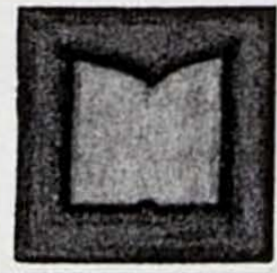


Race sign file  
with Ken's e-mail



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

Mary/Gerry

① Telf  
② Tim  
③ Michael  
the file

You will wish to see  
this report of the NGOs  
National Action Plan day

10 October 2002

Mr Ken Fraser  
OFM/DFM  
Block E  
Level 5  
Castle Buildings  
BELFAST  
BT4 3SJ

Dear Participant

Ken

I wasn't there for Patrick's  
talk, so I don't know whether  
2.4 is his misapprehension  
or merely misreporting. I've  
drafted a response (which  
also takes a/c of Direct Rule)  
which I'll let you see shortly

Thank you for attending the Northern Ireland Regional Roundtable of NGOs to discuss  
the UK National Action Plan Against Racism.

Ken  
18/10

As agreed at that meeting on 25 September 2002, Mary McMahon, as rapporteur for the  
conference, has prepared a summary of discussions which took place. I am circulating  
this summary to you for your comments. Any amendments proposed should be  
forwarded to me at the NIHRC email [paddy.sloan@nihrc.org](mailto:paddy.sloan@nihrc.org) by Friday, 18 October 2002.  
I will then ensure that the document is suitably amended prior to submitting it to the  
UKREN Consultation Process.

Thank you for your participation and I will keep you informed of any progress.

With best wishes.

Yours sincerely

Paddy

Ms Paddy Sloan  
Chief Executive  
Northern Ireland Human Rights Commission  
On behalf of Patrick Yu, Steering Committee, UKREN



**NATIONAL ACTION PLAN AGAINST RACISM SEMINAR**

**WEDNESDAY 25 SEPTEMBER 2002**

**NIHRC, TEMPLE COURT, BELFAST**

**REGISTRATION**

	<b><u>NAME</u></b>	<b><u>ORGANISATION</u></b>
1	Fippa Cookson	Belfast Ba'hai Faith Community
2	Jamal Iweida	Belfast Islamic Centre
3	Paul Noonan	BTEDG
4	Dean Lee	Chinese Welfare Association
5	David White	Concept Eleven
6	Mike Maxwell	DETI ( <i>left at 1.25pm</i> )
7	Michael Sweeney	DHSS
8	Joe Lenaghan	Equality Commission
9	Nathalie Caleyron	MCRC
10	Karen Watton	NI African Cultural Centre
11	Ken Fraser	OFM/DFM Race Equality Unit
12	Robin Dempsey	PSNI Community Involvement Branch
13	Teresa Geraghty	Save the Children
14	Catherine Li	SEELB
15	Margaret Donaghy	Traveller Movement NI
16	Marie Keating	NICEM
17	Tansy Hutchinson	NICEM
18	Mario Madden	Northern Ireland Office



**UKREN Network**  
**Northern Ireland Regional Roundtable**  
**25<sup>TH</sup> September 2002**

**Present:** List of participants {To be attached as Appendix 1}  
**Chair:** Paddy Sloan (Human Rights Commission)

**1 .0 Introductions and Welcome: Paddy Sloan, Human Rights Commission**

Welcoming the participants Paddy explained that the organisers {Human Rights Commission, Northern Ireland Council for Ethnic Minorities, Equality Commission and Office of the First Minister and Deputy First Minister Race Equality Unit} were an ad hoc steering group formed to ensure that there was a contribution from Northern Ireland to the UKREN National Action Plan. Today's meeting was designed to hear the views of NGO's on that contribution and in particular how a National Action Plan can be relevant locally, meet the needs of ethnic minorities and advance anti-racism. She looked forward to a participative discussion and sharing of views and ideas.

**2. Overview Patrick Yu, Northern Ireland Council for Ethnic Minorities  
Steering Committee, UKREN**

**2.1. Background to UKREN**

UKREN arose out of campaigning work on Race Directives from the European Union and Race legislation within the United Kingdom. It was a 600-member group organisation operating in a fairly loose structure, which had adopted a new constitution. One of its functions was to feed information into the United Kingdom Government process and disseminate information amongst its member groups. They had been involved in extensive preparatory work for the World Conference Against Racism in Durban (2001) including conducting national consultation meetings through a series of seven regional meetings. These discussions were then submitted to the British Government for inclusion in that government's National report, which represented the views of civil society.

**2.2 Post Durban Process**

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban 2001 had agreed a Declaration with over 200 clauses and Programme of Action. Following from this National Government had to develop National Action Plans, which must involve: -

National Human Rights Agencies

National Equality Agencies

Civil Society

Social Partners and

Vulnerable groups within society such as children, immigrants, refugees, asylum seekers.



### 2.3 UK Process

In January 2003 the Home Office had established, with NGO's, a Steering Group comprising representatives from civil society, social partners, and equality and human rights bodies. NICEM is a member of this group. As the devolved administrations in Northern Ireland, Wales and Scotland are autonomous local steering groups are needed to cascade the National Action Plan. Today's deliberations will feed into the Office of the First Minister and Deputy First Minister as well as the National Consultative Conference, which UKREN is organising and which takes place in Manchester on 20 November 2002. Invitations to this Conference will be issued shortly and funding is being sought to ensure proper representation from Northern Ireland.

The Consultative Conference aims to:

- Inform the black and ethnic minority sector on the achievements/problems from WCRA in Durban
- Inform the sector/civil society how they can involve and contribute to the development of national action plans
- Identify key issues in the UK context that affect black and minority ethnic sector
- Identify the process and structures in the National Action Plan

### 2.4 Northern Ireland Process

No! The devolved administration, through the Race Development Unit at OFMDFM, will <sup>Equality</sup> take the lead in developing our own action plan, which is linked to the Promoting Social Inclusion Working Group on Minority Ethnic Issues. A draft Race Strategy for Northern Ireland will be issued for consultation in November.

Both the devolved administration and the Human Rights Commissions in Northern Ireland and the Republic of Ireland would like to have a North/South <sup>Equality</sup> dimension on the National Action Plan. The Human Rights Commissions have set up a joint Racism sub-committee to look at the National Action Plans and are discussing the possibility of organising a joint event as part of that process. <sub>~ E/W.</sub>

The process today is aimed at identifying issues on three key areas arising from WCAR:

Legal protection

Policy and Practice

Public Awareness on Racism



### 3.0 The Legal Protections: Barry Fitzpatrick, Director Legal Services, Equality Commission

Barry's contribution focused on European Union directives due next year and the Single Equality Bill. There was a need to take cognisance of comparative international standards and "Durban proof" all proposed new legislation. Most European law had its origin in addressing gender inequality. New law in Northern Ireland must reflect the proposed Bill of Rights and the unique Statutory Duty requirement of the Northern Ireland Act 1998. EU directives, which are implemented by regulation, normally reflect minimalist standards yet these will be in place when Northern Ireland gets its Single Equality Act. In this context therefore Northern Ireland should aim to get "Best practice" regulations. The European Union Directives on Race and Ethnic Origin (REOD 2000) will amend the Race Relations Order and be in place by December 2003; while Framework Employment Equality (FEED2000) will be in place by June 2003 and will amend the Fair Employment Order and introduce Sexual Orientation discrimination. The Framework Directive applies only to discrimination issues in the field of employment while the Race directive extends equal treatment to Goods, Facilities and Services; Education, Housing and Social Advantages Disability Discrimination amendment and Age discrimination legislation will be required by December 2006. The Programme for Government 2001—2005 had proposed "*during 2002 to bring forward proposals to develop and harmonise anti-discrimination legislation as far as practicable*". Instead a White Paper on a Single Equality Bill will be published by the end of 2002.

Guiding principles on all proposed legislation on equality matters include:

- **Common Concepts** i.e. discrimination on any grounds including Race, age, disability, gender, religion/politics, sexual orientation;
- **Effective Concepts of**
  - (i) Direct Discrimination,
  - (ii) Indirect Discrimination where Article 2 (2)(b) FEED}

was believed to be a major new tool to tackle institutional discrimination.

(iii) Reasonable Accommodation: the Equality Commission believed this might be a very useful tool if applied across all equality heads and not just disability;

(iv) Genuine Occupational Requirements, which did not add much to existing Northern Ireland law;

(v) and Positive action that provides for much wider scope than present law.

#### **Common and Effective Enforcement**

- Provides for the maximum facilitation for organisations wishing to pursue equality and thus an enhanced role for NGO's while at the same time allows for
- Maximum impetus for those organisations, which merely wish to satisfy (or avoid) equality principles. Recalcitrant employers are always seeking to find ways around legislation. Effective enforcement would force compliance with principles.
- **Effective Enforcement** The proposal to enable agencies to act on behalf of, or in support of others was very useful. The Equality Commission believes it is unrealistic to expect the most vulnerable and marginalized members of society to



come to the Commission with possible cases and would like to have the power to take cases in their own right without having to wait on a named individual presenting with a complaint. Similarly the process involved in Formal Investigations was not conducive to effective action while a cooperative style of investigation may prove more rewarding.

- On sanction available the Commission believed the award of exemplary damages was important in a climate of compensation culture and welcomed the possibility of working with employers on proposals such as equality audits to ensure compliance with legislation

### **Single Equality Bill**

The Equality Commission were concerned to ensure

- that the Fair Employment and Equal Treatment Order system of monitoring and review could be applied to other areas;
- That their jurisdiction would be extended to cover new regimes, including formal investigations;
- That new equality regimes should be extended to goods, facilities and services;
- That there would be power for Equality Commission to bring cases in its own name;
- That there would be a single Equality Tribunal system established.

### **Bill of Rights**

The clauses in the proposed Draft Bill of Rights on Discrimination underpin European Union definitions of discrimination, direct and indirect and the Equality Commission believe that the Single Equality Bill should apply to the Bill of Rights.

**Protocol 12 to the European Convention on Human Rights** (Anti discrimination on grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status) been agreed by the Council of Europe and, if ratified by the United Kingdom Government will be directly enforceable. It would amend the Human Rights Act.

### **Matters arising in discussion**

#### **COMPLAINTS SYSTEM**

A number of contributors raised the matter of how complaints of alleged racial abuse, discrimination and harassment were dealt with by statutory agencies. There was recognition that bringing a complaint is stressful and lengthy and it is not reasonable to expect people who are marginalized, excluded and disadvantaged to know where to come to and how to make complaints.

- ❖ In law a complaint has to be deconstructed to establish how legally sound it is.
- ❖ Law needs to be strengthened but equally reporting procedures to be more sensitive. A powerful legal framework is a necessity and proposed definitions of harassment in European directives are very good. They will provide an incentive to recalcitrant employers to ensure law is enforced, remedies are provided, while opportunities and freedoms are afforded to those who wish to pursue the issues.



- ❖ Finite resources require strategic thinking in case selection. Other organisations need to support the Equality Commission and information flows should be improved to help complainants take their own cases.
- ❖ Legal regimes and public awareness meet in individual case regimes. Decisions on which cases to support depend on considerations such as will the case raise awareness, will it change practice, will it encourage liaison with the Commission?
- ❖ Legal practice will reflect what protected groups want prioritised.
- ❖ Community Advocacy would enable communities to identify resources to take their own cases. The Trade Unions could play a major role here.
- ❖ Relationship with Labour Relations Agency: Equality Commission believed there needed to be a greater emphasis on Conciliation and Mediation work
- ❖ Awareness needs to be raised of legislation in society so that unlawful and unacceptable behaviour was challenged.
- ❖ Action plans for implementation should follow legislation. Such plans must be for all of society, clear and precise. They could be the way of making legislation meaningful.
- ❖ The law alone could not change people's minds. You could have good law and bad practice.

#### **POLICING AND LAW ENFORCEMENT**

- ❖ There is no provision in the criminal law in Northern Ireland for protection against racial harassment or abuse.
- ❖ Equality Commission have developed a Code of Practice with the Police Service for Northern Ireland but there is no commitment on the part of PSNI to implement it. PSNI was an institution that had legacy of a culture of prejudice.
- ❖ NICEM were talking to PSNI about multi-agency forums and community safety proposals for minority ethnic people and were now trying to bring agencies together to support the victims of racist crime.
- ❖ It is unlikely NI would have a Race Relations Amendment which would provide the legal enforcement sought.
- ❖ It is probably not politically possible to change the Northern Ireland Act 1998.



#### **4.0 POLICY and PRACTICE Joan Harbison, Chair and Chief Commissioner, Equality Commission**

Joan wanted to highlight some areas for specific comment. The outworking of the Durban Conference was now reflected in considerable NGO input to Government actions. While many would not be happy at the rate of progress it is always better to move forward than not move forward at all. Collaboration between Government and NGO's is important and reinforced the fact that many of the major issues such as asylum, immigration, refugees and migrant workers have a North-South dimension, which must be addressed.

1. Continuing marginalisation and exclusion of the Irish Traveller community  
Despite the Promoting Social Inclusion Report very little has changed for Irish Travellers in the areas of accommodation, health, education and employment and public attitudes towards Irish Travellers. The Promoting Social inclusion Working Group had recommended dialogue between Irish Travellers and the settled community but there was little evidence of this happening.
2. Institutional Racism. Northern Ireland was in denial about racism. An acknowledgement that Racism exists, linked to Section 75 obligations might assist progress. Policing is a key area and one where multi-agency and partnership working was essential. It is necessary to develop new initiatives to deal with harassment, intimidation and attack.
3. Representation and Involvement of Black and Minority Ethnic Groups in institutions. The involvement of these communities is extremely important. Public Sector Statutory Duty may need to be strengthened and changed. Public Policy needs to be informed by black and ethnic minority people.
4. Lack of cohesion in Black and Ethnic Minorities where some communities were fractured and dysfunctional. We need to prevent this happening here either within or between communities.
5. Young People as leaders for the future. There was evidence that such leaders exist within the community and voluntary sector but no evidence of it in the public or private sector.
6. The place of women within Black and Ethnic Minority communities. This needs to be raised sensitively. There is also a need to encourage political parties and public bodies to ensure that they are inclusive of black and ethnic minority participation.
7. Training, learning and awareness raising needs to be undertaken. The complexity of the system needs to be simplified to encourage participation. Artificial barriers can be raised.
8. Legislation needs to be followed by an Action and Implementation Plan that the political parties should be signed up to.
9. Asylum seekers and Refugees: we need to ask ourselves how we welcome and integrate asylum seekers and refugees.
10. Role of the media: there was a lot of negative stereotypical reporting. The Equality Commission was looking at the need to revamp and relaunch the Media Guidelines it had launched in 1999.



## **SECTION 75 Northern Ireland Act 1998 (Statutory Duty) and Promoting Social Inclusion**

- ❖ Black and minority ethnic groups had put a lot of time, effort and energy into the Section 75 process. Very specific obligations rested with public authorities.
- ❖ Equality statements must be practiced.
- ❖ The manner in which Section 75 is written does not take cognisance of the multiple identities and disadvantages which people have.
- ❖ Groups and individuals need to see positive outcomes from all the work on Section 75.
- ❖ The Equality Commission Review of Section 75 would look specifically at how the Race category had been implemented and how effective it was, or was not.
- ❖ The delay in the Single Equality Bill agenda could mean a period of nothing happening.

### **Irish Travellers**

- ❖ A number of contributions reflected acute disappointment at the failure to action coherently the Promoting Social Inclusion Report on Travellers.
- ❖ Concerns were expressed at a potential cherry-picking response that would negate the thrust of the report.
- ❖ Collaborative action across a range of issues was necessary to eradicate disadvantage.
- ❖ Will the National Action Plan reflect Declaration 40 of WCAR and Resolution 27 of the UN Convention.....
- ❖ The confidence and will of the Traveller community would be sapped if, having endorsed the initial report, they now saw it diluted.



## 5.0 PUBLIC AWARENESS, Karima Zahi, NICEM

Karima's presentation covered

- International definitions of Racism and Racial discrimination;
- the fact that it is a political construct and a direct outcome of power relationships over centuries.
- aspects of its ideology, particularly Negative Stereotyping and a Culture of Silence that were very prevalent in Northern Ireland.
- The reluctance to accept that Racism affects people's lives and has a human cost.
- Raised expectations for black and ethnic minorities for progress.

Effective Anti-Racist training and education had to take place in both the formal education system and by NGO's. It was vital that both facets examined and dealt with power relationships not avoid them and included Human Rights training.

Anti-Racism Training and Education key objectives include:

- It must unlearn racial prejudice;
- It must recognise the sources of Racism by challenging collective amnesia;
- It must recognise the power relationships at play and avoid guilt;
- It must be tackled at the personal and institutional level and recognise the interconnections of race and gender.

The role of NGO's in Education and training include:

- the need to study the deep-rooted causes of racism;
- promote awareness raising campaigns which will inform the public about racism;
- promote remembrance acts to recognise the human cost of racism;
- identify modern forms and types of racism and
- implement anti-racist and cultural diversity training programmes.

In particular NGO's should focus their efforts on the Education and Youth Services.

They should assist in the development and promotion of intercultural education through curricula and materials; promote equal access to education and draw on the lessons from history. NGO's should also remind educational institutions of their responsibilities; assist in the empowerment of pupils, parents and teachers and involve minority ethnic groups as teachers.

Karina identified the National Anti-Racism Awareness Programme in the Republic of Ireland as a model of a well thought out initiative whose implementation plan touched all elements of civil society.

*Racial Attitudes and Prejudice in Northern Ireland, Connolly and Keenan, NISRA 2000* and *The Hidden Truth: Racist Harassment in NI, Connolly and Keenan, NISRA 2000(?)* had both identified the scale of the racist problem in Northern Ireland. Racism is twice as prevalent as sectarianism. These reports reflected the need to redefine community relations here if Race problems are to be addressed. Similarly there is conflict in all societies and communities. The issue is how is it managed. This is as relevant to and for black and minority ethnic issues as well as the NI political problem. Managing conflict well can become a vehicle for change.



Evidence of change within NI could be found in

- the growing strength of NICEM and the ethnic minority communities themselves;
- the role of Human Rights NGO's in addressing Racism;
- the fact that both the Human Rights and Equality Commissions had a focus on Racism;
- the involvement of Trade Unions and other social partners in initiatives and
- the lead role taken by the Department of Education in addressing Racism, which was now being followed by other Departments.

In conclusion Karina identified The Way Forward as

- Leadership commitment to Anti-racism
- A Race Strategy which would have
  - (i) Clear objectives to address public awareness on racism;
  - (ii) The Involvement of minority ethnic communities and people in all aspects of life in Northern Ireland
  - (iii) Continued capacity building within black and minority ethnic communities
  - (iv) A timetable of action
  - (v) Identify and commit resources to implementation and
  - (vi) With an outcome objective of developing Northern Ireland as a model for social cohesion, community relations and human rights standards.

## **Public Awareness, Political Process and Leadership**

### Media

- ❖ There is a need for greater accountability in the media. Who owns the media might be a more useful starting point for investigation.
- ❖ Individual journalists and/or editors are unlikely to members of NUJ who are a good ally.
- ❖ Community organisations should seek to use the media pro-actively to present positive stories.
- ❖ The Press Complaints Council is an impossible tool to seek a remedy.

### Campaigning

- ❖ There was a lack of coordination at present in raising public awareness. In the Republic of Ireland a funded National campaign against Racism and funded local campaigns were being run simultaneously.
- ❖ The PSI report on Travellers had called for a Public awareness campaign in NI akin to the Citizen Traveller campaign in the Republic.
- ❖ The Equality Commission had launched a Public Awareness campaign on Race and Disability this year but it was a one-off exercise.
- ❖ There was a challenge to the proposed new Race Forum to ensure that a link-up between all the various elements of Race work and activity
- ❖ Inter-curricula materials are based on the concept of cultural diversity and do not address the issue of power relationships.

### Leadership and politics

- ❖ Who would educate the leaders to provide the commitment? A National Action Plan must have champion within Government.



- ❖ Black and ethnic minorities had suffered centuries of oppression. There was a need to recognise this fact, tackle it and challenge oppression. Would the proposed National Action Plan do this?
- ❖ The National Action Plan allows for positive action and there is an explicit commitment to positive action measures in the Draft Race Strategy for Northern Ireland.
- ❖ The Race Development Unit at OFMDFM would be responsible for ensuring that the Race Strategy in Northern Ireland fitted the NAP.
- ❖ The National Action Plan process could be the mechanism for taking the Race debate to the political level.
- ❖ There was a clear conflict between Immigration and Asylum legislation and the concept of testing 'British ness' with anti-discrimination measures and racial equality
- ❖ RACE is not political in Northern Ireland e.g. the recent DUP insult to the Muslim community in Ballymena. NGO's must be political about Race if it is going to get on the agenda in Northern Ireland.
- ❖ The political process is a big challenge for the black and minority ethnic campaign in Northern Ireland.
- ❖ A variety of methods need to be used to influence the political class.
- ❖ Younger people from black and minority ethnic people will be much more political.
- ❖ Black and minority ethnic groups must engage with the party political process in seeking to raise public awareness.
- ❖ It is everyone's obligation to fight the issue, individually and collectively.

#### MISCELLANEOUS

- ❖ Concern was expressed about the phrase 'black and ethnic minorities communities' and its potential to isolate those minority ethnic people who are not in discreet communities.
- ❖ Community development and advocacy work taking place in local black and minority ethnic communities needs to be sustained and strengthened.
- ❖ There is a connection between disadvantage, exclusion, marginalisation and the ability of communities to sustain and develop themselves coherently.
- ❖ NGO's do not walk away from the challenge of working with excluded groups.
- ❖ Government and NGO's want to work together to achieve agreed goals but NGO's must not become another arm of the state. They must retain their independence and campaigning role.





**Sheila Bradfield**  
10/22/02 11:37 AM

To: Ken Fraser/OFMDFM/DFP  
cc:  
Subject: Re: NI NGOs CONFERENCE: UK NATIONAL ACTION PLAN

Ken,

As discussed, thanks for keeping me informed - a phone call to Paddy Sloan might help - happy that you reply as you think appropriate. The main point is tht our race strategy is backbone etc.

Mary

----- Forwarded by Sheila Bradfield/OFMDFM/DFP on 10/22/02 11:41 AM -----

**Mary Bunting**  
Sent by: Sheila Bradfield  
10/22/02 09:50 AM

To: Ken Fraser/OFMDFM/DFP@DFP  
cc:  
Subject: Re: NI NGOs CONFERENCE: UK NATIONAL ACTION PLAN

Ken,

Can you please speak to me on the phone about this please.

Thanks

Mary

Ken Fraser

**Ken Fraser**  
10/18/02 01:35 PM

To: Mary Bunting/OFMDFM/DFP@DFP, Gerry Mulligan/OFMDFM/DFP@DFP  
cc: Jim Breen/OFMDFM/DFP@DFP, Jeff Ard/OFMDFM/DFP@DFP, Michael Harkin/OFMDFM/DFP@DFP  
Subject: NI NGOs CONFERENCE: UK NATIONAL ACTION PLAN

Mary/Gerry cc REU

I attach a draft reply to Paddy Sloan's letter inviting comments on the draft report of the meeting held by NI NGOs at the HRC to discuss their approach to the UK National Action Plan (the draft report will be with you shortly - it's in hard copy only).

I wasn't there for the beginning of Patrick Yu's talk. The report contains serious errors of fact (whether these are down to Patrick or the report is not clear, although Patrick would appear to understand the process). I've tried to correct these errors of fact and to reflect the current constitutional situation and how it affects our work.

Happy to have any comments - by cop on 24 October 2002 at the latest please.

Ken



Letter to Paddy Sloan 17th Oct. 02.dc



race strategy.

18 OCT 2002

Ken Fraser

10/18/02 01:35 PM

To: Mary Bunting/OFMDFM/DFP@DFP, Gerry Mulligan/OFMDFM/DFP@DFP

cc: Jim Breen/OFMDFM/DFP@DFP, Jeff Ard/OFMDFM/DFP@DFP, Michael Harkin/OFMDFM/DFP@DFP

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Ken



Letter to Paddy Sloan 17th Oct. 02.dc

~~Jane please~~  
~~Speak to Ke~~  
~~Ken~~  
~~e-mail Ke~~  
~~Can you speak to~~  
~~use a phone~~  
~~about this please~~  
~~TL~~  
~~KS~~  
~~91~~

reply

↓ As discussed,  
thanks for keeping

we confirmed - a  
phone call to Paddy  
Sloan  
that you reply  
The man

might be  
as you point  
happy.  
is back home  
happy  
at prop.  
that  
our  
railway  
etc.