tunisia have received relatively less attention. In order for the ICRC to address a context like Northern Ireland in

transition, it needs to generate understanding and acceptance that politically motivated, even if criminal, violence results in consequences for which first responses need to be sought; that state structures may not be the fully appropriate responses; and that an organisation whose primary experience is working in conflict is in a very good place to address these specific needs.

The key to effective operations lies in the design of programmes that target the needs of people affected by violence, be they the families of protesting detainees, threatened prison staff, or the mothers of young men threatened with exile. The humanitarian needs of these groups are very precise, and efforts to provide protection and support must deal directly with the threats posed by their experiences in order to be accepted both as legitimate and as relevant and meaningful.

On the assumption that the programme is indeed relevant and that beneficiaries are convinced of its relevance, the final external acceptance needed is that of the local community leaders. Such individuals have multiple motivations, and are conscious of the management of the relationship with statutory and other authorities with whom they may compete for influence. Their capacity to block access because of political or other reasons is enormous.

Acceptance, either internally or externally, is always based on a careful negotiation of demonstrating the humanitarian considerations of a given situation. Internally, it must reflect core values and priorities such as protection and assistance, and externally programmes need to be developed that meet direct recognisable needs and at the same time are exclusively humanitarian. Any suggestion that additional motivations exist will reduce levels of acceptability and, certainly, humanitarian impact.

Humanitarian needs versus ICRC added value

At this point we must look again to a guiding principle in humanitarian action, and one that is all too often overlooked, which is that the primacy of humanitarian response belongs to state authorities.

Northern Ireland presents a curious case study in that the level of peace resources provided to civil society structures from 1998 to date runs into billions of euros.³³ The majority comes from state bodies, including the United Kingdom, United States, European Union, and Ireland, but private American philanthropy has made huge contributions. How can we best assess the impact and contribution these resources have made to alleviating the problems of Northern Ireland? The impressive public works and vibrant civil society are testament to the delivery and use of support, but ordinary working-class communities, often the very communities most engaged in and affected by the violence, reflect the lack of resources and opportunities at that level. Indeed, there is a certain level of frustration

33 The EU alone has delivered several tranches of disbursement: see Peace III EU Programme for Peace and Reconciliation 2007–2013, *Northern Ireland and the Border Region of Ireland – Operational Programme*, available at: www.dfnri.gov.uk/peace_iii_operational_programme.pdf.

present in communities who point to the obvious peace dividends for some sectors while noting the relative disadvantages for others in terms of jobs, services, and benefits from the peace. Thus, prison officers did not benefit from the overhaul of their service that was carried out by police through the Patten Commission; urban regeneration benefited public housing but did not create large numbers of jobs; and only a limited number of former prisoners and persons engaged in violence benefited from reintegration opportunities while many were left dealing with a range of psychosocial scars and trauma, including alcohol dependency, depression, broken marriages, poverty, and alienation.

It is in these latter communities that the perpetrators and victims of violence are to be found. Young men find themselves trapped in a logic of criminality or political confrontation, only to discover that such activities bring them in front of the criminal justice system (sometimes facing a prison sentence or surveillance), or even a more arbitrary system based on punishment outside the law. The frustration that exists is then reflected in protests, violence, sectarianism, and an alienation and lack of confidence in anything other than street leadership. The extension of state services to these hard-to-reach communities and their families is very challenging, despite the significant resources that have been made available. Recent loyalist protests in Belfast and other places have ironically often ended in violence against the state security services with which the protesters identify so strongly, reflecting this frustration with the status quo.

The wider public policy issues are beyond the remit of an international humanitarian organisation, but key to making a difference to those affected by violence, frustration, and alienation is establishing links with those grass-roots community organisations whose leadership is based on principles and making a difference, and supporting their local leadership in the face of others who use violence to express themselves. Such support requires explicit understanding of central and regional structures, and these organisations' role in providing that endorsement is essential.

As with all operations, decisions need to be made against certain criteria, and these need to be made explicit. The ICRC, because of its mandate, has made a deliberate choice to provide support to victims of violence, and to work on prison issues. These choices represent a response based on the integrity of the organisation to do this wherever it works. It does not attempt to respond to all needs; rather, it aims to reach out to those who may need what the ICRC can offer best and to encourage others to assume their proper roles and responsibilities, be they local, state, or international. The emerging dilemma is on what basis to choose to disengage or hand over to others. This question is one which accompanies the start-up of any humanitarian action, and some elements of it are considered in the next section.

Local versus international actors

The phenomenon and identity of aid as it is perceived in the West is that of focused, specialised experts arriving, often courageously, in a conflict scene and administering aid in a variety of forms to those most in need. Indeed, this image is one we are

both familiar with and can relate to. And though that response is often what is required of agencies, we need to question more fundamentally the value of an international agency in order to justify the considerable expense associated with international deployments, especially in contexts where expert staff are readily available.

Northern Ireland presents an unusual set of parameters in that regard: a sophisticated society, endowed with experts in all forms of support and with a high skill set. Any effort to address humanitarian needs must consider the challenges of resource mobilisation in this case. What is the value of an international organisation with foreign staff, who inevitably take time to understand the context? The strength and value of such bodies lies precisely in their distance from the context; they have no biases in relation to what has happened or what is happening, beyond any needs that are generated. They have the benefit of analysing and drawing conclusions without recourse to sentiment, emotions, or indeed a desired outcome. Theirs is a will simply to mitigate the humanitarian impact.

Local organisations equally possess a skill set and expertise that cannot be competed with by international bodies. They know the population, and their access, while often limited to their constituencies, will nearly always be excellent at that level. They enjoy high levels of confidence and trust and their commitment to their communities goes way beyond the provision of an annual running-costs budget.

Local leaders themselves also often manage multiple identities, so it is always useful to know which of those identities they are reflecting in their discourse. For example, a community worker involved in youth activities may also be campaigning for demobilisation of dissidents, both of which are very different roles. Thus, activities in one area may be undertaken in order to secure leverage in the other area, thus mixing priorities that are social (youth) and political (demobilisation) in nature. Such parallel objectives will be open to misinterpretation if not carefully managed. An independent, purely humanitarian agency minimises the risks of concerns over multiple agendas.

The peace process, meanwhile, has ironically led to a situation in which local bodies and people are expected to assume responsibility for the emergence of a resilient and sustainable peace, which was delivered by the Good Friday Agreement in 1998. This relationship between political peace negotiators and community structures places high demands on the latter, as any behaviours seen as undermining the peace agreement (protests, riots, violence, and bombs) can be perceived as a failure of the local communities to exercise the peace. As international actors, it becomes possible for organisations like the ICRC to stand outside this linear paradigm, as their exclusive responsibility is towards people and not behaviours. From the perspective of local organisations, juggling multiple mandates, this single mandated approach towards people's welfare can be a precious source of support.

Humanitarian action versus sustainable peace

The operational challenge of providing long-term solutions as opposed to addressing symptoms remains a valid one in all contexts of humanitarian need.

Over time, the promotion of resilience is crucial to giving communities the space and means to continue addressing the demands placed on them. To what extent are humanitarian actors accountable for correcting immediate liabilities and supporting life, and to what extent are they responsible for addressing a wider framework of institutional change? Against a backdrop of sometimes indiscriminate violence, in what ways can humanitarian work make a contribution to a sustainable peace? And, for that matter, what skills do these organisations possess to make a difference in the longer term?

The short answer is that humanitarian action assumes precedence over the longer term in the case of urgent operational needs, and the value of protecting and assisting human life is the priority objective of humanitarian action. The ICRC's clear remit from the international community to address protection and assistance needs provides the orientation for ICRC action. However, when conducting programmes and operations, the ICRC must also ensure that it does not eschew its responsibilities towards the interests of a sustained resilient community who can withstand the pressures that inevitably accompany disagreement. In so doing, the ICRC nonetheless recognises the risk that there may be unintended consequences connected to the work that it undertakes, and always aims to mitigate these as much as is possible.

In the case of Northern Ireland, operations focus tightly on the immediate humanitarian needs – those that require an international organisation with a neutral and independent identity to address. Yet, if we look at any of the current ICRC operations, we are faced with a more challenging question. At a community level, the practice of ‘punishment beatings’ may be considered a contribution to a safer neighbourhood, and the perpetrators claim public interest and support. In both cases the exclusion of the police from performing their duties is taken as a fact. This extra-judicial form of dealing with justice has direct and measurable humanitarian impacts on many lives. The role of the ICRC is to address and support local mechanisms to find alternative solutions to the use of paramilitary violence and exile. As long as police access is challenged by communities and paramilitary groups continue to exert punishments, interventions will be needed to limit the humanitarian consequences for individuals, their families, and communities.

Many of the groups and individuals that the ICRC works with in Northern Ireland are not only deeply committed to peace, but they will use their influence and role to persuade those engaged in violence to reconsider their methods and to identify alternative ways through the existing political machinery. The memory of decades of violence serves as an important impulse for attempting to limit violence, whilst not yet eradicating it altogether.

The ICRC's role is strictly circumscribed by the obligation to provide protection and support where it can. This is not to argue that the ICRC avoids the political issues linked with peace processes; full discussions take place with all parties on the threats and opportunities provided by the peace agreement, but operations must focus almost exclusively on the addressing of humanitarian concerns.

This of course begs the related question of withdrawal. At what point will the ICRC be ready to withdraw from its humanitarian operations in Northern Ireland, on the basis that its services are no longer required or of added value? As an operational matter, ICRC budgets are established on a year-by-year basis, so longer-term commitments are rarely taken, although it is widely and correctly understood that as long as there are victims of violence and armed conflict, the ICRC will remain present and active, subject to the ongoing support of host governments and others with whom the organisation works.

The obligation on the ICRC is to make its contribution in ways that allow for local, sustainable, and resilient options to be developed – in other words, to prepare for its withdrawal once it starts any operations. This includes encouraging the presence of other organisations playing the same or complementary role – such as the local Red Cross National Society, also guided by the fundamental principles of neutrality and impartiality – in order to provide a continuing response to humanitarian need; the creation of a detention regime which reinforces the notions of respect and dignity for and by all; the resolution of missing persons cases through identification of the victims' remains; and more effective access to hard-to-reach areas.

Partnership versus ICRC direct operations

Different sets of criteria apply in the decisions around partnerships and ICRC action. The overriding operational criteria concern the need for both respecting and being perceived as respecting the fundamental principles of humanitarian action. In any context where political issues have risen to or have the potential to rise to the use of violence, local organisations will be viewed also through the prism of their own activities. ICRC operational partnerships demand that partners focus exclusively on providing neutral and independent support to victims of violence. Identifying and partnering with an organisation that has its own set of values, principles, and operating criteria, which are often broader than a narrow ICRC interpretation, is a significant challenge. Should the ICRC request a shift in values, and in what ways can organisations adapt to such criteria?

A second challenge concerns programme implementation at a community level. Local communities are comfortable working with their own organisations without the need for a neutral intermediary, and local organisations are best placed to respond to needs and will manage their relationships in ways that are sustainable and positive. Lastly, local organisations have many more resources available than international organisations, which cannot and will not deploy the level of resources necessary to manage operations on the ground in such detail. Under these circumstances, the ICRC plays a role of supporting other organisations in programme implementation. Such support takes the form of working together on analysis, providing guidance on areas where it has expertise, and by providing financial support, where relevant. Defining the terms of this form of arrangement requires close monitoring, as respective institutional interests need to be respected in order to guarantee effectiveness. For the ICRC these interests are that the action

is seen as strictly humanitarian, independent, and neutral: such challenges are intense in polarised and political societies.

The classical form of collaboration is with the National Red Cross Society. The ICRC and British Red Cross have a close institutional partnership, based on shared values and approaches, agreed goals and objectives, and the promotion of their respective institutions. The opening of an ICRC operational role in Northern Ireland challenged that partnership inasmuch as it opened up an operational area domestically. As the partner of choice in this context, the ICRC works with the British Red Cross, whose operational interests in Northern Ireland tend towards other areas of expertise, including working collaboratively across health and personal social services, and with emergency responders, to address the crisis needs of individuals, families, and communities. Over time – and with a clear understanding of respective roles and mandates – an increasingly shared assessment of local needs provides a useful framework for examining and promoting areas where either geographically or thematically, a partnership approach or enhanced British Red Cross approach can be developed. The challenge in this regard is to bring together the National Society, with its emphasis on its statutory role as an auxiliary to government, and the ICRC, with its objective to be a neutral and independent organisation. Thus the values implicit in negotiating between paramilitaries, community organisations, individuals, the police and security services, and state authorities demand a different set of skills and capabilities. These need to be examined, considered, and ultimately introduced.

Ultimately, local organisations, be they National Societies or community organisations, are enduring. Their role in responding to the needs of their populations will be stronger and more effective as long as a third, neutral and independent organisation is not needed. This complementarity is one that is continuously assessed and adapted according to the specific circumstances.

Legacy

The enduring feature of any transition will always be associated with how societies deal with their legacies. The tragedy of violence can be measured through the tragedy of individuals, their families, and lost opportunities, and this feature will have a profound impact over time as diverse communities learn to live together in trust and growth. Those who inflict pain and suffering also have to carry that memory, and to find ways to account for and identify what has happened. The consequences of violence are significant: families break up, alcohol and drug abuse are not uncommon, and depression and suicide will always be at higher levels than in peaceful societies.

At a wider level, societies want in their way to have resolution and closure on a period of immense sadness and grief. Former adversaries may face up to each other and find an acceptance that each had a role to play, whatever that was. Justice systems, families, communities and even states need to find ways to deal with the past.

The ICRC in Northern Ireland can testify to the pain and suffering that lie even on the surface of people's everyday experiences, and have been privileged to hear and take part in many discussions. Views are multiple and diverse, and dialogue is sincere and authentic. For some, closure will come through the return of mortal remains of a loved one; for others, through a modern-day prosecution; for others still, a sense of forgiveness will allow them to move forward. For many, closure will not be possible. In addition, current violence, motivated through political concerns, generates a range of problems and stirs up barely submerged memories.

The ICRC's contribution to Northern Ireland takes a number of forms. Operationally, the organisation is able to talk to people with whom it is difficult for state organisations to communicate, and to highlight elements of humanity as priorities. It can provide direct support to victims of violence through its operational support for grass-roots organisations, which has encouraged and incentivised other agencies to provide funding for separate activities. Its experience in working both in post-conflict societies and with divided and often violent communities puts it in a strong position to understand how to provide resources and support on the basis of need and independent of any other considerations. As an organisation, perceptions around its neutrality are deep and widespread, which allows it the privilege of addressing violence regardless of its source and doing so on all sides of the community. The feedback it provides in relation to perceptions around prison conditions is designed to support operational and policy-making decisions that aim to ensure optimal treatment and conditions for detainees.

For the ICRC, what does this work in Northern Ireland bring to the organisation, its mandate, and its mission? As for many operational structures, field experiences go far in informing or contributing to policy and doctrinal discussions. Initial work in Northern Ireland has demonstrated a remarkable openness as well as a very strong need in people who have lived through, and in some cases still live in, high levels of violence to explore what this has meant for them and what their priorities are. The ease with which those affected by violence find it possible and indeed important to talk about it, and share with an international organisation how it feels, reinforces key notions. Perhaps an understanding of the depth of the feelings that accompany violence, the trauma that remains for decades, and the value and importance of trust in human relationships are areas where further and continuing work are needed in looking at other contexts of violence and ICRC's engagement with them. Undoubtedly the role of the National Society is therein critical and their engagement with their people in their own context, is all the more challenging.