ARDOYNE ROAD ARBITRATION

Report and Recommendation

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INTRODUCTION

This arbitration process was initiated in order to advise the First Minister and Deputy First Minister on "the best way forward" with respect to "community safety concerns generally (in the Ardoyne Road area) and on a wall proposed around 41-49 Ardoyne Road."

The problem of community safety on the Ardoyne Road has been prominently highlighted during the past year and there have been various attempts to address it through processes of mediation and of community dialogue, which have so far failed adequately to deal with the matter. This arbitration process is part of a larger and lengthier process, which has included various initiatives and proposals from the Office of the First Minister and Deputy First Minister (OFMDFM), based upon a twin-track approach to encourage community dialogue and at the same time to address community safety needs in the Ardoyne Road area. In a broader context, the OFMDFM and the Department for Social Development, with the cooperation of the six North Belfast Members of the Legislative Assembly, initiated the North Belfast Community Action Project. The Project Team, led by Rev. Dr. John Dunlop, Mr. Roy Adams and Msgr. Tom Toner, reported in May 2002 their analysis concerning a range of social, economic and political issues in the North Belfast Parliamentary Constituency as a whole, and their recommendations for further action to be taken in relation to these issues.

The arbitration is a much more focused initiative.

From the outset of this arbitration process, it has been important to emphasise that our remit is quite narrow, in that we are only looking at community safety issues and only with respect to the Ardoyne Road area, and particularly at its intersection with Alliance Avenue. Within this remit, we have tried as much as possible to focus on the actual community safety needs of everyone concerned, recognising that some issues and aspects of what had been proposed were more about environmental improvements rather than community safety.

In the longer term, we think that there is a need for all the relevant groups and individuals to be able to negotiate with each other about various aspects of the community they want, and to begin to create for themselves a clear, shared vision of a safe, healthy and attractive environment in which everyone can live together peacefully. However, our remit is much shorter-term and narrower.

Since OFMDFM became involved with this situation last year, various proposals and options have been put forward for consideration by the groups, and at various points the officials of OFMDFM believed that there was beginning to be some kind of agreement on the way forward. We have concluded that there is not a consensus on the way forward in relation to these matters, and increasingly the sides have taken up positions that are mutually exclusive:

- The Upper Ardoyne community and their representatives in C.R.U.A. are insisting that the proposals of OFMDFM about road realignment and a wall were put forward as firm offers that must now be implemented. They believe that representatives of the Lower Ardoyne agreed to the proposals at an earlier stage, and have now withdrawn that agreement. Only alongside implementation of the wall proposals would C.R.U.A. agree to engage in a dialogue process with the Lower Ardoyne community.
- The Lower Ardoyne community have only reluctantly engaged in discussions on road realignment, nor have they agreed to what is being proposed by OFMDFM, and they have now taken a position of being totally opposed to any realignment of the Ardoyne

Road, while favouring the dialogue strand which has not gone forward. They believe that Upper Ardoyne were promised at an early stage that they would get what they want, and that this had left little room for negotiation on these matters.

It is not necessarily the case that people were intentionally trying to deceive each other in this process. However, due to the high level of mistrust and the lack of direct communication between the sides, it is not surprising that the sides are so far apart in their respective perceptions about the status of the proposals under discussion and to what extent these had or had not been agreed.

In this arbitration process, it has been our intention to move away from these fixed positions. It was our aim to try to understand the community safety needs of all the relevant groups and then to seek a way forward which would meet, or at least not undermine, the essential needs of all sides concerned. As a result of our consultations with the relevant groups and with elected representatives and our examination of the extensive documentation made available to us, we believe that there is scope for implementing a much scaled-down version of what had been proposed in order to meet the essential needs of those concerned and without undermining any of their essential needs. If implemented, this could be seen as a first step in a process of addressing community safety needs on the Ardoyne Road. It might be seen as a temporary measure that could be later changed as the situation changes. If each of the sides chooses to accept this limited action as a kind of confidence-building measure, then it might enable the two parts of the Ardoyne community to begin an engagement in direct dialogue that might eventually lead them to some level of consensus on further measures to be implemented in order to ensure community safety as well to improve the community environment more generally for everyone concerned.

ARBITRATION: A DESCRIPTION

This arbitration process was initiated by the Office of the First and Deputy First Minister.[1] In order to make clear what kind of process we expected it to be, we produced and distributed to those involved a Description of the Process (see appendix.)

In general, arbitration is a process in which an independent person is invited to settle a dispute. This can be a judicial process, in which the arbitrator is a judge who decides according to law. Or, it may involve deciding on the merits of a case in itself, rather than in terms of specific laws, in which case the arbitrator may have other expertise.

It is distinct from mediation, in which the parties themselves must agree on the outcome, and must also consent to the process and to facilitators, mediators, or other assistance. In arbitration, the outcome, or a portion of it, is placed in the hands of an impartial party, sometimes with the consent of the disputing parties, and sometimes not. In this case, the parties were not asked to agree to the process, nor to the arbitrators appointed. The arbitrators were selected because they were independent of the dispute (that is, they did not live in the area, and had no affiliation with any of the parties involved, nor with any of the political parties) and because they are experienced in dealing with conflicts. However, the two Ministers set the task and its parameters, selected the arbitrators, paid for their services, and have the power to decide what to do with the recommendation. There were, therefore, limits to the independence of the process. Officials in OFMDFM have been careful to respect

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[1] See appendix for Terms of Reference.

the independence and autonomy of the arbitrators. They provided briefings at the beginning and made available files of correspondence and reports concerning this situation. Beyond that, they stayed out of the way and were careful not to interfere with the task or the decisions as to how to approach it.

As is clear from the description, the process was not binding. It would result in a recommendation to Ministers, which would not be binding on them or on the parties, though it might result in executive action.

As a process, it offered any or all of the following: meetings, interviews, public hearings, and receipt of submissions. In the event, public hearings have not been requested, and only one submission received. The report and recommendation have therefore been based primarily on a combination of meetings, interviews, and documentary evidence. As will be seen in the report, the most useful approach seemed to be to try to unpack what had happened and how it was seen by different parties, and to identify community safety needs and ways to meet them.

This arbitration is a small piece in a lengthy series of processes, including mediation, public hearings, a community action project, various security initiatives, and ministerial attempts to foster community relations or reduce conflict in this area.

RECOMMENDATION

The intersection of Ardoyne Road and Alliance Avenue represents for local people a history of events, both of surprising coexistence during some of the worst years of the Troubles, and of recent acute disagreement and hostile interactions. Feelings of insecurity run high, based on fear, negative experience, and the apparent failure of normal security measures to protect them. Over time, the question of how to make people safer has itself become contentious, as any proposal to increase someone's safety seems to make someone else feel more insecure. There have been previous attempts to reach consensus, including a mediation process in 2001, but there is as yet no consensus on community safety needs and how to meet them.

There are needs identified by each side and contested by the other. One set of representatives has engaged in extensive and detailed discussions on specific needs and concrete ways to address them. The other community's representatives have taken the position that the suggested changes will create new safety concerns for them, and that the best option therefore is no change to the physical layout.

Several interesting and innovative options have been suggested to address safety needs. Some of these options could be implemented in such a way as to be compatible with each other and with all the basic safety needs identified. There is also some interest in improving the overall environment, both in terms of function and aesthetics, which some of the suggested options would permit.

Some of the options suggested to meet these needs would require the acquisition of land from the Everton complex. It is the position of the relevant Minister (with which we concur) that such public land should be made available if, and only if, both communities consent to the proposed use of it.

This consent has not been tested in a formal or transparent way. However, representatives/spokespersons for one community have given consent to proposals, while representatives/spokespersons for the other community have refused consent.

Both communities acknowledge that, in the long term, meeting safety needs will mean changing behaviours and levels of trust within and between the communities, so that people are safe and feel secure. This will require dialogue and confidence-building processes in order to improve community relations in the area.

These two strands, community safety and community dialogue, are acknowledged as necessary in order to resolve the problem. However, they have different processes and requirements. Heretofore, considerably more attention has been paid to practical options to address safety needs. There has been less progress with the dialogue strand, although an important base has been laid through agreement on principles.[2] The lack of progress on dialogue illustrates one key difference between the two strands: The dialogue strand necessarily requires the simultaneous engagement of both parties, while the safety strand can proceed with no direct engagement between them, i.e., through discussions with one side at a time or even through discussions primarily with one side only.

The meeting of the basic safety needs of one community ought not to be subject to the consent of another community. There is a clear obligation to meet safety needs, provided that this is not done in a way which interferes with meeting the needs of others. Issues of consent may limit the specific choices of method or mechanism for meeting safety needs, but lack of consent does not remove the obligation to meet the needs. At the same time, dialogue and confidence-building are essential if the problems are ever to be solved in any meaningful way.

We therefore recommend[3] the following:

1. OFMDFM should address the basic safety needs by implementing what we have called the Minimal Wall/Fence Proposal *(see Proposal Specifications, p.6, and drawings in Appendix).* This would involve building a wall along the Alliance Avenue side of the intersection, following the current line of the footpath along the cobbled area, in order to disrupt the sightlines somewhat for youths at the intersection, while preserving the sightlines as children walk along the road to school. Beyond the CCTV camera, the wall will join with and be replaced by an Ibex fence, which will offer protection from missiles to houses 43-49, and at the same time ensure that no one can use the wall as a screen for attack, since they would be visible for some distance. We believe that this addresses the basic safety needs on both sides.
2. Further attempts should be made to build confidence and dialogue processes between the two communities.
3. A process should be devised to test consensus on further improvements, both to safety and to the environment.[4] This testing would at least make it clear how the communities feel, give authority to their spokespeople in representing their views, and feed into the dialogue process. If consensus develops to make more extensive changes, then the land could be requested and further improvements implemented.

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[2] See Appendix: Agreed Principles.

[3] For further background to the recommendation, including an outline of the process, see Appendix.

[4] This might mean asking for the consent of elected representatives from the area. Or the testing could, for example, take the form of a ballot distributed to all households in the relevant postcodes. This would ask for preferential votes for (1) the Minimal Wall/Fence Proposal only; (2) the Intermediate Wall/Fence Proposal; (3) the Maximal Wall/Fence Proposal.

PROPOSAL SPECIFICATIONS

Drawings for all three proposals follow page 25 (Appendix), along with a simulation of how the wall and fence of the Minimal Proposal would look from the Everton Complex.

Minimal Wall/Fence Proposal

1. Wall, 3 m. high, from 269 Alliance Avenue around 41 Ardoyne Road to just beyond CCTV camera (roughly to end of number 43 Ardoyne Road).
2. Wall then joined to 3 m Ibex fencing, following line junction of cobbled area/footpath along to end of number 49. (The attached drawing shows the junction between wall and fence, with a child walking alongside.)
3. Low planting (behind fence) sloping down what is now cobbled area, and 300 mm high kerb at the base of this slope.
4. 3.6 m. high Ibex fencing behind houses on Hesketh Road at the boundary with the Everton complex.

Intermediate Wall/Fence Proposal

1. Wall and fence as specified for Minimal Wall/Fence Proposal above.
2. Mini-roundabout. Bend in Ardoyne Road, surrounded by 2m high Ibex fencing, with low plantings, extending to end of no. 49 Ardoyne Rd., as shown in drawing.
3. Adjusted entrance, car parking, and plantings at Everton Complex, and 3.6m high fence between it and Hesketh Road houses, as shown in drawing.

Maximal Wall/Fence Proposal[5]

1. Bend and mini-roundabout, as above, and as shown in drawing.
2. Wall 3 m high, with concavity, extending to apex of bend.
3. Wall joined to 3 m Ibex fencing for last 2 sections (roughly 10 m. in length)
4. Adjustments to Everton complex, as above.
5. Adjustment to road and footpath on Ardoyne Road below Alliance Avenue to preserve sightlines, as shown in drawing.
6. Drawing shows sightlines up the Ardoyne Road.

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[5] Using as base 11 June 2002 option 4

CHAIN OF EVENTS

There is a complex history to the situation on the Ardoyne Road. In this section, we try to unpack the chain of events that relates to OFMDFM's involvement with this situation since June 2001. Specifically, we have focused on events related to the process of consultations between OFMDFM and the different sections of the Ardoyne Road community, leading to a proposal 'commended' to the Ardoyne community by Ministers in their letters of 17 May and 7 June 2002. This section documents the process and highlights how it became unbalanced, showing that there was and still is no clear consensus about proposals to address community safety needs.

Following the initiation of protests on the Ardoyne Road by Concerned Residents of Upper Ardoyne (C.R.U.A.) in June 2001, there were various unsuccessful attempts to end these protests through mediation and negotiation during the summer months. OFMDFM, in the person of Chris Stewart, was involved in promoting and enabling some of these initiatives. In September, OFMDFM set up an Interdepartmental Group for North Belfast, headed by Mary Bunting. At about the same time, a "Senior Liaison Officer", Derek Wheeler, was appointed to make contacts with both sides of the Ardoyne community from an office at the Everton complex, near the intersection of Ardoyne Road and Alliance Avenue.

In October 2001, based on their discussions with community representatives as well as with elected representatives, OFMDFM officials prepared a pair of "possible ideas for the development of Alliance Avenue / Ardoyne Rd intersection." These ideas were circulated for initial comment to Nigel Dodds MP, to North Belfast MLAs and to Glenbryn and Ardoyne community representatives. These "possible ideas" were both headed with the title "NOT AN OFFER!" and have been referred to in the documentation as Option 1 and Option 2.

> Option 1 had a 'peace wall' running behind the houses on the north side of Alliance Avenue and ending at the back of 41 Ardoyne Road. It also had a rather large roundabout at this intersection, with a wall running east to west (perpendicular to Ardoyne Road) across the middle of the traffic circle. The additional land needed for the roundabout would come from the Everton complex.

> Option 2 had a smaller roundabout at the intersection with a bend in the Ardoyne Road just above the intersection. This option also had a 'peace wall' behind the houses on the north side of Alliance Avenue, with the same wall continuing out at the back of 41 Ardoyne Road and then extending along the front of Alliance Ave to the furthest point of the bend in the realigned Ardoyne Road. The additional land needed for these changes would come from the Everton complex.

Reactions from the Upper Ardoyne community were generally positive. C.R.U.A. quickly adopted Option 2, including the smaller roundabout with a bend in the road and a wall extending out into this bend, as their preferred option.[6] From the first suggestion of this possibility, it seems that the Upper Ardoyne community believed that this road realignment and wall at the intersection of Ardoyne Road and Alliance Avenue was on offer from OFMDFM (although it was presented as "NOT AN OFFER!") and that it was achievable if they were persistent in this consultation process.

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[6] Previously C.R.U.A. had been asking for a permanent security gate across Ardoyne Road and were told by the NIO Security Minister that she had decided in consultation with the police that this was not necessary. The NIO, however, did later agree to implement other measures, such as increased police patrols, a CCTV camera at that intersection and raising the height of a 'peace wall' behind houses on Alliance Avenue which back on to the Glenbryn community.

With respect to the reaction of the Lower Ardoyne community, OFMDFM officials reported to the Ministers on 22 November 2002 that the Parents (of children attending Holy Cross Girls' School, represented by the "Right To Education" group) were less convinced of the need for change but would be content to see Option 2 brought forward as a "Community Safety" (rather than a Security) measure, and provided that the full statutory process was followed. The already-mentioned enthusiastic acceptance of Option 2 by representatives of Upper Ardoyne, along with this rather reluctant acceptance by representatives of parents of the Lower Ardoyne community to move forward with Option 2, was seen by OFMDFM officials as an adequate basis on which to proceed with the development of a detailed design for the suggested realignment and wall at the Ardoyne Road / Alliance Avenue intersection.

The letter dated 23 November 2001, from the First Minister and Deputy First Minister to the relevant groups and elected representatives, reinforced the notion that OFMDFM were prepared to move forward with some kind of road realignment. The letter outlined and clarified the Ministers' views concerning various issues, beginning with a section on "Community Safety / Environmental Changes", in which they wrote:

- "We are aware from our discussions that there is a recognition that traffic calming measures on the Ardoyne Road and other changes at the Alliance Avenue / Ardoyne Road intersection would improve the overall appearance of the area and enhance community safety."
- "We have also today decided to commission the preparation of a detailed design for the regeneration and improvement of the Alliance Avenue intersection and the other related community safety matters which fall to the Northern Ireland Executive including possible road realignment at the intersection. The design will be conducted urgently and in full consultation with local communities and other interests. The target date for completion of the design is mid-January. If agreement is reached on a scheme, and once the extent of land that may be available is confirmed, a preliminary layout should be available within two weeks."

It seems that, having received this letter from the Ministers shortly after their informal discussions with OFMDFM officials about the suggested options as outlined above, and despite the fact that it clearly states that agreement is necessary, C.R.U.A. then believed even more strongly that they could obtain a road realignment including a wall if they remained fully engaged in this consultation process and insisted on the implementation of what had been suggested. Significantly, in the light of subsequent developments, there was no specific suggestion at this stage of linking any actions on "Community Safety" to a parallel process of "Community Dialogue". The only references to dialogue in the 23 November letter are:

1. The first sentence of the second paragraph: "We recognize that dialogue, and good communication are central to progress and taking forward the work to be done."
2. The first paragraph of the "Conclusion": "Finally we encourage all of you to help to put in place appropriate structures such as a Joint Community Forum for necessary community dialogue. Our Department is working towards such a development though the Senior Liaison Officer, Derek Wheeler, who is available to everyone in the area in the Everton Complex."

Following this, at the end November, C.R.U.A. suspended their "street protests" on the Ardoyne Road. In January 2002, the "Right To Education" (Parents) group was replaced in this community consultation process by the "Ardoyne Group", which included members from various groups in the Lower Ardoyne community and not just the parents of children attending Holy Cross Girls' School.

In January and February 2002, the Ardoyne Group were arguing strongly that any issues to be agreed between the two communities, including matters related to community safety and environmental improvement, could only be resolved through direct dialogue between

community representatives. Therefore, in their view, any proposals about changes to the Ardoyne Road should be on the agenda for discussion and agreement in a cross-community dialogue forum. At the same time, C.R.U.A. insisted that progress or lack of it on community dialogue should not prevent movement on matters of community safety and that the proposed road realignment and a wall at the intersection of Ardoyne Road and Alliance Avenue were matters of community safety.

At the same time, OFMDFM officials were trying to find ways to progress both community safety and community dialogue matters, without the lack of progress on one making it impossible to move on the other. They forged ahead with their efforts to get some kind of agreement on the detailed design for changes to the road and the building of a wall at the intersection of Ardoyne Road and Alliance Avenue. In the event, this process became unbalanced; C.R.U.A. engaged in extensive, detailed discussions about the proposed wall and road realignment, while involvement by Lower Ardoyne representatives in this part of the process varied from outright rejection to reluctant acquiescence in order to get things going on the community dialogue process which they thought more meaningful.

In early March 2002, at a meeting with OFMDFM officials and design consultants, a leading representative of the Lower Ardoyne community 'took up a pen and drew a line' on a map of the intersection, indicating a possible location for a wall in front of 41-45 Ardoyne Road. This line was taken by the design consultants to be an indication of what the Lower Ardoyne would accept and was incorporated into the design criteria as such. However, the person concerned later said that this was not an agreement or commitment, but only a suggestion for further discussion and, in any case, he only meant an 18" wall.

Subsequently, in an email dated 26 March 2002, the "Ardoyne / Marrowbone Community Forum" wrote to an OFMDFM official:

> "After much discussion the committee have decided that the current consultation process is being mismanaged and is becoming a fruitless and dangerous exercise. Continuing any further would jeopardize any meaningful outcome.
> Our own efforts to establish a collective decision making process have been continually undermined while channels for direct dialogue with C.R.U.A. have been repeatedly ignored.
> We consider the road realignment project to be based on falsehoods and coercion.
> Finally, we believe the continued use of intermediaries by your offices only frustrates the chances of resolving inter-community strife. We argue that these issues can only be properly resolved through face-to-face dialogue."

In the ensuing weeks, officials of OFMDFM as well as Ministers had extensive meetings and discussions, attempting to carry forward both the community safety and the community dialogue strands. In the first week of May, the Ministers held meetings with MLAs from North Belfast, with representatives of C.R.U.A.[7] and with the Holy Cross Girls' School Board of Governors. After further consultation, the Ministers invited community and political representatives of the Lower Ardoyne community and of the Upper Ardoyne community to two separate 'round-table' meetings to be held on 15 May[8] in order to explore:

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[7] Rev. Norman Hamilton accompanied C.R.U.A. at this and other meetings. He is not a member of C.R.U.A., but has been assisting them in an advisory role.

[8] In the event, the Upper Ardoyne 'round-table' was attended by representatives of C.R.U.A., Rev. Hamilton and some unionist political representatives. The proposed Lower Ardoyne 'round-table' on 15 May was attended by Fr. Aidan Troy along with other members of the Holy Cross School Board of Governors and nationalist political representatives. Community representatives from the Ardoyne Group were not available on that date and the Ministers had a meeting with this group on 20 May.

1. "How they can reconcile each community's concerns about community safety including road re-alignment and adequate sightlines" and
2. "How community dialogue could be progressed and a timetable agreed and how to achieve commitment to a set of principles to re-build trust, confidence and community relationships."

From these discussions, Ministers developed a sense of what might be necessary and acceptable to the communities. They hoped that, through a staged or sequenced process, both communities would become engaged in the twin-track approach for taking forward both community dialogue processes and the implementation of community safety measures.

During the same period in April and May, OFMDFM officials together with their design consultants, Groundwork NI, proceeded with further development of design criteria and drawings for the road realignment and other changes at the intersection of Ardoyne Road and Alliance Avenue. At the same time, officials were also exploring options and suggestions for potential facilitators to assist the communities to move forward with a dialogue process. The First Minister and Deputy First Minister agreed the letter of 17 May which was sent to these community groups and their elected representatives, "commending" to them an approach based on five documents which were attached to this letter:

1. Programme for Progress on Community Dialogue
2. Programme for Progress on Community Safety
3. Design Brief prepared by Groundwork NI
4. Proposed wall design
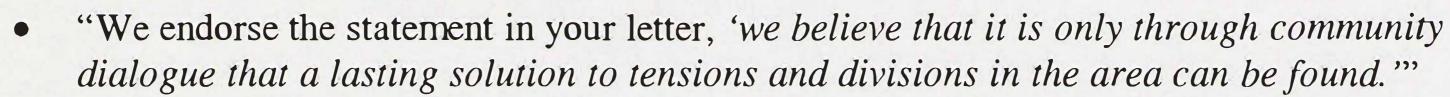5. Principles for Building Trust and Confidence.

Programmes 1 and 2 were proposed to begin at the "End of May" and to run concurrently, with the Community Safety programme to be completed by "Mid July". The Ministers wrote that they were seeking comments and views on these by 24 May.

Mark Coulter, chairman of C.R.U.A., replied in a letter dated 23 May 2002 that "Every household in the Upper Ardoyne area was provided with a copy of the proposal outlined in your letter, so that the terms could be fully understood in advance of the open debate at our Public Meeting on 22 May 2002." After noting a number of reservations on specific points in the proposal, their letter stated that "it is the view of the community that we should accept your office's judgement in relation to minor adjustments within the scope outlined in your letter, with a view to avoiding any further delays which might hinder progress on the overall package." In the same letter, C.R.U.A. stated: "We reaffirm our commitment to community dialogue, and remain focused on the benefits which we believe dialogue will deliver to both communities."

Meanwhile, after prompting from OFMDFM officials, Gerard McGuigan replied on behalf of the Ardoyne Group in an email dated 24 May 2002:

"We cannot accept nor see logic in the realignment of Ardoyne Road. We do accept the 8 principles and would want to proceed in that manner. We would also want you to know that we are willing to discuss ways of protecting any homes along the Ardoyne Road that feel threatened."

Then, in a letter dated 27 May 2002, Fr. Aidan Troy forwarded the response to the Ministers' letter of 17 May from the Board of Governors of Holy Cross Girl' School, which was based on a series of meetings including parents and staff of the school along with the Board of Governors. Points made in their response include:

- "We endorse the statement in your letter, *'we believe that it is only through community dialogue that a lasting solution to tensions and divisions in the area can be found.'*"
- "…. It is our considered opinion that the safety needs of the two communities are not being addressed by the road plan submitted for our consideration. …."
- "The road plan if adopted in its present form will inevitably lead to a serious decline in the number of pupils attending Holy Cross Girls' School. It could lead to the eventual closure of the school. …."

These responses to the letter of 17 May suggest that there is no consensus between the Upper Ardoyne and the Lower Ardoyne communities about a way forward with respect to ways of addressing community safety needs. Representatives of the Upper Ardoyne community are stating their agreement to the proposed "package" while a leading representative of the Lower Ardoyne community clearly stated no agreement from their side to what was being proposed about road realignment in the letter of 17 May. The Holy Cross Girls' School Board of Governors emphasised the need for community dialogue while believing that the proposed 'road plan' did not address safety needs of the two communities and 'could lead to the eventual closure of the school.' They went on to explain in detail the reasons for this position, that the parents said they would not send their children up the Ardoyne Road to the school unless they had a clear sight line up the road from below the intersection with Alliance Avenue, and also that the children would be afraid of someone possibly jumping out to attack them from behind an opaque wall along the Ardoyne Road.

These positions were again emphasised to us when we met with representatives of each of these three groups during the arbitration process. Therefore, it is our considered opinion that there was and still is no consensus between the Upper Ardoyne and the Lower Ardoyne communities on the way forward with respect to the proposed road realignment and wall at the intersection of Ardoyne Road and Alliance Avenue.

With regard to this lack of consensus, it is important that we mention here the events related to OFMDFM's negotiations and communications aimed at acquiring from the Everton complex the land needed for the proposed roundabout and bend in the Ardoyne Road. Groundwork NI had consulted those responsible for Everton complex with respect to detailed design criteria and changes that might be made to the Everton car park and grounds. Initial indications from the North & West Belfast Trust, who own and manage the Everton complex, were positive about the proposed changes. However, it was necessary for OFMDFM to get final approval from the Minister of Health and Social Services for the proposed transfer of land. On 6 June 2002, in an email to OFMDFM, the Under Secretary in the Ministry of Health and Social Services wrote:

> "We have now consulted the Minister about this, and I can confirm that the Minister would support proposals for the use of the land at the Everton complex which had the support of both sections of the community in the area. Would you please advise if indeed both sections of the community in the area support the proposals for the use of this land and how this has been ascertained."

So, without cross-community consent, it would not be possible for OFMDFM to proceed with aspects of the community safety proposal that required the acquisition of land from the Everton complex. There was consent from one side of the community, but rejection of road realignment by the other side of the community.

Yet, the First Minister and Deputy First Minister, in a letter dated 7 June 2002, wrote to the groups and their representatives: "We believe that progress has been made and that both

communities have now sufficiently clarified their positions to enable us to decide on the way forward." After noting some revisions to the proposals "to take account of the points raised in responses", the Ministers' letter states that "we intend to move forward immediately and simultaneously on both programmes" of Community Dialogue and Community Safety. With respect to the proposed Community Dialogue programme, there is an expressed commitment to "provide assistance to both communities to take this process forward", including possible "mentor training" for both sides and "facilitators" to be identified. With respect to the proposed Community Safety programme, the Ministers' letter states:

> "We have decided that in order to incorporate the community safety requirements essential to both communities, including protection of houses on the immediate interface of Alliance Avenue and Ardoyne Road, a wall will be constructed around Nos. 41-49 Ardoyne Road. Our intention is to have this wall constructed by the middle of July.
> However, we wish to ensure that the design of the wall, particularly its structure, features, materials and location, are such as to address community safety concerns including the protection for houses and the preservation of the best possible sight lines from the corner of Alliance Avenue. … To arrive at a consensus on this, we have asked officials to discuss this with elected representatives and to consult with professional advisors and to report back to us by 14 June. ….
> We also propose to proceed with work on a roundabout and road re-alignment. We have asked officials to liaise both with the relevant authorities concerning this and also with both communities to ensure that the re-alignment will enhance the environment while not interfering with sight lines."

As part of their effort to arrive at a consensus on the wall's design and to address community safety concerns, the OFMDFM also initiated this arbitration.

CHAINS OF REASONING

This section will describe some of the needs or positions taken by different parties with respect to the intersection of Alliance Avenue and Ardoyne Road. In some cases, there was a complex process of history and reasoning leading to a decision to favour or oppose a particular option. Over time, these positions have hardened, and it has become more difficult to imagine yielding on them. We have tried here to unpack the reasoning[9] and to clarify needs, perceptions, and positions. This takes place, again, in a framework of trying to distinguish between real human needs, on the one hand, and positions taken in order to achieve other ends. It also brings into play terms such as safety and security, which have to do both with reality (including attitudes, behaviours, and contexts) and with perception (how people see, interpret, or experience the reality.)

KEEP HOLY CROSS GIRLS' SCHOOL OPEN

This is, of course, a real need from the perspective of the Holy Cross Girls' School Board of Governors, the parents, the staff, and the present and future students. The connection to the intersection goes something like this:

i. There is a recent history of gradual decline in school numbers, so the loss of pupils or potential pupils could make the school less viable.

ii. During periods of protest which impeded access to the school and made the walk to and from school unpleasant and frightening, there was concern for the children's safety and the traumatic impact on them.

iii. Because of the impact of the protest, there was anxiety on the part of the parents as to whether they should continue to send their children to Holy Cross, and therefore concern on the part of the school that there might be large numbers of withdrawals.

iv. Because of suggestions from Upper Ardoyne that there should be a wall or gate closing the road, there was further concern on the part of school or parents that access to the school might be further impeded, or that they might be expected to walk up the road or send their children up the road without being able to see what lay ahead.

v. Discussions of a possible wall around the intersection or along the road prompted further concerns that a tall, opaque structure might frighten the children on their way to and from school, for fear that someone hiding behind the wall unseen might either jump out at them or throw something over the wall at them.

vi. The parents thus arrived at a position that, if any wall were built, they would refuse to send their children to the school. And the school therefore arrived at the position that any wall would endanger the future of the school.

The history is an important part of this situation. The school, its staff, parents, children, and visitors, endured months of disturbing unpleasantness and threat, simply in order to gain access to the school. There were real threats to their safety, as well as perceived ones, and real as well as perceived threats to their need to attend school. Anxieties about safety on the part of parents, children, and staff are well-founded in terms of the events of 2001. For these reasons, our view is that any change to the current intersection must take into account both the physical and the psychological needs of students, parents, and staff of the school.

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[9] The section Chain of Events unpacks the history.

Basic needs:

1.   Access to Holy Cross Girls' School
This has been materially assisted by the public statement from C.R.U.A. that the protest
will not be reinstated. It will, however, take some time for these assurances to be seen as
changes in behaviour, and longer still to allay the perception that this need is under threat.
Further needs arise because of the discussion of walls and gates. These needs would
probably not have been identified in the past, but they have become real needs, because they
are under threat. The priorities identified by the school in this situation are not changes to
meet needs, but the fear that changes would create new problems and needs.

2.   Preserve sightlines up the Ardoyne Road as children go to and from school

3.   Ensure that children are not put in the position of walking beside opaque structures
behind which someone could hide and attack them.

CONCLUSION: Our view would be that, in terms of basic human needs, this strand produces
three needs which should be taken into consideration in any plans for the area: access,
sightlines, and visibility / protection from attack in any new structures. The first has been
addressed by the assertion that the street protest will not be reinstated, and by the agreed
principles, the third and fourth of which emphasise the importance of the schools and the
right to access. Needs 2 and 3 should be addressed in considering any change to the public
space along the road or at the intersection. In the long term, the best way to deal with all
these needs will be to improve relations between the two communities, so that everyone
involved accumulates experience of positive, helpful interactions and regains a perception of
security within the larger community. The need to ensure the viability of the school, while
important to many people, is influenced by factors and behaviours other than this particular
intersection.

PREVENT RIOTING

This is a need presented by the Upper Ardoyne community, and presumed to be shared by
Lower Ardoyne (though not presented by them.) The reasoning, when unpacked, looks more
or less like this:

i.   The recent history and the relations between these two communities are very
conflictual, and subject to being ignited or escalated by apparently small "trigger"
factors.

ii.   When youths see each other on opposite sides of this interface, they are likely to taunt
each other, throw things, and draw others into the affray.

iii.   Young people have become habituated to engaging in "recreational rioting," and they
are attracted to this intersection for that purpose.

iv.   The solution proposed by Upper Ardoyne, and adopted by them as a position, is to
break this dynamic by breaking the sightlines at the intersection by means of a wall,
usually thought of as a "peace wall".

v.   A further proposal would be to provide separation between the groups of youths, as
through a "kink" in the road.

In the long term, this is another need which can best be addressed by improvement in
relations between the communities. In the short term, there is a real need to discourage or
disrupt this dynamic of rioting. It has already been partially addressed by security measures,
particularly the introduction of CCTV cameras and of static police patrols. The Dunlop
Commission Report also addresses both the dynamic of rioting and the needs of young
people. The agreed principles are also relevant, particularly the first, to discourage attacks,
and the second, a mechanism to defuse incidents.

CONCLUSION: There is a real need to prevent and/or manage rioting at the intersection. The need to change or disrupt this dynamic should be taken into consideration in the proposal of a wall, as well as other changes to the intersection. At the same time, changes to the intersection can have only a limited impact on the central problem, hoping to break the dynamic and "buy" some time in which to work to strengthen community mechanisms for managing conflict, improve community relations and seek more constructive roles for young people in the area.

PROTECT HOUSES

This is a need presented by Upper Ardoyne, and presumed to be shared to some extent by Lower Ardoyne. It has come to focus on a particular set of houses on the Ardoyne Road, numbers 41-49, though C.R.U.A. has said more than once that this is not their primary reason for proposing a peace wall. This need has also been addressed, with respect to the houses backing on each other from Alliance Avenue and Glenbryn Park, by the provision of a peace wall between them, currently ending at 269 Alliance Avenue. The reasoning would be:

i.   Rioting at the interface and other friction between the communities sometimes leads to missiles being thrown at houses along the interface.

ii.   This endangers both property and life.

iii. A "peace wall" will protect the houses from missiles.

One proposed solution is to continue the wall in order to break the sightlines at the interface (see preceding section) along to number 49 Ardoyne Road. This launches a further chain of reasoning, particularly in combination with proposals to separate the sides at the interface by providing a "kink" in the Ardoyne Road.

iv.   With this change in the road, there would be no access to the houses for delivery or emergency vehicles. This could be provided by extending the "kink" to permit access behind the wall.

v.   Emergency vehicles would not enter this space behind the wall if they would be obliged to reverse onto the roadway. For that reason, the space behind the wall should include turning space, and the "kink" be extended accordingly.

This chain of reasoning has produced many of the recent designs under discussion as possible proposals for re-alignment of the roadway, in combination with other elements intended to improve or beautify the environment. While all of these may be desirable, they do not represent the basic community safety needs which must be addressed here. The basic need is to protect life and property. This is normally seen as a security concern, and is normally dealt with according to a security assessment made by the Police Service. In this case, the assessment of the Police Service is that there is no security need for a "peace wall" to protect 41-49 Ardoyne Road.[10] However, increased protection for these houses would improve their security and increase people's perception of being safe or protected. For purposes of community perceptions of safety, fine-mesh fencing, or a short wall topped by such fencing, would protect houses and people against missiles, without being opaque, and without requiring a kink in the road. Existing access to houses, along the road and across a sharply-sloping cobbled area, or along the footpath from the Glenbryn Park corner, could be preserved by fencing which ended at number 49, without the need for the provision of turning space in a "kink" or behind a wall. Residents also report that some of the insecurity stems from policing practice, which establishes a line of defence at Hesketh Road and Glenbryn Park, leaving this part of Ardoyne Road (no. 41-53) to the mercy of attackers. Although it is

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[10]   This differs from, for example, the interface along the back of Alliance Avenue and Glenbryn Park, where the security assessment has led to the erection of a wall.

beyond our brief, we commend this issue to the consideration of those in authority, since it materially affects security in the area.

CONCLUSION: In the long term, people will feel safer when rioting and attacks end, when they really are safe and secure, and when relations between the communities improve. Interim measures should be taken to provide protection and to improve perceptions of safety, including the provision of fencing for 41-49 Ardoyne Road.

TERRITORIALITY / ADEQUATE HOUSING STOCK

This issue is at least indirectly relevant to this initiative, because it has led to divergent perceptions:

A. In Lower Ardoyne, the perception is that Glenbryn is full of houses which are empty, and which are being protected only in order to keep nationalists confined to an area which was defined at a time when there was marked discrimination against nationalists; which leads to the perception that a wall is demanded only in order to mark, maintain, and extend unfairly-defined unionist/loyalist territory, and for that reason should not be permitted.

B. In Upper Ardoyne, the perception is that nationalists/republicans are attacking houses at the interface in order to drive people out of them, win the right to move into them, and thus move the boundary onward in a form of "ethnic cleansing"; which leads to a position that a wall should be built to protect current boundaries from encroachment.

These divergent perceptions have their own chains of reasoning. They are also both based on a common chain of reasoning, stemming in turn from the experience of living in enclaves:

   i.   Territory belongs to one side or the other.

   ii.   Where the two communities both inhabit an area, there is pressure to discourage one group or the other, so that the area will belong to one group only.

   iii.   Where there are boundaries or interfaces between the two predominant communities, there is pressure from each side to extend the boundaries so that "my" side gains territory.

   iv.   Walls define space in a fairly permanent way[11], so they are particularly sought by the side which fears it is losing territory, and discouraged by the side which believes it may be able to gain territory.

   v.   Common space, or apparently unused space, is subjected to particular pressures in order to place it in one camp or the other.

The realities and perceptions of changing demographics, of the history of discrimination, and of the problem of the "dual minority"[12] are well described by the Dunlop Commission report.[13] For purposes of this arbitration, the most significant aspect is that discussions of community safety needs and measures to address them feed immediately into the experiences and chains of reasoning described here. Each of the contesting groups then perceives its own proposals and reactions to be soundly based in real needs and constructive solutions, while perceiving the other's proposals and reactions to be examples of sectarianism.

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[11] "Peace walls" seem particularly permanent, in that none that has been put up has yet been taken down.

[12] This is the perception by both communities that they are in the minority in some framework. For example, Protestants are in the minority in the Ardoyne and in North Belfast, in the majority in Northern Ireland and the UK, while Catholics are in the minority in Northern Ireland, the majority in North Belfast and on the island of Ireland. In this sense, both communities feel they are a threatened minority.

[13] North Belfast Community Action Project, Report of the Project Team, May 2002.

CONCLUSION: While it is understandable that the parties might interpret events in the light of this kind of reasoning, it must be clear that it would be inappropriate to use public resources or common space for sectarian territorial advantage. It is particularly important that care be taken to ensure that processes aimed at resolving conflict or improving safety cannot be used to further or to inhibit one side's territorial aims. This is one of the reasons for carefully deciphering and unpacking recent events in Ardoyne, to try to distinguish clearly between real needs and tactical positions. Territorial advantage is not a basic human need, and will not serve as a justification for changes to public space or structures.

DON'T REWARD BAD BEHAVIOUR

Here, again, there are divergent perceptions.

There is a significant perception in the nationalist community that the protest which disrupted Holy Cross Girls' School for months was so egregious, so blatantly wrong and awful, that the protestors ought not to get what they want. The reasoning goes something like this:
  i.   The protest was wrong, and also very harmful to innocent children, as well as to staff, parents and visitors.
  ii.   To ensure that this is seen to have been wrong, the protestors should not win what they were fighting for, nor any other concession, simply because they stopped a protest which ought never to have been allowed in the first place.
  iii. Therefore, the position taken up is that no changes to the road or the intersection sought by C.R.U.A. should be granted.

There is a similar process of reasoning on the unionist side:
  i.   Republicans have used violence, especially in North Belfast, to get what they want.
  ii.   Bad behaviour (i.e., the use or threat of violence) is rewarded, since public authorities pay attention and demands are taken seriously and agreed to.
  iii. Our needs are not being met because we are not threatening violence (i.e., good behaviour is punished.)
  iv.   Therefore, our needs should be met, and their objections ignored.

This chain of reasoning dovetails with the preceding one, in which some elements on both sides fight for territorial advantage. Our view would be that there is no need for public processes to satisfy positions taken for advantage, selfishness, or other tactical reasons. Nonetheless, people do have real needs, and there is an obligation on the part of society to do its best to meet those needs. Even if part of a community behaves badly, that does not justify refusing to meet the needs of the whole community. Bad behaviour should be dealt with by appropriate authorities, and removed from the equation of meeting community needs. The fifth and sixth principles also set out the acceptance that there are real grievances on both sides which should be aired and resolved in a process of dialogue.

CONCLUSION: Every effort should be made to meet real needs, in this case, community safety needs. It is appropriate to unmask bad behaviour for what it is, to use legal processes where appropriate, and to point out that it is likely to be a strategic disadvantage. It is not appropriate to deny protection, access to public spaces, or other real needs to any community. Therefore, the needs of both communities should be identified and met, regardless of the behaviour of some of their members.

PUBLIC SPACES ARE NOT REALLY FOR EVERYONE

As the Dunlop Commission report sets out very clearly, there is in North Belfast (as in many areas) an erosion of the very idea of access to public space. Sometimes, outright intimidation and violence may be used to keep people out. At least as often, there are more subtle discouragement and "chill" factors to make the other side feel unwelcome. In addition, people have become accustomed to censoring themselves, not seeking access to places where they are uncertain of feeling comfortable. The logic goes:

i.   The nearest post office, bus stop, shop, library, or leisure center might, in theory, be intended for use by all of us.

ii. However, I would have to pass through an area which I perceive to be controlled by the others, or at least contested, not clearly controlled by my side.

iii. So, I won't go there. I will avoid that place, and either do without, or use another, which is perhaps more distant or less satisfactory.

iv. Since I am avoiding "their" public areas, I expect them to do the same, and not seek access to libraries or leisure centers in areas we control.

v.   The rest of society must understand this cycle as well as we do, and ought to support us by ensuring that we have every need met within our own territory. If every need is not met, we feel aggrieved.

From an outsider's perspective, this is an example of self-limitation, a kind of cage or prison which people impose upon themselves. Dunlop and other sources report that this is common in the Ardoyne, much more so now than in earlier years. People are reluctant to cross lines, for reasons of discomfort (i.e., perception) as much as because of real experience.

CONCLUSION: In the long term, this chain of reasoning needs to be revealed, challenged, and changed. People need to develop a shared vision of a community in which everyone is and feels free and welcome to access any public service or space. In the short- to medium-term, any initiatives or proposed changes to common space must keep this dynamic firmly in mind, and do everything possible to ensure that access to public spaces is secure and expanding. This has been addressed in a constructive way in the third principle, that such public spaces "should be safely accessed by all residents no matter what their beliefs or the location of the public facilities." This can serve as a conceptual and agreed base to build upon.

APPENDICES

TERMS OF REFERENCE

<u>Background</u>

On June 7, Mr Trimble and Mr Durkan wrote to elected and community representatives in Ardoyne proposing a way forward on community safety and community dialogue.

This followed a series of discussions and correspondence between Ministers and elected and community representatives about how best to reconcile each community's concerns about community safety and how to promote community dialogue.

Both communities have expressed commitments to community dialogue and agreed a set of Principles for Building Trust and Confidence. However, a consensus has not yet been reached on community safety concerns. These have focused on a wall proposed around numbers 41-49 Ardoyne Road.

<u>Aim</u>

The aim of the arbitration process is to advise the First Minister and Deputy First Minister on how to proceed, particularly on the community safety concerns generally and on a wall proposed around numbers 41- 49 Ardoyne Road. The arbitration process will take into account the needs and concerns of the communities involved. The ideal outcome would be a consensus. However, the arbitrators are instructed to make a recommendation even in the absence of consensus. In doing so, a range of outcomes is possible, the arbitrators may recommend what they see as the best way forward and not simply choose between conflicting views.

<u>Process</u>

The process will take account of the views of both communities and relevant representatives (elected and otherwise) as well as previous discussions and correspondence with Ministers on this subject. The process will be based on the set of Principles for Building Trust and Confidence, which have already been agreed by the communities involved. It is likely that the arbitration process will include interviews and one or more public hearings, as appropriate, as well as the receiving of written submissions, prioritising the views of those most affected by the situation, and gladly considering constructive suggestions from any quarter.

Timeframe

It is expected that the arbitrators will make their recommendation before the end of July 2002, based on initial interviews, hearings and submissions being completed by mid-July.

DESCRIPTION OF THE ARDOYNE ARBITRATION PROCESS

Mr. David Trimble, First Minister, and Mr. Mark Durkan, Deputy First Minister, have appointed us to act as arbitrators with respect to community safety concerns generally, and specifically with respect to a proposed wall around numbers 41-49 Ardoyne Road.

This arbitration has the following characteristics:

- It is not binding on the parties involved. What emerges will be a recommendation to the First and Deputy First Minister.
- We have been described as independent arbitrators. This is true in the sense that we have no particular interest in this situation, nor close connection with any of the parties. We are employed as consultants by the Office of the First Minister and Deputy First Minister for this role, but are not otherwise employed by or attached to this office or any other part of government, nor have we ever been. However, we operate here under terms of reference set by the First and Deputy First Ministers, to meet the objective of making a recommendation to them.
- The starting-point of this arbitration is to ensure that we are aware of and understand the needs and concerns of the communities involved with respect to community safety issues around this location. The objective is to recommend a course of action which will meet the needs of all concerned. Ideally, this would be based on consensus among the parties. If consensus is not possible, we will nonetheless try to recommend a solution which will meet the needs.
- In order to understand the various needs and make a recommendation, we are prepared to offer any or all of the following:
    - Meetings and/or interviews with groups representing the various community concerns
    - Meetings and/or interviews with elected community representatives
    - One or more public hearings
    - Receipt of written submissions by interested parties
- It is expected that this process will be conducted over a short period of time, with a recommendation requested by the end of the July 2002.

There are, of course, broader issues which concern these communities, and we know that the situation will not be settled overall until all those concerns are dealt with. This process, however, is only one piece of that, and its concerns are limited as outlined above.

<div align="right">
Steve and Sue Williams
1/7/02
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LIST OF CONTACTS

In the course of this process, the arbitrators read extensive files of correspondence and documentation, and identified groups and individuals with whom it seemed appropriate to make contact. The process was described[14] as seeking any or all of the following: meetings, interviews, public hearings, and/or written submissions, from any or all of the identified parties and elected officials. In all cases, more than one attempt was made to make contact, including telephone calls, emails, letters, and special delivery letters.

Groups identified:
- Ardoyne group
- Concerned Residents of Upper Ardoyne (C.R.U.A.)
- Board of Governors of the Holy Cross Girls' School

Elected officials from the area:
- Nigel Dodds MP (DUP)
- Frazer Agnew MLA (Independent Unionist/UUAP[15])
- Fred Cobain MLA (UUP)
- Billy Hutchinson MLA (PUP)
- Gerry Kelly MLA (Sinn Féin)
- Alban Maginness MLA (SDLP)

In the event, there were meetings with the Ardoyne group, the Holy Cross Board of Governors, Concerned Residents of Upper Ardoyne, Gerry Kelly, and Alban Maginness. All sides felt that it was more productive at this stage to engage in discussions than public hearings. One person made a written submission.

In addition, the arbitrators met with or interviewed a number of civil servants and officials of the Office of the First Minister and Deputy First Minister, officials of the Police Service Northern Ireland and of the Northern Ireland Office's security policy office, and a few academics and community leaders knowledgeable about the situation.

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[14] See Appendix: "Description of the process."
[15] Frazer Agnew was elected as an independent Unionist, then he and others formed the United Unionist Assembly Party.

AGREED PRINCIPLES

BUILDING TRUST AND CONFIDENCE – PRINCIPLES

Community Safety

- It is agreed that all those on both sides will try as best they can to discourage and prevent attacks (whether verbal or physical) on the other side.

- It is agreed that a mechanism that will be available will be contact between both sides on a 24-hour basis to try to defuse any incidents that might arise in the area.

- It is agreed that schools, doctors' surgeries, health centres, shops, post offices libraries, leisure centres and all other public facilities and services should be safely accessed by all residents no matter what their beliefs or the location of the public facilities.

- It is fully recognised that their respective communities hold both Holy Cross Primary School for Girls and Wheatfield Primary School in special regard. It is agreed that the future of both schools should be recognised and protected.

Community Dialogue

- It is agreed that there are real grievances on both sides of the community.

- It is agreed that community dialogue is necessary to air these grievances and to try to resolve them.

- It is agreed that a community forum will be put in place where all local community issues can be discussed; that this forum will meet regularly; and that each community should use its best endeavours to resolve these issues.

- It is agreed that such a forum should have an equal number of representatives from either community.

[Annex 5, OFMDFM letter of 17 May 2002]

THE RECOMMENDATION PROCESS

Following a period of meetings and interviews, including our best efforts at identifying the safety needs of each community and the preferred ways of meeting these needs, we compiled our own list of needs. This part of the process acknowledged that, on all sides, needs had been identified and positions taken which mingled a number of objectives, including safety needs, preferred options for meeting needs, political positioning, and territorial advantage. Our list identified the safety needs, and then the options suggested to meet them. A table compared these needs and options in terms of whether each pair was compatible, incompatible, or could possibly be done in such a way as to be compatible. We separated out those requiring additional public land, as not feasible in the current circumstances of lack of consensus.

List of safety needs identified:

Preserve access to school
Preserve sightlines up Ardoyne Road for school run
Avoid features which frighten children
Prevent riots
Protect houses and people from attack

Suggested options[16] for meeting those needs:

1. No change
2. Nothing tall and opaque extending into the roadway, to preserve sightlines as children walk to and from school
3. Nothing tall and opaque along the roadway, so as not to frighten children walking to and from school
4. Wall to disrupt sightlines at Alliance Avenue
5. Large kink in Ardoyne Road (to separate potential rioters and/or to obscure return route of attackers)
6. Floodlights at intersection (to disrupt sightlines of youths)
7. Wall along 41-49 Ardoyne Road, to protect houses from attack
8. Fence along 41-49 Ardoyne Road, to protect houses from attack
9. Roundabout at or near intersection (to separate potential rioters and/or impede rapid exit of attack vehicles)

Table (see following page):

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[16] Note that options are generally preferences or ways of meeting basic needs, rather than the actual needs. Thus, preserving sightlines for school children and protecting houses, for example, are accepted as needs. No change and using a wall to protect houses are taken as preferences.

OPTIONS	1	2	3	4	5	6	7	8	9
1 No change		0	0	X	X	X	X	X	X
2 Nothing tall/opaque across roadway	0		0	~	~	0	~	0	~
3 Nothing tall/opaque along roadway	0	0		~	~	0	X	~	~
4 Wall at intersection	X	~	~		0	~	0	0	0
5 Kink in Ardoyne Road	X	~	~	0		0	0	0	0
6 Floodlights at intersection	X	0	0	~	0		0	0	0
7 Wall along 41-49 Ardoyne Road	X	~	X	0	0	0		~	0
8 Fence along 41-49 Ardoyne Road	X	0	~	0	0	0	~		0
9 Roundabout at or near intersection	X	~	~	0	0	0	0	0	

KEY: 0 = Compatible   X = Incompatible

~ = Possibly compatible   = Requires land

Observations: It can be seen that the main needs in conflict really are these:

1. The need to protect houses (and residents) along Ardoyne Road conflicts with the need to ensure that children walking to school are not frightened by walls behind which someone could hide to attack them. One way to reconcile these needs is to protect the houses with fine fencing which can be seen through.

2. The need to preserve sightlines in order to ensure that the roadway ahead is clear and to be able to watch the children walk to school, conflicts with the need to disrupt sightlines in order to prevent youths from taunting each other and rioting. These are essentially the same sightlines, making it difficult to reconcile the two needs. One possibility is a mechanism which is variable with time, such as floodlighting, which can be turned on and off. As an interim solution, it is proposed to disrupt the sightline only along the existing boundary of the cobbled area, to see whether this will help to disrupt the pattern of rioting, while leaving sightlines up the road intact.

Results:

Those options (shaded) which require additional land are put in abeyance until there is consensus.

Those options (vertical striped shading) which are incompatible are eliminated from consideration.

Those options which are or can be compatible with others remain under consideration.

This leaves three possibilities:

1. A wall at the intersection which does not intrude into or across the roadway, yet does disrupt sightlines for rioters without disrupting sightlines for the walk to/from school
2. Floodlighting at the intersection, which can be turned on at times of potential rioting and off at school times
3. A fence along the Ardoyne Road, which protects the houses while not making an opaque barrier behind which someone could hide to throw things or jump out

Additional factors:

- A fence along Ardoyne Road also serves the purpose of ensuring that no one can hide behind a wall at the intersection to jump out and attack, since they would be visible for some distance behind the fence before they could jump out and attack.
- To protect both from someone throwing things over the wall/fence into the area in front of the houses, or throwing things from behind the wall or fence into the roadway, it might be possible to extend the covering overhead.
- Floodlights only really make sense in combination with a kink, roundabout, or fencing which acts as an additional separator at the intersection. They would then offer the option to disrupt sightlines at certain times.

Conclusion:

The proposed, interim solution, then, is to build a wall along the Alliance Avenue side of the intersection, following the current line of the footpath along the cobbled area, in order to preserve the sightlines for the school run, while disrupting the sightlines somewhat for youths at the intersection. Beyond the CCTV camera, the wall will join with and be replaced by an Ibex fence which will offer protection from missiles to houses 43-49, and at the same time ensure that no one can use the wall as a screen for attack, since they would be visible for some distance.

If it is desired to extend these features, or to add realignments in the roadway, whether for safety or environmental improvement, the dialogue process will offer the opportunity to work toward cross-community consensus for further change.