

## Dynamics of Asymmetric Conflict: Pathways toward terrorism and genocide

Publication details, including instructions for authors and  
subscription information:

<http://www.tandfonline.com/loi/rdac20>

## Policing post-war transitions: Insecurity, legitimacy and reform in Northern Ireland

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Published online: 13 Nov 2014.

To cite this article: Brenna Marea Powell (2014) Policing post-war transitions: Insecurity, legitimacy and reform in Northern Ireland, *Dynamics of Asymmetric Conflict: Pathways toward terrorism and genocide*, 7:2-3, 165-182, DOI: [10.1080/17467586.2014.977928](https://doi.org/10.1080/17467586.2014.977928)

To link to this article: <http://dx.doi.org/10.1080/17467586.2014.977928>

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## **Policing post-war transitions: Insecurity, legitimacy and reform in Northern Ireland**

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*(Received 14 October 2014; accepted 14 October 2014)*

This article explores the critical role of the police in addressing the fundamental challenges that a peace process presents: the demobilization of armed groups and the local security vacuums that emerge as a result. Policing is centrally important but deeply political in divided societies; it is often one of the most difficult aspects of a peace deal to reach agreement on. The article draws on a study of Northern Ireland, a relatively successful case of post-war police reform, to highlight the political challenges that emerge even in a best-case scenario where the basic resource and training needs of the police are met. Northern Ireland demonstrates that whether, and to what degree, people view the police as legitimate is linked to their perceptions about the legitimacy of the state. This has important implications for cases of asymmetric conflict, because improving the perceived legitimacy of the police presents distinct challenges in communities that are traditionally pro-state versus hostile to it. Persistent intercommunal enmity, or the context of a “hostile peace”, poses additional challenges, making it nearly impossible for the police to adjudicate intercommunal disputes in a manner regarded as fair or impartial by all sides.

**Keywords:** barriers to conflict resolution; asymmetric conflict; policing; police reform; security sector reform; post-conflict transition; peacebuilding; civil war; Northern Ireland

Peace processes are paradoxically often very dangerous times. The silencing of guns leaves security vacuums between and within communities mobilized for conflict. The transition from active war to political settlement and implementation leaves combatant organizations vulnerable to attack by opponents, and it also leaves their leadership vulnerable to internal challengers – hardliners who accuse leaders of weakness and capitulation, criminal elements who increase illicit activities when they cannot be disciplined, or local communities newly empowered to voice criticism because they are less subject to the repressive tactics armed groups inevitably use to maintain order and discipline during a conflict. As a result, many forms of violence spike during a peace process.

This article explores the role of the police in addressing some of the most fundamental challenges for societies transitioning from war to peace: the demobilization of armed groups and the resulting security vacuums that emerge within and between communities. The police play an absolutely central, and yet poorly understood, role in the long-term resolution of these challenges. The goal of this article is to improve our understanding of the place of policing in post-war transitions, and to examine why building effective and legitimate policing institutions is so difficult in violently divided societies. I argue that the

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police have the potential to resolve commitment problems and security vacuums that hamper combatant demobilization efforts because they are the primary institution that establishes the presence and authority of the state in peoples' everyday lives. The fact that the police play this role explains why policing is often one of the most difficult aspects of a peace agreement to reach a deal on. Policing is about who has the power to define for society as a whole what use of force is acceptable under the law, and what is unacceptable.

Policing is thus a site of intergroup competition and deeply political. Making choices in the wake of war about whose security should be protected, by what means, and by which actors is "central to the distribution of political power that makes a settlement possible" (Rubin, 2008, p. 31). These choices are particularly difficult in the context of a negotiated settlement, where the main parties have neither won the conflict outright nor lost it completely. Each lacks a free hand to dictate the terms of the settlement, yet is also unwilling to accept the most painful concessions that might smack of defeat.

However, much of the existing literature fails to illuminate the underlying political challenges to effective police reform in the wake of civil war. A largely technocratic focus obscures the political choices and compromises inherent in the design of policing institutions, as well as the politically driven reasons that reform efforts so often fail in divided societies. Understanding the politics of policing is essential to building successful police reform efforts, and thus key to the long-term resolution of the critical security challenges and commitment problems inherent in transitions from war to peace.

To explore the politics of policing, I use a case that has been generally regarded as a relative success among many contemporary failures. The long and difficult road of police reform in Northern Ireland presents an important case to illustrate the political challenges to establishing a legitimate and effective police force. This because the basic technical requirements (adequate funding, training, and equipment) whose deficiencies doom many other reform efforts to failure have, in this case, been adequately provided for. In Northern Ireland, unlike many other high-profile cases, the problem has not been a lack of resources or a lack of capacity.

This article progresses in the following way. Section 1 discusses the special and specific role that police play in post-conflict transitions. I argue that the police provide the only viable long-term solution to the security dilemmas that face armed groups attempting to move from war to peace. However, their capacity to play this role depends upon an effective reform process that establishes some minimally legitimate police force. I build on sociological and criminological literature to argue that building police legitimacy is a fundamentally political process. In other words, perceptions of police legitimacy are not only shaped by the particular structures, capacities and procedures associated with the police themselves as the existing literature emphasizes, but also by the distribution of political power embodied in the state whose laws the police enforce.

Section 2 uses the case of Northern Ireland to illustrate these points. Using a historical case study alongside data on inter- and intracommunal violence associated with the conflict, I show that the stable demobilization of combatant organizations, as measured through a reduction in their violent activities and the decommissioning of weapons, was not an automatic byproduct of the peace agreement. Rather, it took many years and was only possible in the context of fundamental police reform. Moreover, the ongoing challenges that Northern Ireland continues to experience with respect to policing demonstrate the political nature of police reform, with implications for other post-war police reform processes. While the reform process had many successes, policing remains a source of real instability. The legitimacy of the state and Northern Ireland's constitutional status remain contested, hampering the efforts of the reformed police service to establish

their legitimacy. Importantly, improving the perceived legitimacy of the police presents distinct challenges for communities that are traditionally pro-state versus hostile to it. In addition, persistent intercommunal enmity, or the context of a “hostile peace”, makes it nearly impossible for the police to adjudicate intercommunal disputes in a manner regarded as fair or impartial.

### Section 1: Policing during times of transition

The role of the police in post-war transitions has gained increasing attention in policy-making circles. In addition to the international missions in places such as in Haiti and the Balkans, the wars in Iraq and Afghanistan have led to a growing emphasis on police training and reform in post-conflict stabilization and transition efforts. For the United Nations, policing assistance and reform have become a central feature of stabilization operations following the end of the Cold War. In 2014 the UN Security Council adopted UNSC Resolution 2151, which holds that “reforming the security sector in post-conflict environments is critical to the consolidation of peace and stability ... and preventing countries from relapsing into conflict”. The goal of reform efforts should be “a professional, effective and accountable security sector and accessible and impartial law-enforcement and justice sectors”.<sup>1</sup>

The increasing emphasis on policing in peacebuilding and stabilization operations is due to the special role the police play in delivering security to local people, and also in shaping local people’s relationship with the state. Unlike the military or other security institutions, the police have a long-term presence in communities and are likely to have more information about local dynamics. They are first responders to violence, crime and disorder, and how they respond in these situations shapes local perceptions about whether the state is capable, impartial, or corrupt.

The police are a central part of the broader criminal justice system, including the courts and the prison system. However, because they are responsible for providing security and enforcing law and order at the local level, the police play a critical role in addressing the commitment problems that armed actors face in moving from war to peace that is worth devoting specific attention to.<sup>2</sup> Commitment problems emerge because the warring parties assume that the other side will cheat or defect from a negotiated peace deal the moment they get the chance, or because they lack good information about the other side’s true intentions and cannot make an informed decision about their opponent’s trustworthiness (Kydd & Walter, 2002; Walter, 1997; 1999). In this environment of distrust and uncertainty it becomes impossible for the parties to lay down their weapons because to do so would deprive them of the only tools they have to ensure that the other parties do not defect. Even if both sides in a conflict prefer to pursue their goals through political means and can reach an agreement, the “critical barrier” to achieving peace is a lack of trust among the parties that each side will not use the cessation of hostilities to take advantage of the others’ momentary vulnerability and resume the conflict (Walter, 1999).

Demobilization and disarmament require individuals in combatant organizations to fully relinquish their private capabilities to protect and pursue their own interests through violent means. The accepted activities of armed groups during wartime, from fundraising through the seizure of assets and extortion to the maintenance of discipline through violence and killing, become sources of disorder and subject to criminalization and punishment during peacetime. As a result, we should only expect armed groups to accept such a new regime and demobilize in a context where their safety and also their core political interests are protected by the forces of a state they perceive to be at least

minimally legitimate and trustworthy.<sup>3</sup> We should expect former combatants to *remain* demobilized<sup>4</sup> only to the extent that their safety and basic interests continue to be protected by state forces, or those state forces become strong enough to enforce a monopoly on the use of force and can prevent combatants from returning to arms (Stromseth, Wippman, & Brooks, 2006).

In practice, the problem of how to build the capacity for effective and legitimate policing where it does not exist remains poorly understood. A number of factors hamper scholars' ability to gain a clear picture of what has actually worked in reform efforts, and what has not. Police reform initiatives vary a great deal over time, and across cases. International standards for police reform and the actual implementation of reform programs tend to diverge significantly in practice (Bayley, 2006). Moreover, data collection and systematic knowledge-sharing remain poor.<sup>5</sup> One of the most complete studies on policing in post-conflict transition to date concludes that "the training of local police overseas in peacebuilding missions remains a phantom activity, known to exist but hard to see". Despite huge amounts of resources poured into the training and equipping of police, "training curricula are not systematically collected by any government or multilateral organization", and such programs "are never evaluated in terms of impact" (Bayley & Perito, 2010, pp. 124–125). Another assessment found that "American foreign assistance has not been shown to contribute significantly or consistently to reforming police institutions abroad" (Bayley, 2006, p. 109). For the same reasons that have made rigorous evaluation of disarmament, demobilization and reintegration (DDR) programs extremely difficult, rigorous evaluation of police reform programs is nearly non-existent (Humphreys & Weinstein, 2007).

What is clear is that police reform is critical to the overall success of a transition or stabilization effort, but reform efforts are very difficult to implement successfully. Indeed, "many international police reform efforts are characterized as much by failure as success" (Ellison, 2007, p. 244). This has been true even in those cases such as El Salvador, Guatemala, and Northern Ireland where the negotiation and signing of peace accords was held to be a relative success. In one of the more comprehensive compilations of case studies, the editor notes that "despite experiencing 'successes,' none of these cases [in the edited volume] of justice and security sector reform is considered a 'success story' by its author" (Call, 2007, p. 376).

The pitfalls in any police reform process are myriad, and more often than not reform initiatives fall short on even the most obvious prerequisites for success: adequate funding, equipment, and training (Bayley & Perito, 2010). However, in a society divided by violent conflict, the thorniest challenges to building an effective and legitimate police service are political rather than technical.

A core lesson to be drawn from criminological and sociological literature is that effective policing rests to a considerable degree on the consent and cooperation of the policed. In other words, the police cannot establish their effectiveness through coercive capacity alone, but rather it must be built on a foundation of legitimacy with the population being policed. When communities are hostile to the police, or terrified of them, the police cannot secure the cooperation and the information they need to respond effectively to disorder and violence of any kind. Evidence from a range of contexts demonstrates that individuals' willingness to cooperate with the police increases when they view the police as legitimate (Sampson & Bartusch, 1998; Teeger, 2014; Tyler, 2006; Tyler et al., 2007). Legitimacy creates virtuous cycles: when people hold the police to be more legitimate, they are more likely to cooperate with the police in providing information, thus increasing law enforcement's capacity to do their job.<sup>6</sup>

In the criminological and sociological literature, classic notions of police legitimacy are procedural. In this view, people form their views about police legitimacy based in part upon police effectiveness in fighting crime, but also assessments of how fairly or how justly they do so. A large body of evidence indicates that people care as much about how laws are enforced, and how they interact with the police, as they do about the actual outcomes of those interactions (Tyler, 2006; Tyler & Huo, 2002). Tyler and colleagues describe four components of fairness that research has repeatedly demonstrated shape individuals' perceptions of police legitimacy: (1) the opportunity individuals have been heard or state their case, (2) the perception of police neutrality or "consistently applied legal principles", (3) the feeling that they are treated with dignity and respect for their basic rights, and (4) assessments of "the intentions and character of the legal authorities with whom they are dealing" (Tyler et al., 2007, p. 24). In other words, the foundations of legitimacy lie in the behavior of individual officers, the choices they make in carrying out their duties, and the quality of their interactions with members of the public.<sup>7</sup>

While valuable, the procedural legitimacy literature emerged in the American context, and it is important to consider the ways in which a stable, democratic context differs from any society emerging from violent conflict. A society transitioning from civil conflict is likely to differ in at least two fundamental ways. First, the basic legitimacy of the state, or the ruling government, may be in question for sizeable segments of the population. Much of the population may not fully recognize the authority of the government to determine which activities are illegitimate and criminal, and which are legitimate and lawful – particularly communities that are aligned with various armed groups or factions in the conflict. For communities that question the legitimacy of the state or its government, the police who enforce that state's authority and rule of law may be considered illegitimate no matter how impartially or respectfully they carry out their duties.

Second, deep intergroup hostility may preclude the police's ability to apply the rule of law in a manner that is considered consistent or fair by all sides. In a context where intercommunal enmity and confrontation is ongoing, the police may not be able to maintain order and respond to violence without appearing to take sides. In particular circumstances they may in fact be required to take sides and protect one community against the other. Or they may, in attempting to strike a middle ground, be regarded by both sides as unduly lenient on the other side and therefore partial and illegitimate. Ongoing intergroup hostility creates further challenges because it makes it difficult for the police to effectively recruit and maintain officers from all sides of the community. Some groups are unlikely to view the police as fair or impartial, again no matter how they carry out their duties, if they are not representative across the intergroup cleavages – be they ethnic, socioeconomic, or political – salient in the conflict.

The technical challenges to designing and implementing a process of police reform should not be minimized. Effective training, functional organizational structures, and sufficient funding to ensure adequate police salaries and proper equipment are all necessary components, but on their own they are not sufficient to achieve legitimacy and full effectiveness. Making choices about the form that the policing should take, who should be able to join the police, and how the police should carry out their duties are essentially political tasks. How these decisions are made is a function of the distribution of political power within the state. Building any broad consensus around them, fundamental to establishing police legitimacy, requires the consent of not only major political actors but grassroots communities as well.



## Section 2: Northern Ireland

Northern Ireland is generally regarded a case of relatively successful post-war police reform amid contemporary failures in cases like Iraq and Afghanistan. However, the successes Northern Ireland has experienced have been hard fought, and emerged only over the course of many years. Over a decade and a half after the Good Friday (or Belfast) Agreement, some paramilitary violence remains ongoing and questions related to who has the right to enforce the law and how they might legitimately do so remains a source of contention and violence. One prominent scholar remarked that despite Northern Ireland's successes in implementing a reform agenda, it is "clear to any seasoned observer of policing in Northern Ireland that the program of police reform . . . can only be described as torturous" (Ellison, 2007, p. 244). Northern Ireland demonstrates both the possibilities and the challenges for policing to resolve enduring credible commitment problems in the wake of civil conflict. The "torturous" path of reform it has followed illustrates the contentious politics of establishing effective and legitimate security institutions in the wake of civil conflict.

During the conflict known as the "Troubles", the Royal Ulster Constabulary (RUC) and its auxiliary forces became a heavily militarized police force organized for counter-insurgency rather than public safety. They were regarded by many as a combatant organization and party to the conflict. For Nationalists and Republicans, those who opposed British rule and sought to unify Northern Ireland with the Republic of Ireland to the south, reform of the overwhelmingly Protestant RUC had been on the agenda since the outset of the conflict: "By the end of the 1960s the reform of the RUC had displaced *all* the other demands of the civil-rights campaigners – for instance in relation to employment and housing – to become *the* civil-rights issue" (emphasis in original text; Ellison, 2010, p. 246). The outbreak of violence and the militarization of the police force only alienated Nationalist and Republican communities further. Working-class Unionists and Loyalists, who remained committed to the union with Great Britain, also had contentious relationships with the police at times.<sup>8</sup> The first RUC officer killed during the Troubles was shot dead by Loyalists in 1969 during serious rioting on the Shankill Road.

The 1994 paramilitary ceasefires produced a rush of debate and proposals for police reform from government, policy, and academic quarters. Mulcahy notes that "within days of the [Irish Republican Army's] 1994 ceasefire, Sinn Féin president Gerry Adams had already called for a new police force" (Mulcahy, 2006, p. 90). Some within the police force recognized the need for change as well. The RUC and the Police Authority for Northern Ireland (PANI) conducted a community consultation exercise across the province and worked with the RUC to produce a "Fundamental Review of Policing", which contemplated a series of changes should Northern Ireland achieve anything resembling a peaceful society (Mulcahy, 2006, ch. 5).

When political negotiations began a year later, there was some expectation that police reform would be one "significant dividend" of the peace process (Mulcahy, 2006, p. 89). However, the parties could reach no agreement on policing. As Ellison explains, "Policing was deemed to be such a fractious issue for local politicians to handle that it could have derailed the political negotiations, and it was thought politically expedient at the time to farm this out to an external commission" (2007, p. 252). Peter Smith, a former Ulster Unionist Party (UUP) member who was appointed to the Independent Commission for Policing, writes more pointedly that UUP leader David Trimble "and his Ulster Unionists could not be seen to make the necessary concessions to Republicanism. The task of



changing the RUC was therefore to be handed over to an independent commission, and this was duly provided for in the Belfast Agreement” (Smith, 2010, p. 72).

The 1998 Good Friday Agreement signaled the end of three decades of civil war. It was heralded at the time as a landmark peace accord and a model for other societies struggling to end intractable conflict. The Agreement was an inclusive and shrewd political document – inclusive because it established power-sharing mechanisms that would guarantee balanced Unionist and Nationalist representation through the consociational d’Hondt system;<sup>9</sup> shrewd because rather than deciding the answer to the key dispute of Northern Ireland’s constitutional status, it merely decided the process through which such a decision might be reached in the future (Horowitz, 2002).

Yet, however cleverly crafted the Agreement was, neither the negotiations leading up to it nor the document itself resolved the fundamental insecurity felt by the core constituencies in Northern Ireland. The parties were unable to negotiate explicit commitments on the critical issues of paramilitary disarmament and demobilization, the demilitarization of the British Army presence in Northern Ireland, and the reform of the police. The parties who endorsed the Agreement were to use their influence to persuade paramilitary organizations to decommission their weapons within two years. However, as Republican and Loyalist paramilitary organizations were not signatories to the Agreement, they made no commitments to disarm and the political parties would be unable to compel them to. Despite at least some willingness from within the senior police leadership to contemplate reform, the parties could not agree – or at least be seen to agree – on proposals for what reform should look like. Rather than making any specific commitments to a reform package, the Agreement included a provision for the creation of an Independent Commission on Policing in Northern Ireland (known as the Patten Commission, in honor of its chair) which would make a series of recommendations on the future direction for the police.<sup>10</sup>

Following the Agreement, demobilization, disarmament and police reform proved to be the most difficult issues to resolve in the tumultuous peace process. The absence of clarity or consensus on these issues led to the collapse or suspension of the Northern Ireland Assembly on a number of occasions, ushering in periods of direct rule from Westminster including a five-year period between 2002 and 2007.<sup>11</sup>

Amidst the politicians’ failure to reach agreement, inter- and intracommunal violence surged. Intercommunal violence includes sectarian attacks carried out by paramilitary organizations against non-affiliated members of the opposite community,<sup>12</sup> attacks on homes and businesses at sectarian interfaces,<sup>13</sup> as well as intercommunal confrontations such as riots and street protests. Intracommunal violence largely takes the form of paramilitary punishment violence: shootings and beatings carried out by paramilitary organizations within their own communities as opposed to across the sectarian divide.<sup>14</sup> Paramilitary punishment violence is associated with the policing function or “informal justice” role performed by paramilitary organizations within their own neighborhoods, although it can include organizational discipline as well (Hamill, 2011; Knox & Monaghan, 2002; Monaghan, 2008; Moran, 2008).

The paramilitary organizations, in an effort to signal their commitment to peace and their capacity to maintain organizational discipline, had brought gun violence to a new low at the time of the ceasefires. According to official statistics, the number of shootings related to the security situation dropped to 50 in 1995, but shot up in the years following, peaking at 355 in 2001. The number of injuries related to the security situation doubled during this same time period.<sup>15</sup> Paramilitary punishment shootings dropped to just 3 in 1995, but rose in the years after, peaking at 186 in 2001. In some areas community

pressure on paramilitary organizations to carry out punishment violence actually increased during the peace process because of a policing deficit (Topping & Byrne, 2012a).

Figure 1 presents major forms of inter- and intracommunal violence associated with the security situation, plotted onto a timeline of significant events in the peace process. The absolute numbers may appear relatively small at first glance, but are significant considering Northern Ireland's small population (ranging from 1.5 to 1.7 million people during this period), and the spatial concentration of the violence in particular communities. Intercommunal violence is represented in Figure 1 with police statistics for bombing incidents, which includes petrol bombs, blast bombs, and other devices primarily used in sectarian or intercommunal violence. Intracommunal violence is represented with statistics on paramilitary punishment shootings. Figure 1 also includes all security-related shootings, which captures the rough overall trajectory of violence related to the security situation, including punishment shootings as well as shooting incidents at interface areas, at riots and contentious parades, and between Loyalists or Republicans and state security forces.

The patterns of violence carried out by armed groups during the peace process, displayed in Figure 1, tell an important story about the relative insecurity experienced by paramilitary organizations, and the role of the comprehensive paramilitary decommissioning, British demilitarization and police reform process in resolving this insecurity.

First, violence perpetrated by armed groups spiked after the ceasefires and remained at high levels for a number of years. During this time, direct conflict between armed groups largely receded, but inter and intracommunal violence surged (Jarman, 2004). Based on data compiled for the purposes of this study, I find that of the 197 conflict-related killings that occurred between the ceasefires and 2010, only 6 involved violence between Republican and Loyalist paramilitaries (and 4 of these 6 were perpetrated by the smaller Republican Irish National Liberation Army, which did not declare a ceasefire until 1998).

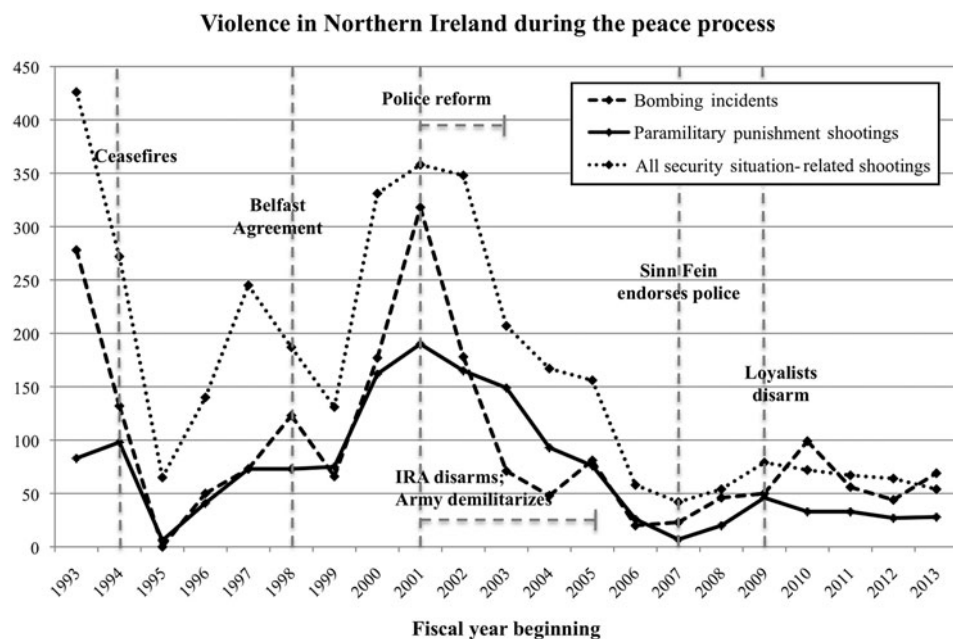


Figure 1. Violence in Northern Ireland during the peace process.

Just 17 of the 197 total deaths involved British or Irish security forces and paramilitary organizations. In 12 of these cases, Republican paramilitaries killed members of the security forces; in just one, Loyalists killed a member of the security forces. In the other four of these cases security forces killed members of Republican paramilitaries. Most of these killings that occurred between paramilitary organizations or between paramilitaries and the security forces took place during the four years between the ceasefires and the Belfast Agreement. In short, the vast majority or 174 of 197 killings carried out after the ceasefires (88%) were not associated with “military targets” across the divide.

Second, inter- and intracommunal violence was brought down only in the context of a coordinated process of decommissioning and police reform. The actual “laying down” of weapons and tools of war by Republicans and the British Army in Northern Ireland did not take place in any meaningful way until several years after the Agreement. Even then, IRA disarmament took place only with the pressure and support of outside actors, most importantly the United States. Loyalists did not disarm until many years later. At the time, attention was primarily focused on the arsenal of the IRA, in part because Loyalist violence was viewed as reactionary to Republican violence, and very little inducement directed towards Loyalist paramilitaries to disarm. As a result, they did not.

The decommissioning of IRA weapons, the demilitarization and dismantling of the British Army presence in Northern Ireland, and the reform of the Northern Ireland police took place in a coordinated and sometimes carefully choreographed series of steps over a number of years. Andrew Sens, a member of the Independent International Commission on Decommissioning established to monitor progress on paramilitary decommissioning, put it this way:

If the roof were decommissioning, you had to have walls on both sides on which to rest the roof. So that meant, yes, you’ve got to work through the decommissioning process – the modalities and the methods, but you’ve also got to do things about the problems that we’ve got ... with the administration of justice, the policing requirement and the profile of the military and all of the other elements in the political package. And you can’t wrap and tie the bow on the package until everything is in the package. (Quoted in Rowan, 2008, p. 85)

As combatant organizations prepared to lay down their weapons, the RUC entered a painful and highly contested reform process – including changing their name to the Police Service of Northern Ireland (PSNI), changing its badge and uniform, recruiting Catholics and Protestants on a 50/50 basis, increasing the accountability of the police to local communities, and offering early retirement packages to many officers who chose to leave the force in protest over the changes.

Danny Morrison, a former IRA volunteer who became Sinn Féin’s publicity director, explained the linkage between IRA decommissioning and police reform in reference to riots and mob violence that took place in Belfast during the summer of 1969, in which the police failed to protect Catholic families who were burned out of their homes. Between July and September 1969, 1505 Catholic families and 315 Protestant families were forced to flee their homes, with the Irish Army setting up refugee camps for Catholic families along the border (the largest of which had 6000 people in it).<sup>16</sup> According to Morrison, “In my head I could live without the IRA’s weapons provided I knew it was replaced by a police service which was of us – trusted and representative of us – and that way that meant there could never [again] be an August ’69. Because my criteria [on the question of the IRA’s weapons] was could there be another August ’69. If there could ... the weapons had to be there” (quoted in Rowan, 2008, p. 83). In short, a trusted and legitimate police force was necessary to resolve the fundamental insecurity Republicans felt in laying down their weapons.

Northern Ireland is rightfully considered a case of successful police reform and armed group demobilization – or at least decommissioning. Police reform in Northern Ireland sought to address many of the factors that the sociological and criminological literature points to as contributing to individuals' notions of police legitimacy: the opportunity to be heard or state one's case, the perception of police neutrality and consistency, respect for basic human rights, and assessments about law enforcement's character or intentions (Tyler et al., 2007). Institutional features such as human rights legislation (Beirne & O'Brien, 2010; Lynch, 2010), police accountability and civilian-led oversight structures (O'Loan, 2010; Rea, Bradley, & Gilligan, 2010), and 50/50 Catholic and Protestant recruitment, were carefully designed to turn a counter-insurgency-oriented police force into a public safety-oriented police service that would be regarded as legitimate across the sectarian divide.

Yet despite these considerable achievements, policing remained the most contentious aspect of Northern Ireland's peace process over a decade after substantial reform began. It was seven years after the Agreement before the IRA fully decommissioned its weapons, and it took two more years after that before Sinn Féin was willing to endorse the reformed PSNI. Loyalist paramilitary organizations did not disarm until 2009, over a decade after the Agreement. The British government maintained control over policing and justice powers and was not able to devolve them to the Northern Ireland Assembly until 2010. The challenges tell us as much about the critical role of policing in post-war transitions as the successes.

Even after the reform of the PSNI and the formal decommissioning of Republican and Loyalists paramilitaries, important security deficits remained and neither inter- nor intracommunal violence was reduced to zero. Real pressures remained on armed groups to continue to engage in violence to maintain order and discipline on their own side, as well to manage intercommunal violence. Politically, militant hardliners on both sides challenged the leadership who had accepted the peace deal and chosen politics over violence. Criminality also rose in the communities where paramilitaries had been active. Petty criminals as well as organized crime and drug dealers (in some cases paramilitaries or former paramilitaries themselves), tested the leadership's reduced capacity to exercise discipline (Gallagher, 2007; Hamill, 2011; Moran, 2008). Dissident Republicans opposed to Sinn Féin's stewardship of the peace process have used persistent criminality in local communities to argue that the PSNI is indifferent to crime in Catholic areas and incapable of addressing it (Byrne & Monaghan, 2008). Some dissident factions have themselves carried out punishment violence, challenging Sinn Féin's endorsement of the police and attempting to create an authoritative role for themselves in Republican communities.

In addition, while the majority of the Patten Commission's recommendations have been implemented, key aspirations have not been realized. In particular, achieving a representative police service has proven difficult. Recruiting Catholics from Northern Ireland, particularly those from traditionally Republican areas, has been hampered by ongoing social sanctions and physical threats. Dissident Republican organizations targeted PSNI officers, and Catholic officers in particular, following Sinn Féin's endorsement of the police (Orde, 2010). Two PSNI officers (as well as a prison officer and two British soldiers) were killed and others injured by dissidents attempting to exploit suspicion and discontent with the police in Republican communities. In February 2014, the Police Federation of Northern Ireland estimated that in the preceding five years, 64 officers had been forced to move out of their homes because of threats to their lives.<sup>17</sup> In addition to the pressures of ongoing security crises, Topping argues that there has also been internal resistance within the police to aspects of the Patten recommendations, particularly with

respect to the community policing agenda and some of the proposed accountability structures (Topping, 2008a, b; Topping & Byrne, 2012b).

Establishing an effective and legitimate police service – the aim of post-war reform efforts – is an essentially political task that cannot be achieved through institutional engineering alone. At least two important lessons emerge from the case of Northern Ireland that are instructive for how social scientists might understand the development of police legitimacy in deeply divided societies.

First, Northern Ireland demonstrates that the legitimacy of the police is linked to the legitimacy of the state. Both the more moderate Social Democratic and Labour Party (SDLP) as well as Sinn Féin were united in the need for fundamental reform of the police, but the timing of the two Nationalist parties' actual endorsement of the PSNI was closely linked to their own political control in the Northern Ireland Assembly. The SDLP endorsed the newly renamed PSNI as early as 2001, when it was still the largest Nationalist party. Sinn Féin refused to endorse the police or take the seats to which it was entitled on the civilian oversight bodies of the Policing Board and District Policing Partnerships, ensuring the police would not have the support or cooperation necessary to effectively deliver services in Republican areas (let alone recruit new officers from working-class Republican communities). Sinn Féin did not begin to move on policing until after it had overtaken the SDLP as the largest Nationalist party, and the party's ultimate endorsement of the PSNI was linked to the St Andrews Agreement and timed with the reestablishment of the Assembly in 2007.<sup>18</sup>

Individual citizens' assessments of police legitimacy are also linked to their perceptions of the state's legitimacy, with implications for asymmetric conflict. Even after the full implementation of police reform and Sinn Féin's endorsement of the PSNI, many in Republican communities struggled to embrace the sight of PSNI officers on their streets. In interviews conducted in the Republican New Lodge area of Belfast in 2009, researchers found that many residents "had reservations about the status of the PSNI as a 'British' force, but this did not preclude a desire to see fair, effective and accountable policing" in their local area (Ellison, Pino, & Shirlow, 2013). Beyond the PSNI's actual behavior in policing operations or service delivery, the political identity of the PSNI as a force upholding a state still part of the United Kingdom presented a challenge. Only 35% of respondents felt that policing was changing in a positive way, with 24% saying it was not changing in a positive way, and 40% saying they did not know or refused to answer the question. Most worryingly, the "yes" and "no" responses were fairly evenly distributed across age groups (Ellison, 2010, p. 268).

The link between the legitimacy of the state and the legitimacy of the police presents distinct challenges for communities that are traditionally pro-state versus hostile to it. In cases of civil conflict where insurgent groups do not successfully capture the state, building an effective and legitimate police force for insurgent groups and the communities they are aligned with means turning an institution once viewed as the enemy into the rightful enforcer of law and order. Trust and confidence must be earned, but to the extent that insurgent groups are represented in the new government, they may have increasing reason to work with new security institutions.

For pro-state groups and constituencies who once viewed the police as "our" force protecting "us" against "them", trust and confidence is likely to decline. As the police shift from becoming a partisan to non-partisan force, pro-state constituencies are likely to experience alienation and increasing distrust of the police they once identified with. Unionist parties vociferously protested Patten's recommendations, with UUP leader



Trimble rejecting them as “flawed and shoddy”,<sup>19</sup> and fought to maintain high levels of funding for the PSNI to retain a large number of officers on the streets.

As the reformed PSNI sought to improve relationships with Nationalist communities, Loyalists soured on the police. A 2008 report concluded that in Loyalist communities “positive experiences of policing are at a minimum, and there is some suspicion from sections of Loyalism that the interests of their communities are being left behind in pursue of the support and endorsement of the Republican communities for policing” (Byrne & Monaghan, 2008, p. 6). Frustrated Loyalists turned on the police, angered over limitations on Orange parades and perceived threats to British identity. In 2009, the political wing of the Derry area UDA announced that they were withdrawing support for the police due in part to what they viewed as the “politically motivated ‘green agenda’ operated by the PSNI throughout the north west [of Northern Ireland].”<sup>20</sup> In 2013 Loyalists staged protests over the flying of the flag at Belfast City Hall that lasted many months, in which 147 PSNI officers were injured.<sup>21</sup> Protest organizers referred to the “terrorist PSNI”.<sup>22</sup> The protests were not only a crisis of confidence in an economically struggling Northern Ireland: they cost £20 million GBP to police, and cost city center businesses an estimated £15 million GBP in lost revenue.<sup>23</sup>

A second challenge for developing police legitimacy in post-war contexts is persistent intercommunal enmity, or the context of a “hostile peace”, which makes it nearly impossible for the police to adjudicate intercommunal disputes in a manner regarded as fair or impartial. Northern Ireland in the period following the Belfast Agreement is characterized by what Bland and Powell have called a hostile peace: a context in which persistent existential threat demands that each side continually seek to prevail over the other (Bland & Powell, 2014). This need to prevail may not even be driven by a desire to win, but rather to avoid catastrophic loss.<sup>24</sup>

Ongoing enmity between communities means police actions take on a highly symbolic role for both sides in the conflict. The police cannot uphold the law in an impartial fashion, but must make choices that are seen as protecting one side against the other, or serving one side and criminalizing the other. In this context, both sides of the divide judge the police on how well they have protected “us” against “them”, which means that as the police struggle to maintain their impartiality they are accused by both sides of partisanship and politically motivated policing.

The most senior political leaders on both sides of the divide in Northern Ireland have accused the PSNI of political policing and favoring the other side. Peter Robinson, the Northern Ireland First Minister and Democratic Unionist Party leader, reinforced the lost confidence of Protestants in the police by declaring that it was up to the PSNI to prove to disgruntled Loyalists that they were policing the 2013 protests in a fair and impartial manner. Robinson claimed “It’s important that the police gain the confidence of the Unionist community, or regain the confidence of that section of the Unionist community who have lost confidence in the police, by showing that [the Chief Constable’s] actions were entirely even-handed.”<sup>25</sup> Republicans and Nationalists have followed a similar pattern of blame. In 2014, following the arrest of Sinn Féin President Gerry Adams in relation to new evidence in a murder carried out by the IRA during the 1970’s, Sinn Féin’s Deputy First Minister Martin McGuinness blamed the “dark side” of the police for the arrest and suggested it was politically motivated.<sup>26</sup>

Policing in the context of a hostile peace means that the impartial application of the law does not improve perceptions of the police as fair and legitimate, but rather indicates to each side that the police are failing to protect them from the aggressions and injustices of the other side – and in doing so, effectively take a position against them.

### Conclusion and directions for future research

The role of the police, and policing, in post-war transitions has traditionally been neglected in much of the social science literature. This article presents an effort to theorize the role of police and policing in post-war transitions, developed through a case study of Northern Ireland. Peace processes create security vacuums within and between communities, as armed groups signal their commitment to peace by laying down their weapons. An effective and legitimate police service is the necessary institution for managing these security vacuums. However, effective and legitimate security institutions are precisely what is lacking in societies recently emerging from conflict. Nevertheless, the establishment of such institutions is the only option to resolve the fundamental insecurity felt by armed organizations and the constituencies they are linked to. This logic demonstrates that the absence of effective and legitimate domestic security institutions constitutes one of the most serious barriers to the successful resolution of violent civil conflict.

Using the case of Northern Ireland, I have demonstrated that efforts to reform the police and establish security institutions broadly perceived as legitimate is critical component of the stable resolution of violent conflict. It is also a fundamentally political task in divided societies. As the criminological and sociological literature has established, perceptions of procedural legitimacy, fairness, and neutrality are critical for establishing the legitimacy of the police. However, I have argued that, in the context of a society emerging from conflict, these perceptions themselves are not simply the result of individual assessments of police behavior. Rather, these perceptions are shaped by contextual factors beyond the police's control. Individuals' attitudes towards and confidence in the police is in part a function of their relationship with the state and the distribution of post-war political power it embodies. In addition, persistent intercommunal hostilities, or the context of a hostile peace, can place the police in a no man's land where it is impossible to serve and protect both sides of the divide simultaneously. Northern Ireland is a case of relatively successful police reform, and the very real difficulties it has faced in implementing reform and building legitimacy across deeply divided societies demonstrates the fundamental political challenges to policing in times of transition.

More work remains to be done, and policing represents an exciting area for future research in political science more generally – perhaps in the context of interdisciplinary scholarship with criminologists and sociologists. Many police reform efforts are led by the international community, particularly in the context of stabilization operations where domestic political and security institutions are weak or collapsed (Bayley & Perito, 2010). The analysis presented here raises questions about whether internationally led reform missions can effectively solve the domestic political considerations I have laid out, or whether successful reform missions must ultimately be led by domestic actors (see also Rubin, 2008 on this question). Theoretical work which explores the emergence of state monopolies on violence often treats state security forces (police and military) interchangeably (see e.g. Kalyvas, Shapiro, & Masoud, 2008; North, Wallis, & Weingast, 2009). The case of the police in post-war transitions suggests that it may be fruitful to theorize and analyze the police separately from state militaries, because the police are more intimately embedded in local communities. They are likely to have access to better local information than state militaries, and indeed require local information in order to perform their duties.

Existing social science literature helps us understand some of the inputs to a good policing equilibrium in the context of a stable democratic state. A broadly representative



police service practices effective, fair and impartial policing practices, this engenders trust and legitimacy, which leads people to share information with the police, bolstering their capacity to better serve the population. We understand far less about how to get to this virtuous cycle from the vicious cycles characterized by incompetence, corruption, fear and partisanship that actually characterize policing in many post-war contexts and fragile states. Although some good work has begun this effort, much more important work remains to be done integrating the rich US-based literature on police legitimacy with the experiences, practices, and lessons of other contexts (see e.g. the 2007 edited volume by Tyler). In particular, future research should investigate the role of perceptions of state legitimacy (or political control), intercommunal enmity, or other variables that may be crucial for efforts to bolster police legitimacy through institutional design or technical solutions.

### Acknowledgements

I am grateful to Eric Morris, Chana Teege, Grant Gordon, and the other contributors to this special issue for their helpful comments on earlier versions of this article.

### Notes

1. UN Security Council S/RES/2151 (2014). Available online at: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2151\(2014\)&referer=http://www.un.org/en/sc/documents/resolutions/2014.shtml&Lang=E](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2151(2014)&referer=http://www.un.org/en/sc/documents/resolutions/2014.shtml&Lang=E)
2. The civil conflict literature points to various other factors that support or impede parties in reaching and successfully implementing a peace deal. Scholars have argued that the greater the number of warring parties, and the greater the hostility that exists between them, the more challenging the peace-building environment will be (Doyle & Sambanis, 2006). Conflicts that take place in unstable regions (Sambanis, 2001), and conflicts over indivisible goods such as territory are less amenable to resolution (Toft, 2002). The presence of lootable resources or easy means of enrichment for combatant groups and spoilers to enrich themselves (Collier & Hoeffler, 2004) makes ending war and building peace more difficult. To the extent that the country is less economically developed and has fewer financial resources available to support new institutions and provide incentives for parties to engage, war–peace transitions are further less likely to be successful (Doyle & Sambanis, 2000; Hoddie & Hartzell, 2003). Other scholars emphasize the importance of institutional factors such as the structure of peace deals, or the institutions they establish, for resolving civil conflict. In the post-Cold War period, negotiated settlement has become the most common way that civil conflicts have ended. It is also the least stable (Doyle & Sambanis 2000; Toft, 2010). However, some scholars find that the specific features of a given peace agreement can be critical for overcoming the most significant challenges (Doyle & Sambanis, 2006; Glassmyer & Sambanis, 2008; Hoddie & Hartzell, 2005). Rather than simply “scraps of paper”, the contents of peace agreements matter and have consequences for the durability of peace (Fortna, 2003). Others emphasize the political institutions peace deals establish, debating whether liberal, competitive institutions or centralized institutions lead to more stable post conflict societies (Paris, 2004).
3. Much of the literature points to externally provided guarantees of security to solve commitment problems (Boyle, 2009; Walter, 1997, 1999). External actors can play a critical role in ensuring that no party takes advantage of a ceasefire to attack a vulnerable adversary, but they cannot create the conditions for full disarmament and demobilization unilaterally.
4. In many cases where third-party actors have provided nominal security guarantees, full disarmament and demobilization does not occur. Indeed, disarmament, demobilization and reintegration programs run by the United Nations are incentivized but not compulsory, and may not even attempt to incorporate all combatants (Humphreys & Weinstein, 2007). Armed groups re-arm to defend and pursue their interests through military means when their interests are threatened, or external actors’ commitment to providing security guarantees is shown to be weak or short-lived. Even when external security guarantees are provided by the

state and not by outside actors, demobilization may be temporary if it is not enforceable. Evidence from Colombia suggests that demobilized paramilitary factions were more likely to return to arms where their territorial control and linkages to the local population was strongest (Daly, 2011).

5. Most of what we know about the implementation of security sector reform comes from case studies. The existing literature tends to emphasize the role of international actors in leading security sector reform efforts, and the kinds of solutions that are likely to be at international actors' disposal, such as training, capacity-building and resources. Existing studies tend to understand the dilemmas of security sector reform as a state-building task led by outsiders – asking what works and what does not work with international community-led efforts, and what are the limits of international actors' ability to engineer change from the outside (e.g. Call, 2007; Call & Wyeth, 2008; Doyle & Sambanis, 2006; Stromseth et al., 2006).
6. Moreover, new research suggests feedback loops between perceptions of police legitimacy and engagement with the state more broadly. When people question the legitimacy of the police, they are not only less likely to cooperate with the police but also are more likely to disengage with the state more generally (Lerman & Weaver, 2014).
7. The foundational literature understands police legitimacy to be the degree to which people understand “the decisions made and rules enacted” by the police to be “in some way ‘right’ or ‘proper’ and ought to be followed” (Tyler et al., 2007, p. 10). Moreover, the legitimacy of the police to some extent supplants the need for police coercion and surveillance of the population: “when authorities are viewed as legitimate, the decisions they make and the rules they create are to a greater extent deferred to voluntarily” (Tyler et al., 2007, p. 10).
8. Byrne and Monaghan write: “There was a fragmentation within Loyalist communities during the conflict with those supporting paramilitaries disengaging with the formal criminal justice system. Those that remained but did not support Loyalist paramilitaries were encouraged not to engage with the police or develop any meaningful forms of relationships” (2008, p. 6).
9. Some debate exists as to how truly consociational the Belfast Agreement is, see e.g. Dixon (2005).
10. The Commission was chaired by Chris Patten, a former Conservative Member of Parliament who served as the Governor and Commander in Chief of Hong Kong during the transition to Chinese rule.
11. Prior to the 2002–2007 suspension, the Assembly was suspended for several months in 2000, and for two 24-hour periods in 2001.
12. During the post-ceasefire period, sectarian murders most often took the form of loyal attacks on Catholic civilians. Thirty-six of the conflict-related deaths after the ceasefires involved Loyalist killings of Catholic civilians.
13. A sectarian interface is an area in which Protestant and Catholic housing or commercial space abut one another. They have been associated with a great deal of violence during the Troubles.
14. An additional form of intracommunal violence has been paramilitary feuding taking place within Loyalist or Republican communities. Loyalism experienced three particularly violent episodes of feuding in the years after the Belfast Agreement, resulting in 23 deaths and more attempted killings. The scale of Loyalist feuding violence after the Agreement is striking because it far outstrips intra-Loyalist feuding that took place during the conflict. Just 12 men died between 1974 and 1977 as a result of Loyalist feuds during the conflict. In contrast, 42 died as a result of Republican feuding over a longer period of time, 1971–1992. Internal disputes within Loyalist paramilitaries led to another 13 deaths on top of those that resulted from the feuds between organizations. On the Republican side, conflict within the movement was often violent during the war, but was managed without widespread feuding after the ceasefires. Internal disputes within Republican organizations led to 11 deaths after the ceasefires, with the bulk of these tied to the INLA. (Sutton Index of Deaths, see <http://cain.ulst.ac.uk/issues/violence/feudkillc.htm>.)
15. The number of injuries was 825 in 1994, rising to 937 in 1995. That figure peaked at 1598 in 2001 (Police Service of Northern Ireland official statistics, accessed in 2011).
16. As Coogan describes, these events were foundational to the emergence of the modern IRA (Coogan, 1996, p. 78).
17. See Barry McCaffery, “Authorities accused of turning back on threatened police officers” published online February 3, 2014 and available at: <http://www.thedetail.tv/issues/304/>

displaced-policing-story-for-legacy-series/authorities-accused-of-turning-back-on-threatened-police-officers.

18. The St Andrews Agreement was a negotiated agreement between the main political parties in Northern Ireland and the British and Irish governments. It agreed the terms on which devolved power would be returned to the Northern Ireland Assembly, and effectively brought the Democratic Unionist Party into the peace process (they had not been signatories to the Good Friday Agreement, but had become the largest Unionist party in Northern Ireland following the Agreement).
19. Quoted in Smith (2010, p. 68).
20. Quoted in "Loyalists withdraw support for police and political bodies", published in the *Londonderry Sentinel* on July 8, 2009 and available online at: <http://www.londonderrysentinel.co.uk/news/Loyalists-withdraw-support-for-police.5439545.jp>  
In a reflection of the political acrimony of the time, Sinn Féin's Martina Anderson, MLA for the region, dismissed the move as "a pathetic whinge on behalf of a discredited criminal gang." Quoted in "Cops dismiss 'green agenda' claims", published in the *Derry Journal* on July 10, 2009 and available online at: <http://www.derryjournal.com/journal/Cops-dismiss-39green-agenda39-claims.5448240.jp>.
21. See: <http://www.theguardian.com/uk/2013/jun/05/northern-ireland-policing-Loyalist-flag>.
22. See <http://www.bbc.com/news/uk-northern-ireland-20917786>.
23. See <http://www.bbc.com/news/uk-northern-ireland-21706714> and <http://www.bbc.com/news/uk-northern-ireland-20972438>, respectively.
24. A hostile peace is characterized by a number of features: persistent *overlapping cleavages* (political ideology, cultural identity, residential segregation); *rivalry* between the sides that manifests itself in practical contestation over political power, as well as contestation over control of public space and other symbolic spaces; *fear* of what "they" would do to us and our way of life if they could, and a persistent sense of existential threat; and *contempt* towards the other side, their history and cultural traditions. Most importantly, these characteristics do not need to be present in a majority of the population on either side, a vocal minority is sufficient to set the tone and establish a sufficient sense of threat. Northern Ireland has a functional devolved government and is no longer embroiled in the scale of violence that characterized the Troubles, but the conflict is not over.
25. <http://www.bbc.com/news/uk-northern-ireland-21663450>.
26. <http://www.telegraph.co.uk/news/uknews/crime/10802128/Martin-McGuinness-The-dark-side-of-police-behind-Gerry-Adams-arrest.html>.

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