



To: Mary.Bunting@ofmdfmni.gov.uk  
Subject: Report from Arbitrators on feedback received

09/03/02 11:26 AM

Dear Mary,

As we agreed by telephone last Wednesday, I have attempted to make contact with the three relevant groups in Ardoyne and with the MLAs for North Belfast concerning any feedback from them about our report and to ask whether there is any interest in our exploring with them ideas for taking forward recommendations 2 and 3. I have done this on behalf of Sue and myself as the arbitrators appointed by OFMDFM. This is what I can report about my contacts and the responses received so far.

**Fr. Aidan Troy and Holy Cross School Board of Governors and parents**

On Thursday (29/8) I spoke with Fr Troy by telephone and he said that he had consulted some of the Governors, but they had not yet met as a group to discuss the report, as some of them were away on holidays. On the previous evening he had met with about 350 parents of children attending Holy Cross School and he said that they were still "opposed to a wall in any shape or form".

He promised to send an email message which I received on Saturday (31/8/02). His message reiterated and expanded upon what he had told me by phone, as quoted here:

*"I have now had time to study your report and have had discussions with some members of the Board of Governors of Holy Cross Girls' School. When the Board next meets your report will be on our agenda. I have also met with the Parents of pupils of H.C. Girls' School in preparation for the return to school on Monday next. The response so far is against the building of a wall as long as young pupils are going to school along Ardoyne Road. This is understandable in the light of the events of last year when Ardoyne Road was blockaded for three months and serious emotional and psychological damage inflicted on the pupils. The events of the summer months have done nothing to increase confidence on either side of the divide. The sad situation we are in can only be improved by honest acceptance of our need to risk entering into dialogue."*

His message then continued with a questioning of our continuing role with respect to this situation, in which he wrote:

*"It was our understanding as Governors and as a community group in Ardoyne that your task was to make recommendations to the First and Deputy First Minister. It now seems that they have decided that you are to play an ongoing role in the situation. I personally find this arrangement strange and wonder if it not the case that the Assembly is the place where decision making takes place. It has not been made clear at any stage how long your role of arbitration is to last. For this reason I will be suggesting to the Board of Governors and to the community group that our responses to your report will be limited to dealing with the report up to the point when it was presented to the OFM/DFM."*

On the same day (31/8), I replied by email to Fr. Troy, as follows:

*"Thank you for your email message today in response to our report and recommendation. We do appreciate the fact that you have taken the time to study the report and to discuss it with parents and with the Board of Governors. We can understand that your view of what we recommended is affected by the continuing violence in the area and the uncertainty about what might happen when the school opens again on Monday. We hope that you can understand that we were trying to balance the needs of all sides in what we recommended."*

*I think we need to clarify the fact that we do not expect to have any on-going involvement with this situation. When we agreed to undertake this arbitration, we had said to the Ministers that, in addition to reporting back to them, we felt a responsibility to report back also to the relevant groups with whom we had consulted about this matter and to receive your feedback, if any. Therefore, when we submitted our report and again when we met with the Ministers to hear their comments, we reminded them that they had agreed that could also report back to the groups. At our meeting with them, the Ministers agreed that we could share the report with and request feedback from the groups we had consulted and also the elected representatives for North Belfast, which is what we did on Friday, 23 August. At the same meeting, they asked us, as part of this process of collecting feedback, if we might also explore ideas and suggestions for ! taking forward our recommendations 2 and 3 on page*



5 of the report. As you know, these concern "further attempts ... to build confidence and dialogue processes between the two communities" and "a process ... to test consensus on further improvements, both to safety and to the environment." We said that we were willing to ask the groups about this, and to pass on to the Ministers any ideas that were suggested on these matters. However, we made clear that we do not expect to have any further involvement beyond this feedback process which we see as the final step in the arbitration.

So, if you feel that our part in this process is already complete, then there is no need for you to communicate further with us or to meet with us. However, if you and the Board of Governors would wish to give us further feedback or to meet with us to explore ideas for implementing recommendations 2 and 3, then we would glad to hear from you again. In any case, we will report back to OFMDFM about the feedback that you have already given us your email message."

Following this email, I've had no further response from Fr. Troy and I don't expect that the Board of Governors will have anything more to say to us about this matter, since Fr. Troy clearly sees our role in this situation as finished.

#### **Gerard McGuigan, Mickey Ligget and the Lower Ardoyne Group**

I first tried to contact Gerard McGuigan to whom we had delivered our report on 23 August, and I was told that he was abroad on holiday. I then tried to contact Mickey Ligget and eventually was able to speak with him on Friday (30/8). He said that he had the report and that it was being circulated in the community, but that it would be some days before they were able to meet and discuss it. I made sure that he had our mobile telephone number and email address and asked him to communicate with us about their response after they had read and discussed the report.

However, since Fr. Troy is also a member of this group, I expect that his views recorded above will influence the Ardoyne Group to see our role in this process as finished. However, if we do have any further communication from them, I will let you know.

#### **Jim Potts and CRUA, and independent communication from Norman Hamilton**

On Thursday (29/8), I spoke briefly with Jim Potts by telephone. He was clearly not wanting to speak with me about the report and said that there would be a community meeting that evening when there would be a collective decision about how to respond to our report. I thanked him and asked him to let us know of their response after they had met.

However, there was no further communication to us directly from Jim or anyone else from CRUA after the meeting. We read press reports the next day which said that "residents of Upper Ardoyne last night rejected a report by two independent arbitrators", and quoting from their press statement (which had been sent by Norman Hamilton to Derek Wheeler and copied to us at the "Arbitrator 2" email address at OFMDFM, but I did not discover this until Monday).

Anyway, after my communication with Fr. Troy, as quoted above, and not having heard anything directly from CRUA people, I sent an email communication to them on Sunday (1/9), as follows:

*"When we delivered our report to you on 23 August, your initial reactions suggested that your community would not be happy with what we had recommended. The press reports of your meeting last Thursday bear this out. As you know, we were trying to balance the needs of all sides in a situation where there is no consensus. We realise that our recommendation did not immediately offer you everything that you had hoped to get in terms of a safety package.*

*When we were ready to deliver the report to your group, we were told that some members of the C.R.U.A. committee had resigned, so we are not sure whether all those whom we met have been involved in the process of considering the report, but we are copying this message to the others and also to Norman Hamilton for information.*

*When we agreed to undertake this arbitration, we had said to the Ministers that, in addition to reporting back to them, we felt a responsibility to report back also to the relevant groups with whom we had consulted about this matter and to receive your feedback, if any. Therefore, when we submitted our report and again when we met with the Ministers to hear their comments, we reminded them that they had agreed that we could also report back to the groups. The Ministers agreed that we could share the report with and request feedback from the groups we had consulted and also the elected representatives for North Belfast, which is what we did on Friday, 23 August.*

*At our meeting with the Ministers, they had asked us, as part of this process of collecting*



feedback, if we might also explore ideas and suggestions for taking forward recommendations 2 and 3 on page 5 of the report. As you know, these concern "further attempts ... to build confidence and dialogue processes between the two communities" and "a process ... to test consensus on further improvements, both to safety and to the environment." We said that we were willing to ask the groups about this, and to pass on to the OFMDFM any ideas that were suggested on these matters. However, we made clear that we do not expect to have any further involvement beyond this feedback process which we see as the final step in the arbitration.

So, if you feel that our part in this process is already finished, then there is no need for you to communicate further with us. However, if members of C.R.U.A. would wish to give us further feedback or to suggest ideas for implementing recommendations 2 and 3, then please do contact us."

This message prompted two replies on Monday (2/9), from Hugh Megarry and from Norman Hamilton.

In Hugh's reply, he complained that he had not received a copy of the report directly from us, explaining that *"I need the report to be sent to my email address so that the computer can read it to me rather than someone having to read it to me."* In replying to him, I explained that when we delivered the report to Jim Potts and Ronnie Black, we had given them the report on disk so that it could be emailed to and copied for others, as appropriate, and I then attached the full text of the report to my reply. I had another message from Hugh later on Monday, saying: *"I must note here that I requested a copy of the report should be emailed to me at my email address not that someone else would get it to send or give to me but thank you for the report anyway. I have only read it once but will be re reading it a few times before letting you have my detailed comments."* So, I expect that I may receive further comment from Hugh Megarry and, if so, I'll let you know.

Norman Hamilton's message on Monday (2/9) said:

*"Thanks for this - and especially for the very good piece of work in the compiling of the report itself... it is particularly helpful to all concerned to have a clear statement of who thought what when.*

*You will have received my 'official' note of the meeting last Thursday at your other email address. The main point is that the 'political' weakness of the recommendations means that it is unlikely that CRUA will feel the need to make any further substantive response. The only way ahead in the immediate future seems to be via a security response whilst some other leadership is developed by the local political leaders."*

It was at this point that I realised there was another message from Norman about the CRUA meeting which I had not seen. I rang the office on Adelaide Street in Belfast and spoke with James, asking him to check the email on the computers in the office we had used there to see if there were any messages. He found the message from Norman Hamilton to Derek Wheeler which had been copied to us, and forwarded this message to me here at home. So, I now know what you already know from Norman's note about the Upper Ardoyne community meeting on Thursday and the CRUA press statement which was attached to his message. Norman's point #3 in this message is especially relevant to our continuing role in trying to gather feedback and to explore options for taking forward recommendations 2 and 3. He writes: *"Given the total lack of confidence in the proposals, there is no desire to further engage with the consultants.... thus my writing this to you in OFMDFM, wit! h a copy to the Williams'."* This statement clearly seems suggest that we can expect no further communication from CRUA and the Upper Ardoyne community.

### **North Belfast MLAs**

On Thursday (29/8), I rang the offices of all 6 MLAs to ask whether they had read our report and whether they had any comments or feedback for us about what we had reported and recommended. In all cases, I was only able to leave a message with their secretaries who said they would pass it on. In the case of Nigel Dodds, I asked the secretary to confirm that he had actually seen the report, since we had been asked to deliver it to the office of Nelson McCausland who was standing in for him while he was away on holiday at that time. Mr. Dodds' secretary later rang back to confirm that he had, in fact, received the report after returning from holiday. However, I have had no further communication from any of the MLAs, and I am not inclined to pursue them any further in light of the fact that two of the 3 groups, as recorded above, have already indicated that they see no further role for us in this situation.

### **Conclusion**



It would seem that first recommendation has so far not been accepted by anyone involved in the situation. It has been rejected for different reasons by both the residents of Upper Ardoyne and the parents of the Holy Cross School children. Interestingly, according to point # 4 in Norman's note to Derek about the Upper Ardoyne meeting, *"The community considered at some length the issue of the screen at the rear of the houses in Hesketh Road. They concluded that the proposed fence was much too low and much too close to protect the homes. Consequently they asked that it be sighted much farther into the Everton grounds, be much higher than currently proposed, and that the community be consulted about the detailed design - esp at the top of the fence."* Since this Hesketh fence is the one item that we had left exactly as it was in the May 17th proposal, it seems that they have thrown everything back into question. That being the case, I certainly would not be arguing for the Ministers to implement this first recommendation, since no one seems to want any of it in the form we recommended.

And, finally, since relevant groups seem to have no further interest in communicating with us, I think there is no point in our trying to continue making any further contacts. We will, of course, report back to you if we do have any further feedback, but I think you should not expect much more to come through us. That seems to be the reality of the current situation.

I understand that you will be forwarding this note to the Ministers and do wish all of you the very best in your efforts to address the problems in this situation.

Sincerely,  
Steve

On behalf of  
Sue & Steve Williams

