

Reparations, Responsibility

 Victimhood in Transitional Societies

“NO LONGER NEIGHBOURS”



**The Impact of Violence on Land, Housing
and Redress in the Northern Ireland Conflict**

July 2020

**Luke Moffett, Cheryl Lawther, Kevin Hearty,
Andrew Godden and Robin Hickey**

Reparations, Responsibility & Victimhood in Transitional Societies

Contents

Background	3
I. The Historical Context of Land and Housing in Northern Ireland	4
I. Displacement and Intimidation in Northern Ireland	6
II. The Experience of Displacement.....	19
1. Intimidation.....	21
2. The Border	24
III. The Impact of Displacement - Victimhood, Harm and Segregation	31
A. Segregation	36
B. Peace walls	39
C. Squatting	40
IV. Redress schemes	42
1. Redressing Displacement in Northern Ireland	44
2. Redress during the Troubles/Conflict	45
3. Redress post-conflict.....	48
V. Conclusion	52

Background

This report is based on research funded by the World Bank, as part of its Flagship Study on Land, Conflict and Inclusion and is part of the AHRC funded 'Reparations, Responsibility and Victimhood in Transitional Societies' project. The work represents the findings of the project team and not the World Bank. It involved fieldwork conducted in Northern Ireland between October 2019 to February 2020, involving six focus groups along the border and eight interviews with practitioners and victims in Derry/Londonderry and Belfast. In total some 57 individuals were engaged with. While such data collection is not intended to be representative, we hoped to capture some of the general sentiments of displacement, the impact of violence on land tenure, housing and redress schemes during and after the Troubles/conflict in and around Northern Ireland. Moreover, we focused on rural areas to provide a more balanced perspective of the impact of displacement outside of urban centres, where there is already a substantive body of literature and research, which we drew upon. This qualitative research was complemented by the collection of quantitative data on displacement and compensation during the Troubles/conflict held by the Public Record Office of Northern Ireland, along with archival newspaper searches, facilitated by the political collection held in the Linenhall Library.

Land, housing and identity have a complex relationship in Northern Ireland. This report intends to untangle some of these intertwined strands that as a case study reflects an individualised redress process during ongoing violence that continues to replicate the long history of segregation and social mistrust. While there has been some recent research on the paucity of attention to displacement in transitional justice debates to deal with the legacy of the Troubles/conflict in and around Northern Ireland,¹ it perhaps overlooks the institutions that were put in place to resolve the housing needs of those displacement, but also reproduced segregation. In addition, although there were large-scale attacks on communities in the early years of the Troubles that saw hundreds and thousands of families flee their homes, the more consistent displacement of people from their homes has come from intimidation that continues to this day. Added to this, are the urban and rural dimensions of sectarian intimidation and violence, where families in the countryside did not live in close-quarters housing, but isolated and along the border making them vulnerable to attack and ambush. This is compounded by the continuing attacks against community halls and churches, which are aimed at targeting, terrorising and disrupting communal and cultural life of each community. In dealing with the legacy of the Troubles/conflict in and around Northern Ireland attention has been on those bereaved and injured, which has overlooked the wider impact of violence on communities and Northern Ireland society. As such the everyday violence that continues to pervade Northern Ireland raises difficult issues in resolving how we live together as neighbours, the role of identity in demarcating space and belonging. The report begins by discussing the phenomenon of displacement and how violence and threats through intimidation continue to cause families to flee their homes in Northern Ireland.

We greatly appreciate the time that our respondents gave us as well as the support of the victim organisations and the Commission in assisting us in carrying out our research.

1 Brendan Ciarán Browne and Casey Asprooth-Jackson, From 1969 to 2018: Relocating historical narratives of displacement during 'the Troubles' through the European migrant crisis, *Capital and Class* 43(1) (2019) 23–38.

I. The Historical Context of Land and Housing in Northern Ireland

Land agitation, boycott and violence was traditionally found in the countryside of rural Ireland, as landlords exploited tenants on increasingly shrinking tenements with each generation subdividing.² Ulster³ was more industrialised, due to the shipbuilding and linen industries, and as a result experienced thousands of rural workers moved to Belfast for employment, compounding overcrowding and sectarian divisions in the city.⁴ There are geographical, historical and economic dimensions to where people settled and how communities divided up space in Northern Ireland. Members of the Catholic population were often more in the majority in the south and west of what is now Northern Ireland, on poorer and unindustrialised land, due to discrimination as a result of Protestant ascendancy through the 1600s Plantation.⁵ Tensions around land ownership and tenancy in the 1800s, in particular with absentee English landlords and small subdivided plots, was the basis for the Irish Land League social movement over fairer rents and land ownership, which coincided with Catholic emancipation and increasing demand for Irish nationalism. This came to a head with the Easter Rising in 1916 with hundreds of Irish volunteers taking to the streets of Dublin to push out British forces, but were within a few days crushed by a British gunboat and armed forces, resulting in the deaths of over a thousand civilians and most of Dublin city centre destroyed.⁶

Despite the defeat, the Easter Rising awoke Ireland to the demand for independence. Notwithstanding the promise of devolved governance through Dublin Home Rule, the Irish War of Independence resulted in the 1922 Anglo-Irish Treaty, creating the new independent state of the Irish Free State separate from the United Kingdom. The Government of Ireland Act 1921 partitioned Ireland with the formation of Northern Ireland as a means to assuage Irish nationalists demands for independence and Ulster unionist fears of being a minority in a Catholic united Ireland, causing the creation of a two state solution. The partition of Ireland was intended to avoid a civil war, while it did to an extent in Northern Ireland, the rest of Ireland experienced one,⁷ that at times spilled over the border with hundreds killed in the north.⁸ Northern Ireland's boundaries from the rest of the new Irish Free State were drawn up cutting off Catholic and Protestant communities into two states. The new Northern

2 See Fergus Campbell, *Land and Revolution: Nationalist Politics in the West of Ireland 1891-1921*, OUP (2005).

3 The historic province of Ulster is made up of the six counties in Northern Ireland (Antrim, Armagh, Derry, Down, Fermanagh and Tyrone) with three others located in the Republic of Ireland (Cavan, Donegal and Monaghan).

4 Eamonn McCann, *War and an Irish Town*, Penguin (1974), p133.

5 Cameron Report, para.10. The Plantation period saw Scottish and English settlers move into Ulster to establish towns, farms and industries in the early 1600s, as part of an English policy of colonisation to pacify the Irish and confiscate their land. In 1641 a Catholic rebellion causing thousands of deaths also resulted in around 8,000 settlers fleeing Ulster. See Marianne Elliott, *The Catholics of Ulster: A History*, Basic Books (2001), p102.

6 1,350 were killed, 61,000 square yards of buildings destroyed in Dublin and £2,500,000 in damage in 1916 values (£220,000,000 in today's value). See Tim Pat Coogan, *1916: The Easter Rising*, W&N (2005).

7 The Irish civil war 1922-1923, while having a low level of casualties compared to other countries have a severe economic impact given that homes and businesses were explicitly targeted causing a substantial compensation bill at its end to the extent it took up 6% of the newly Irish Free State's budget. See Clark.

8 See Diarmaid Ferriter, *The Border: The Legacy of a Century of Anglo-Irish Politics*, Profile Books (2019).

Ireland Assembly and Executive were made up of mostly Protestants, who benefited from the majority election through the First-Past-the-Post electoral system.

In the post-war years inequality and poverty remained a common experience for most working class Northern Irish families. Housing conditions for working class people in both communities were sub-standard, with two-fifths of housing in Derry/Londonderry in 1967 falling into this category,⁹ worsened by a housing shortage and lacking basic amenities, such as running water, inside toilets and electricity. In rural areas where we conducted interviews people from both communities spoke about the 1960s and 1970s representing good neighbourly community relations, which became continually fragmented by the increasing violence in the years to come and with families being attacked in their homes.

Housing also had an important political value, with only house owners able to vote, meaning that Unionist dominated councils often prioritised their own voters to access housing, with similar practices in Catholic dominated councils, such as in Newry. This meant that housing was allocated on the basis of political voting intentions and community allegiance, rather than housing need. Thus 'to give a person a house, therefore, was to give him a vote' and unionist dominated councils were circumspect to ensure their own received houses to maintain the inflated electoral control.¹⁰ This political marginalisation was only compounded by the quality of housing, where in Derry alone in 1967 two-fifths of houses were sub-standard and no new houses built in that year despite the demand.¹¹ This discrimination in housing is typified by the 'Caledon incident' on 20 July 1968, when a Nationalist MP at Stormont, Austin Currie, 'squatted' in a house that had been allocated to an unmarried Protestant woman, who was secretary to a local Unionist politician, over a Catholic family who had three young children and whose house had been condemned as unsanitary for years.¹² This protest led by the Northern Ireland Civil Rights Association triggered a series of civil rights protests throughout the country, which were partially aimed at ending the political bias in the allocation of social housing, after political pressure on the Northern Ireland O'Neill government failed to introduce timely reforms,¹³ which were supported in part by the British government.¹⁴ Other aims included the end of gerrymandering and discrimination in employment.¹⁵ For some unionists, they viewed and continue to consider the NI Civil Rights Association as a republican Trojan horse to 'destroy the very fabric of Protestant Northern Ireland, socially, culturally and politically.'¹⁶ It is within this context that sectarian violence led to the mass displacement and ongoing intimidation of families and communities.

9 McCann (1974), p232.

10 Ibid. p23.

11 Ibid., p232.

12 RTE, 'Civil Rights in Northern Ireland – Caledon Protest' <<https://www.rte.ie/archives/exhibitions/1031-civil-rights-movement-1968-9/1032-caledon-protest/>> accessed 12 November 2019.

13 Freya McClements, 'Fifty years on from civil rights, NI segregation "simply not tackled"' (*The Irish Times*, 15 June 2018).

14 See Communiqué issued on 29 August 1969 at the conclusion of the visit of the Secretary of State for the Home Department to Northern Ireland Presented to Parliament by the Home Secretary by Command of Her Majesty August 1969, HMSO Cmnd. 4158.

15 Andrew Boyd, *Holy War in Belfast*, (1969), p194. See also *Northern Ireland: The Plain Truth*, The Campaign for Social Justice in Northern Ireland, (2nd ed.) 15 June 1969, p4-5.

16 Gareth Mulvenna, *Tartan Gangs and Paramilitaries: The Loyalist Backlash*, Liverpool University Press, (2016), p39.

In the 1960s, economic depression, a Unionist dominated government, gerrymandering and inadequate housing conditions created popular support for social change. Many individuals also left Northern Ireland and deprived areas such as the Bogside, to see employment in England or America.¹⁷ For many working class Nationalists who emigrated from Belfast during the late 1960s and early 1970s the move was prompted by increased parental fears for their safety and their own resignation to the fact that institutionalised discrimination would seriously curtail their life opportunities should they remain at home. Moving to England was seen as a means of securing decent employment, with many young people having family or childhood friends from their neighbourhoods that they could rely on upon initial arrival in England. They quickly assimilated into the growing Irish community in England, socialising and working with others who had left the island of Ireland out of economic necessity. Although physically removed from the conflict unfolding back home, they would on occasion bear the brunt of anti-Irish racism following IRA bombings, with several later being wrongfully convicted for involvement in such attacks.¹⁸ In loyalist and unionist quarters, fears over an IRA revival in light of the commemoration of the fiftieth anniversary of the 1916 Easter Rising fuelled increasing attacks by the Ulster Volunteer Force against Catholics and those they suspected of being involved in the IRA. Community leaders further incited this.¹⁹

I. Displacement and Intimidation in Northern Ireland

The start of the Troubles/conflict in Northern Ireland is often traced to 1969,²⁰ in particular August of that year, when violence erupted around civil rights marches, the battle of the Bogside and later the burning out of hundreds of families in Belfast. A number of people were killed in the years preceding 1969, but the eruption of violence in August 1969 represented the overspill of sectarian violence that reinvigorated republicans and loyalist non-state armed groups. This section outlines some of the key moments of displacement in Northern Ireland during the Troubles/conflict in and around Northern Ireland, before discussing more prevalent intimidation, which has continued after the peace agreement.

Sectarian threats and attacks were not unique in Belfast's history, as inter-communal riots are noted to have happened in 1835, 1857, 1864, 1872, 1886, 1898, 1920-22 and 1935.²¹ As a result of attacks on members of the other community, Belfast became more segregated as families often moved to more majority areas. Indeed the 1857 Belfast Riot Inquiry notes the practice,

17 Some 12.6% of the population left Derry/Londonderry between 1951 and 1961. McCann (1974), p22.

18 See Paul Hill, *Stolen Years: Before and After Guildford* (London: Corgi, 1991); Gerry Conlon, *Proved Innocent*, Penguin, (1993); Paddy Joe Hill, *Forever lost, forever gone*, Bloomsbury, (1995); and Paddy Armstrong, with Mary-Elaine Tynan, *Life after Life: A Guildford Four Memoir*, Gill, (2017).

19 See Michael McCann, *Burnt Out: How 'the Troubles' Began*, Mercer (2019).

20 There were three murders in 1966, including a Protestant widow Matilda Gould, a 74 year old pensioner, who was seriously burned in a petrol bomb attack on her home likely by the UVF on the 7th May 1966, who were trying to burn out her Catholic neighbour, she died over six weeks later. Andrew Boyd, *Holy War in Belfast*, (1969), p187.

21 John Darby, *Intimidation and the Control of Conflict in Northern Ireland*, Syracuse University Press (1986), p10.

Displacement and Intimidation in Northern Ireland

‘Since the commencement of the late riots, however, the districts have become exclusive, and by regular systematised movements on both sides, the few Catholic inhabitants of the Sandy-row district have been obliged to leave it, and the few Protestant inhabitants of the Pound district have been also obliged to leave that locality.’²²

7

This history of displacement and sectarian attacks maintained a communal memory for security in people’s minds and thus the necessity for segregation.²³ However, the displacement of ten of thousands of families between 1969-1976 represented an unprecedented large-scale movement of people often in the space of a few days, with 3,500 families displaced in the first few days of houses being burnt in August 1969.²⁴ Darby and Morris note that between 30,000 to 60,000 individuals were forced from their homes in Belfast amounting to 6.6% to 11.8% of the total population of the city at the time, representing the biggest forced displacement of a civilian population after the Second World War in Western Europe.²⁵



Bombay Street Mural

22 Darby *ibid.* p8.

23 Frederick W. Boal, Russell C. Murray and Michael A. Poole, Belfast: The Urban Encapsulation of a National Conflict, in C. Roseman, H. Laux, and G. Thieme, *EthniCity: Geographic Perspectives on Ethnic Change in Modern Cities*, (1976), 77-133, p86.

24 See McCann (2019).

25 Intimidation in Housing Community Relations Council 1974.



Reading Tom - mural 3 August 2014 (Flickr)

Some of our respondents and the data collected reflected on the scale of these movements. One respondent spoke about being displaced overnight in 1969 from their home in north Belfast as a child along with all his friends' families who he went to school with and played Gaelic football together.²⁶ Newspaper reports at the time note that Catholic families in Ardoyne enclave in a historically Protestant north Belfast were told to leave within an hour or they would be shot.²⁷ Similarly Protestant residents were 'burnt out' of their homes in Townsend and Hastings Streets areas of West Belfast in 1969. The notorious 'burning of Bombay Street' followed on the 15th and 16th August, when a large group of loyalists burned entire streets to the ground in West Belfast as the police watched on, forcing hundreds of Catholic families out of the area, as well as some Protestants who lost their homes as a result of the fires. According to government records as result of this in one weekend 500 homes were destroyed or at least temporarily uninhabitable, with hundreds of other families fleeing their undamaged homes out of fear. Some 5,000-6,000 people were displaced, the majority Catholics. Half of those displaced were housed in temporary shelters supported by voluntary organisations and churches, with the rest finding shelter with friends or family, with 400-500 leaving Northern Ireland.

26 NID13, West Belfast, February 2020.

27 Boyd p201.

The displacement in 1969 was not limited to Belfast with 150 Catholic families forced out in Dungannon,²⁸ 35 Catholic families beside the city walls in Derry/Londonderry fled,²⁹ after being subjected to regular attacks from the other side. One spokesman for the families warned that '[i]f we are not moved out before the 1st August we will be destroyed'.³⁰ During the same period dozens of Protestants in Derrybeg in Newry were also forced out of their homes.³¹ One common element of these riots and violence since the 1800s is that it often occurs in the summer and coincides with commemorations or traditional marches through contentious territory of the other community.³² Between 1969-1973 summer rioting involved mass displacement of Catholic and Protestant families. In August 1971 dozens of Protestant families were put out of their homes in Ardoyne in north Belfast, where a van with a loudspeaker toured warning them if they did not leave they would be burnt out.³³ Some 2,100 Catholic and Protestant families were put out of their homes in this month alone.³⁴ Subtler demographic changes occurred in a number of areas of Belfast and other towns, with minorities often moved to the fringes of a town, such as Protestants moving to the north end of Newry around the Belfast Road. One respondent recalled how her grandparents had come from Lower Ormeau Road in Belfast which in 1971 was nearly "98% Protestant", but now is "98% Catholic".³⁵ Another woman who was displaced recalled the night she was forced from her home,

"It was like a huge wrench leaving your Catholic neighbours because don't forget, we had been living there all our life and you're building up these good relationships and looking after each other's kids and so forth and helping each other out and all of a sudden you have to go. And I'll never forget the night it happened, [her husband had been working a local factory] at the time and the night before he had came up there was a guy shot at the top of Hogg's Valley by the army and there was an exchange of gunfire and he drove into it, he'd a big white car at the time, I'll never forget it, ... he came flying into the house as white as his car and he said, that's serious out there, they're firing tonight. And you know then when you're talking about going then it was a huge thing and I said right, okay whatever you do just stay in the house anyway. This was after Bloody Sunday. But then the next night then he was away to work again, he done the 12 to 8 shift and my door was continually thumped and banged and I thought oh god, they're gonna come in and what am I gonna do.

We were scared that they would fire a petrol bomb through the letterbox. So we sat with a bucket and sat on the bottom stairs and I sat there all night with three kids just sprawled out, [her husband] came through the door in the morning and he said right, that's it, this can't go on and my Catholic neighbours at that time were helping us and then down the end of the Guildhall and it was the Derry Corporation then that you got a house from and Marlene Jefferson and Kathleen Wray, they were Ulster Unionists and

28 Boyd (1969) p203.

29 Numbering around 300 people living close to Derry's Walls.

30 Street of Terror in Shadow of the Walls, *Derry Journal*, 18 July 1969.

31 NID14, Newry, February 2020.

32 Darby p11.

33 Mulvenna, (2016), p110.

34 'Fear is now a family affair' (News Letter, 14 July 1972).

35 NID07, Belfast, January 2020.

Displacement and Intimidation in Northern Ireland

10

they got us a house in New Buildings and to be honest, when we arrived out, we had to get a milk float to come and get what we could grab more or less and because obviously there's people standing about and you just didn't know them anymore, your neighbours were grand, they were heartbroken, but other people you just knew they didn't want you there. So we got out and decided we could, we obviously had to leave things behind, carpet and so forth which might seem very little to people now moving house but it was a huge amount of money to leave behind for us and we got to New Buildings. The funny thing about it all which gives me some kind of hope in the community, it was packed with all these wee women sitting round and it was unbelievable and believe it or not, there was Catholics and Protestants sitting in my house and I just could not believe it."³⁶



Photo by Carloriccardi (Flickr)

Those who had the financial means fled to neighbouring countries with Protestants moving to the rest of the United Kingdom and Catholics south across the border, which account for 12,000 per year in 1972 and 1973.³⁷ The Irish government fed and housed some 720 refugees of the August 1969 violence and a further 1,558 in 1970, with 5,409 arriving in 1971 and peaking at 9,800 in 1972, which required mobilisation of the Irish army, police, Irish Red Cross Society and other voluntary organisations to meet the influx. As the Irish government noted those who fled across the border in

36 NID11, Derry/Londonderry, February 2020.

37 K. Side, "Ungenerous Though Not Mean": The Scheme for the Purchase of Evacuated Dwellings, Belfast, Northern Ireland, in H. Schwall (ed.) *Boundaries, Passages, Transitions Essays in Irish Literature, Culture and Politics in Honour of Werner Huber*, Irish Studies in Europe (2018), 25-39, p31-32.

fear for their personal safety did so in haste, 'bringing with them only what they wore.' Despite the motives of some being questioned as opportunity for a holiday in 1972, the Irish government found that 'they should all be accepted without question and treated to the best of our ability as groups of Irish people in need of help at a very difficult time.'³⁸

As a result of mass displacement and sectarian violence, some of the main armed groups in Northern Ireland were revived or created out of perceived, agitated or experience of failure or mistrust of the state and its police force to protect its community. For loyalists there were fears that the British government would betray them and leave them in a united Ireland, which was only exacerbated by Protestant homes being burnt out, this was also played upon by loyalists to undermine concessions being made by the Northern Irish government in Stormont in the late 1960s and early 1970s.³⁹ For republicans the failure of the police to protect Catholic families, and in some reported cases get involved in attack Catholic homes and businesses along with auxiliary B-Specials forces, underlined that they were second-class citizens in a Protestant state.⁴⁰ As a result of the failure of the state to protect each community and ensure the rights of all citizens within Northern Ireland, paramilitary groups thrived and fed the cycle of displacement, albeit at a more lower scale given the increasing physical division and segregation between the two communities from initially hastily erected barricades to later on security barriers then peace walls.

Intimidation

People also left their homes because of individual incidents directly against their home or family or indirectly through attacks on their community in the area. Beyond the mass displacements in 1969-1976, there was periodic and continuous displacement through intimidation since then. In particular such intimidation was heightened around certain events, such as the 1981 Hunger Strikes,⁴¹ Anglo-Irish Agreement in 1985⁴² and the Drumcree standoff 1996-1998.⁴³ This was reflected in many of the experiences of individuals we interviewed as one community worker who was displaced twice said, "The home was seen as a safe place and that was fundamentally affected when somebody was murdered there."⁴⁴ Another respondent, who was displaced twice from their home, recalled how the home was a "safety blanket" that was torn away when it was attacked.⁴⁵ One woman whose father was attacked on his way to work commented that, "I went to school in the morning and never returned home, I didn't even know what had hit me."⁴⁶ Violence against people in their home, their family or friends ruptured their sense of belonging in the area and made them feel vulnerable to further attacks, causing many to flee.

38 Department of Defence: memorandum for the government on arrangements for catering for the needs of refugees from Northern Ireland in the Republic of Ireland, January 1973, 2004/21/49.4.

39 Peter Taylor, *Loyalists: War and Peace in Northern Ireland*, Bloomsbury (2000), p70.

40 See McCann, (2019).

41 William Borders Families Shift Homes in an Inflamed Ulster, *New York Times*, 30 September 1981.

42 NID11, Derry/Londonderry, February 2020.

43 In Derry see Pat Finucane Centre, "In The Line of Fire" - a report on events in Derry 10-14 July 1996 following from the "Drumcree Standoff", (1996).

44 NID05, Newtownstewart, November 2019.

45 NID13, West Belfast, February 2020.

46 NID06, Armagh, December 2019.



Paul Joseph - 18 June 2007 (Flickr)

A common tactic by both communities, particularly in working class areas of Belfast, was to force minority Catholic or Protestant families 'from the other side' out of their houses and the local area. Often this involved threats, posting bullets or Catholic mass cards through letterboxes, spray painting the sides of houses, shooting up a house, attacking it with petrol bombs, or more direct physical beatings or killings for those who refused to leave.⁴⁷ Such intimidation often resulted in low levels of convictions. Despite the Scarman Report into the July and August 1969 riots, of 431 complaints received by the police of families being forced from their homes, only 18 individuals were successfully prosecuted.⁴⁸

47 Darby, p53-54; and Side p30.

48 Scarman Report (1972), Table 4, p247.



Such intimidation was not limited to Belfast, but occurred throughout Northern Ireland. In April 1974 the Catholic population in the town of Newtownabbey (just north of Belfast) had been reduced by 95% since 1970 (180 families down to 16) due to intimidation, with the number of Catholic children at school in Rathcoole had dwindled from 1000 to 350 during this time.⁴⁹ In the same period around a third of the Catholic population had departed Carrickfergus.⁵⁰ Indeed the census data supports this decline of Catholic families in Carrickfergus from 16.2% in 1971 to 8% in 1981.⁵¹ There was a forced 'exodus' of dozens of Protestant families from the Suffolk area of West Belfast in July 1976;⁵² and on the border with the Republic of Ireland, dozens of Protestant families had to flee South Armagh as a result of a violent campaign of intimidation and murder.⁵³ In Newry Protestant school attendance fell 37.2% (1,614 to 1,014) between 1973-1998 with a similar 40% trend decline of Presbyterian congregations in the area.⁵⁴

49 Catholics forced from Newtownabbey, *Sunday Press*, 1 April 1974.

50 Third of Catholics move out of Carrick, *Irish News*, 10 December 1974.

51 CAIN, Percentage of Catholics in each District Council area for 1971, 1981, 1991, 2001, and 2011.

52 Suffolk trouble flares again, *News Letter*, 14 July 1976.

53 Gunmen force families to flee Bandit Country, *Sunday News*, 7 March 1976.

54 Data by Newry Heritage and Development Association.



Tico - March 2004 -148957072 (Flickr)

Indeed one of the community halls we conducted a focus group in had “Taigs out!” graffiti on an apartment beside it, where a Catholic tenant had tried to move in. Another respondent had a public death threat by republicans spray painted on a road sign a few days after our meeting. During the period of our research between December 2019 and February 2020 alone three Catholic families who were to move into a new social housing estate had windows smashed, loyalist flags erected and “KAT” (kill all taigs) graffiti on one of the homes,⁵⁵ a Catholic church was attacked with paint in Larne, an arson attack on an Orange Hall in Comber, arson of a farm in Bessbrook and arson attacks on homes in Lurgan, Dungannon, Dungiven, Antrim, Dundonald and Limavady to name a few.

Despite the ongoing displacement through intimidation of families it remains at a markedly lower level than during the Troubles, as one NIHE member said, “People have been intimidated out even now in North Belfast because of their religion or perceived religion. Although the numbers that are actually intimidated now because of religion has dropped significantly. Part of that is because people aren’t crossing the divide. Part of it is because it’s actually reduced as well.”⁵⁶

⁵⁵ Brendan Hughes, Third home targeted in sectarian attacks in north Belfast, *Irish News*, 5 December 2019.

⁵⁶ NID08, Belfast, January 2020.

Violence was not limited to people's homes, but also targeted Protestant or Catholic businesses as a way to force out those members of the community by taking away their livelihood and 'community viability'.⁵⁷ One respondent recalled how his family were holidaying in Donegal in 1972 only to return to find his father's business had been looted and destroyed, leaving them only with a £5 note hidden under a clock.⁵⁸ Bombings, intimidation and protection rackets had a long term impact on the Northern Ireland economy and business confidence,⁵⁹ which increased the cost of doing business and difficulties of obtaining insurance, which at times was withdrawn. The housing market was also affected by violence, with many families unable to make a profit in selling a house when they were displaced. However, the violence was not equal across the country, with houses able to maintain or improve their value based on the attractiveness of the area.⁶⁰

During the 1970s as the violence continued paramilitaries and the security services took an increasing role in housing allocation to maintain their territory and security objectives. For instance in 1973 a Protestant housing association threatened to 'wreck' a new Catholic housing scheme in the Ardoyne area of North Belfast, due to Protestant families having been forced out of the area previously by republicans.⁶¹ Similarly, in July 1974, paramilitary intimidation led to one of the UK's largest construction companies – George Wimpey and Co – suspending its work for the NI Housing Executive, which delayed housing supply in disadvantaged areas.⁶² The British army often took steps that exacerbated these issues even further, such as when they bulldozed a row of empty houses on the Falls Road to make way for security measures, against the wishes of local residents.⁶³ Indeed, there were widespread newspaper reports in 1982 that the security forces were 'interfering in town planning decisions and the layout of housing estates'; an example being the alleged excision of a row of houses from development proposals for the Ardoyne area, allegedly for security reasons.⁶⁴ People's personal space was also encroached upon by security measures, with houses being raided and searched,⁶⁵ and top floors of tower blocks being requisitioned for army observation posts and helicopter landing pads, such as Rossville Flats in the Bogside in Derry/Londonderry⁶⁶ and Divis Flats in Belfast.

This was most notable in the border region of South Armagh, where a 'watchful architecture' involving hill top observation posts, manned military checkpoints and daily British Army foot patrols and helicopter flights intruded on everyday life for local people.⁶⁷ Becoming the most militarised area in Western Europe at the time, a massive military infrastructure impacted on even the most

57 NID14, Newry focus group, February 2020.

58 NID13, West Belfast, February 2020.

59 Brendan O'Leary, *A Treatise on Northern Ireland, Volume I: Colonialism*, OUP, 2019 p98.

60 See Timothy Besley and Hannes Mueller, Estimating the Peace Dividend: The Impact of Violence on House Prices in Northern Ireland, *American Economic Review* 102 (2) (2012) 810–833.

61 Protect us or face threat to new homes' *Sunday News*, 4 November 1973.

62 Riddle of Retreat by Wimpey. *News Letter*, 25 July 1974.

63 Row brews over Army's razing of houses, *Sunday News*, 5 December 1971.

64 Who plans Belfast? *Scope*, April 1982.

65 In 1973 there were 75,000 house raids, around one-fifth of all homes in Northern Ireland at the time. See *The Cost of the Violence Arising from the Northern Ireland crisis since 1969*, New Ireland Forum (1983), p8.

66 Such activities affected the roof and sealing of the building leading to flooding. See *Rossville Flats*, J. Collins (ed.), Guildhall Press (2019).

67 Garrett Carr, The Map of Watchful Architecture, *EchoGeo*, (2011) 18: 1 – 12.



mundane aspects of daily life like going to school, visiting relatives across the border, tending to farmsteads and livestock, and participation in local GAA teams.⁶⁸ The helicopter-landing pad housed in British Army quarters at Bessbrook Mill soon became the busiest helipad in Western Europe, averaging 600 helicopter flights in and out per week by the 1980s.⁶⁹ Life in the area was further disrupted by security policies of closing, and in some cases even blowing up, border roads and bridges, with many in the area having the easiest and most natural means of access to family, churches, farmsteads, and schools just over the border cut off.⁷⁰ The enormity of the problem is evidenced by the fact that the demilitarisation of border areas like South Armagh, as per the normalisation of

security envisaged in the 1998 Good Friday Agreement, became one of Sinn Féin's key concerns in the immediate post-agreement era.⁷¹ The imposing military presence in the area would finally be removed following the official end of the British Army's 'Operation Banner' deployment in 2007.⁷²

Intimidation continued throughout the Troubles and after the conflict, with 1,578 families approaching the community organisation NIACRO Base 2 programme and were relocated because of intimidation and families being forced from their homes in nationalist communities between 1995-2000. Over a

68 Darragh Brophy, 'The surreal reality of life in 'the most militarised area of Western Europe'', *The Journal.ie*, 9 February 2019, available online at < <https://www.thejournal.ie/south-armagh-troubles-brexite-violence-4483667-Feb2019/>> accessed on 30/04/2020 at 11:50.

69 Steven Taylor, *Air war Northern Ireland: Britain's air arms and the 'Bandit Country' of South Armagh, Operation Banner 1969 – 2007*, Pen & Sword, (2018).

70 Brian Harvey et al, *The Emerald Curtain: The Social Impact of the Irish Border* (Carrickmacross: Triskele Community Training & Development, 2005), p63.

71 Jonathan Powell, *Great hatred, little room: Making peace in Northern Ireland*, Random House, (2010).

72 'British Army leaves South Armagh', *The Irish Times*, 25 June 2007, available online at < <https://www.irishtimes.com/news/british-army-leaves-south-armagh-1.808712>> accessed 30/04/2020 at 11:41.

quarter of these families (452) were relocated outside of Northern Ireland due to the threat against them.⁷³ Intimidation also took on intra-community dimension such as involving feuding among paramilitary groups. In 2000 in-fighting amongst loyalist groups the UDA and UVF in the same year saw some 200 families being forced out of the Shankill area.⁷⁴



This particular feud began in August 2000 and lasted for four months causing seven deaths, significant damage to a large number of properties and hundreds of internally displaced. While official figures of displacement stands at 547, community workers on the ground put the actual figure at nearer to 1,300. This displacement largely reflects how intra-community segregation replaced inter-community segregation as the Shankill Road became divided up according to UVF or UDA allegiances. Further displacement would result from an internal UDA fall-out in the Lower Shankill area that caused several families to take sanctuary in Scotland and Manchester.⁷⁵ Similar trends of intra-communal displacement are also discernible from studying previous periods of internal feuding within republican communities, most notably those associated with the Irish National Liberation Army (INLA). Internal feuding among the group forced certain members to stay away from family homes, opting to congregate instead in chosen safe houses where they felt there might be greater safety in numbers. This internal feuding challenged the notion of community being a source of safety; the intimacy within the group meant that rival factions could not only mount attacks on the homes of their rivals, but could also attack them when they were visiting family members elsewhere, socialising in pubs, attending social welfare appointments, and attending local sporting events.⁷⁶

73 Relocation Following Paramilitary Intimidation, Third Report, Select Committee on Northern Ireland Affairs, 28 March 2001, para.17.

74 Ibid.

75 Carol Gallaher and Pete Shirlow, The geography of loyalist paramilitary feuding in Belfast, *Space and Polity*, (2006) 10 (2): 149-169.

76 Henry McDonald & Jack Holland, *INLA: Deadly Divisions*, Poolbeg, (2016).

Displacement and Intimidation in Northern Ireland

In the most part the pattern of population movements often followed a defensive one,⁷⁷ wherein mixed families or minority Catholic or Protestant families often moved to majority dominated estates of their own community. The size of the community was also governed by the ‘defensive need to be able to recognise everyone who lived in it and therefore in times of conflict to immediately recognise strangers.’⁷⁸ The conflict also influenced planners, where estates were defensively planned as a means to ‘spatially’ contain violence. The police emphasised the importance of ‘realistic security input’ into housing planning, which included creating neutral zones between interfaces to separate them and reduce hostilities, such as creation of the Westlink dual carriageway separate Catholic and Protestant interfaces in south-west Belfast.⁷⁹



Subtler ways to mitigate community interfaces in planning also included facing houses so that they did not look onto houses in the other community and the planting of trees to visibly obscure.⁸⁰ However, as a consequence such ‘defensive planning’ resulted in cutting off and curtailing the provision of new housing, economic growth, access to jobs and inward investment thereby in turn further marginalising, both socially and economically, this part of the city as a whole.⁸¹

Statistical data can be of limited use to mapping out the demographic changes in towns and villages in Northern Ireland during and after the Troubles/conflict as other variables and factors for people

77 Boal et al. (1976), p87.

78 Ron Weiner, *The Rape and Plunder of the Shankill*, Community Action: The Belfast Experience, (1976) p77.

79 D. Coyles, The security-threat-community, *City*, 21(6) (2017), 699-723, p711.

80 Coyles *ibid.* p714.

81 Tim Cunningham, Cutting with the Grain: Human Rights, Conflict Transformation and the Urban Planning System—Lessons from Northern Ireland, *Human Rights Review* 17 (2016) 329–347, p336.

moving such as economic opportunities, family ties and amenities can affect where people moved. In rural areas there was a tendency of young people to move to the town or Belfast for jobs, leaving behind an older generation and closure of local schools which had the effect of “tearing out the social fabric of the village”.⁸² It is worth highlighting some of the personal, individual experiences of displacement to shed more light on the impact of violence on people’s sense of belonging and identity.



II. The Experience of Displacement

In situations of violent conflict across the world, there has been much written about the existence of ‘cultures of violence’ and how abnormal patterns of thought, behaviour and movement become normalised and routinised in the quest to maintain everyday life.⁸³ Northern Ireland has been no exception to this trend, as the experience of punishment violence by paramilitary organisations shows.⁸⁴ Normalising the abnormal also featured as a theme in the fieldwork that underpins this report. It is therefore helpful to offer up some brief insights into how conflict affected people’s use of the land, home life, movement patterns and working practices:

“...the normality was the abnormal in our old days, so things you now look back on you think flip me, was I wise doing that? But when I describe to people where did you live, you lived such and such near the border, did you go home to see

82 NID05, Newtownstewart, November 2019.

83 See for example: Steenkamp, C. (2005). ‘The Legacy of War: Conceptualizing a ‘Culture of Violence’ to Explain Violence after Peace Accords’, *The Round Table: The Commonwealth Journal of International Affairs*, 94, 379: 253-267; Steenkamp, C. (2014). *Violent Societies: Networks of Violence in Civil War and Peace*. London: Palgrave Macmillan.

84 See for example: Knox, C. (2001). The ‘deserving’ victims of political violence: ‘Punishment’ attacks in Northern Ireland, *Criminal Justice: the International Journal of Policy and Practice*, 1, 2: 181-199; Monaghan, R. (2004). ‘An Imperfect Peace’: Paramilitary ‘Punishments’ in Northern Ireland, *Terrorism and Political Violence*, 16, 3: 439-461.

your parents? No, I couldn't because it was too risky so we met elsewhere, ...
A contested space where you couldn't actually do your ordinary things.”⁸⁵

“When I went to bed at night my pistol was sitting on the bedside locker beside the bed and then even when I got married and moved up to Sion Mills it was the same, I went to bed with the wife, I went to bed with my pistol [laughs] but that was part and parcel of the job.”⁸⁶

“I know I was young but I used to, I'd always went down the road and brought up the cows. The army moved in with us, they stayed there between July and October and yes, there was two of them would have come down the road with me whenever I was bringing up the cows. You tell the people that and they don't believe you, they really do not believe you that you were a ten-year old come walking down the road bringing the cows and you had two soldiers with you carrying guns.”⁸⁷

The impact of the conflict and the relationship between personal security and how one navigated the local geographical area was a particular theme amongst interviewees living in rural areas.

As the example below illustrates, former members of the security forces, who, by virtue of their job, were a target for republican paramilitaries spoke of a direct relationship between personal security and daily routines and movement patterns.

“...the police came to me and told me right, you're being observed taking your daughter to school of a morning, you're going to have to vary your routes and timings and one thing or another.”⁸⁸

Others developed distinctive personal styles of security management:
“I had to run across with a 9mil cocked across the road or the fields to get home. It was hard.”⁸⁹

“He would let me know every night he was working and as soon as he got home, got into the house he would flash the torch to me and I would flash it back so everything was grand then.”⁹⁰

“I used to have a wee dog and before I went out on duty, I'd have put the wee dog out the front door and then slipped out the back door on my hands and knees.”⁹¹

85 NID05, Newtownstewart, November 2019.

86 NID05, Newtownstewart, November 2019.

87 NID04, Fermanagh, November 2019.

88 NID05, Newtownstewart, November 2019.

89 NID04, Fermanagh, November 2019.

90 NID04, Fermanagh, November 2019.

91 A sense of isolation and abandonment, particularly by the British state was felt acutely by former members of the security forces who expected a greater 'return' on their loyalty and commitment to the state – “*some of the people were so isolated out on the border, West Tyrone is no different to Fermanagh, once you're out round your area, for example, you're on your own like.*”

The following exchange during a focus group illustrates how for some, the sense of threat prevails:

- I: And what does it feel like to live under that threat every day?
 F: You get hardened to it and you know how to observe and what to observe.
 I: Would you say you're always vigilant?
 D: Yeah.
 I: You can never relax when you're at home?
 F: We have everywhere under surveillance by ourselves.
 I: So you're doing your own security basically?
 D: Yeah.⁹²

For a number of interviewees, movement patterns also translated into shopping and leisure patterns, a practice which some have continued into 2020: "It would have been, even to this day there's places you still wouldn't go to, you didn't go at the time and you wouldn't go now. I'm not speaking for anybody else but I certainly wouldn't go to some of those places yet – simple as that."

- F: As I say, we watch our back and we know what shops we're going into and we don't hide.
 M: You just know what places not to go to.
 I: So, if you were going out to the pub or you were going to the shop would you make a deliberate choice to go to one pub?
 All: Agreement.
 M: I would say the X shops because I'd rather support a Protestant shop.
 F: Stick to our own I say.⁹³

Despite threats and attacks, often multiple ones, many families refused to leave and instead fortified their homes as they were "too stubborn".⁹⁴ One man remarked his father refused to leave the house after it had been attacked as he had "been born in the house and would die in it."⁹⁵ In some instances family homes became sites of hour-long gun battles with armed attackers until the army arrived.

1. Intimidation

Members of the security forces, members of the judiciary and unionist political elites experienced selective targeting and housing intimidation. Southern notes in respect to the security forces:

'Many officers and their families were forced to move from their homes during the conflict. Sometimes homes were attacked and this necessitated a speedy move. In other cases, Special Branch may have obtained intelligence, which indicated that terrorists were planning

92 NID06, Armagh, December 2019.

93 NID04, Fermanagh, November 2019.

94 NID05 and NID06.

95 NID09, January 2020.

The Experience of Displacement

to attack an officer at his home. ...If a move was unavoidable, this caused both social and emotional upheaval as the family home literally had to be abandoned – often swiftly’.⁹⁶

While there are no official statistics on the rates of intimidation and rehousing,⁹⁷ it is notable that in respect to the security forces, intimidation and rehousing has been defined as ‘internal displacement’ as per the UN Guiding Principles on Internal Displacement.⁹⁸ Though one respondent proposed that displacement also included not being able to visit family members or carry out normal community activities due to the risk of being attacked.⁹⁹

It should not be assumed, though, that Irish republicans were themselves immune to the disruption to family life that internal displacement causes. Several accounts in the public domain indicate that this was not the case. These accounts reveal that the parents of those who were actively involved in the conflict often had to move house when their children’s involvement in became public knowledge. In some cases this might have reflected a security concern about remaining in an isolated farmstead that was deemed vulnerable to attack from loyalists or destructive and disruptive raids by the British Army, in which case moving to a housing estate in a nearby village or town was seen as a safer alternative.¹⁰⁰ However, in other cases the British Army may have foisted the decision on the family. Leading republican Gerry Adams, for example, recalls in his memoir the emotional turmoil caused to his mother when the British Army ordered the family out of their Ballymurphy home, even though the family eventually relocated to another house nearby.¹⁰¹ By the same token, many of those involved in Irish republican political violence also relocated across the border to towns like Monaghan and Dundalk, with the choice being made either to avoid attack from loyalists, to avoid security force harassment in the North, or because they continued to operate and were wanted for questioning.¹⁰² Those who found themselves ‘on the run’ like this were exiled from their families, homes and communities, missing birthdays, weddings and funerals of friends and family.¹⁰³ Those moving south of the border - including displaced persons more generally rather than active or imprisoned republicans per se - also had to tolerate a certain degree of hostility and negativity from locals; they were seen as subversives, regarded as taking the best jobs that should go to locals, blamed for any trouble in the area, subjected to security surveillance and suspicion, and subjected to social and economic exclusion. Often it would be the wives and children of republican activists and prisoners

96 N. Southern, *Policing and Combating Terrorism in Northern Ireland. The Royal Ulster Constabulary GC*, Palgrave Macmillan (2018).

In June 2017, PSNI Assistant Chief Constable Drew Harris told BBC Radio Ulster that around 20 police officers had been intimidated from their homes each year over the last five years.

97 The Police Service of Northern Ireland statistics confirm that between 1977 and 2007 there were 1389 officers rehoused, but do not capture data from before 1977 when the conflict is regarded as having been at its worst.

98 UN Report. (2004). *Guiding Principles on Internal Displacement*. Available at: <http://www.unhcr.org/43ce1cff2.html>
On the experience of targeted occupation based intimidation, see for example: ‘Fears for lives of Ulster judges’, *Daily Telegraph*, 27 April 1974; Belfast Telegraph, “They won’t drive me out”, says Mrs Fitt’, *Belfast Telegraph*, 1 October 1976; ‘Families in firing line’, *Daily Mirror*, 27 November 1976; ‘IRA issues threat to RUC families’, *Irish Times*, 11 January 1977; ‘Wives forced to flee in fear’, *News Letter*, 10 May 1977.

99 NID05, Newtownstewart, November 2019.

100 Thomas McNulty, *Exiled: 40 years an exile a long time away from kith and kin*, TMN Publications, (2013).

101 Gerry Adams, *Before the Dawn*, Heinemann, (1996), p4.

102 Harvey et al (2005), p 69.

103 McNulty (2013).

that would bear the brunt of this hassle.¹⁰⁴ Since 2014 the Commission for Victims and Survivors has recommended that those outside Northern Ireland to avail of support and services, thereby allow some of those who remain in exile to receive some assistance.¹⁰⁵

The nature of violence varied across Northern Ireland and to an extent so did the displacement. As one respondent in the Bogside of Derry commented “There was no such thing as sectarianism as there was in Belfast here.... There was a massive shortage of housing here, in Derry and nobody was going to burn anybody’s house because somebody needed that house...my mother was a Protestant and she lived in Creggan until she died.”¹⁰⁶ Despite the perception of this one individual, the number of Protestant in 1971 in the west bank of the City was 8,459 and fell to 1,407 in 1991.¹⁰⁷ This influx out of the Cityside of many Protestants also witnessed a number of schools and churches closing, which cemented the community shift.¹⁰⁸ There were similar permanent displacements of Catholic families in north Belfast with the Ballysillan estates in Ardoyne and Protestants fleeing Ballynure streets off the Oldpark Road in New Ardoyne.¹⁰⁹

A second manifestation of intimidation and the loss of housing and land are the experiences of rural border communities. During fieldwork, a number of rural Protestant communities drew attention to how local Protestant businesses were damaged, land purchased with sectarian motivations and the marking of territory and the targeting of families to ensure that land and farms were not passed on to younger generations. The quotation below from focus group in a Protestant community provides one such example of the loss and intimidation of a local business:

“We had quite a few people, young men who were just starting up in business, ...X and his wife were just married 6 months, he was just a farming man and again he was starting his own land and they were only 6 months married when he was blew up and subsequently was killed. So that would have been the ethnic cleansing for the people starting out in business to try to do away with that.”¹¹⁰

While, as explored in detail below, the claim of ethnic cleansing needs further data to support such a finding. However it did not stop significant numbers of research participants declaring that a campaign of ethnic cleansing took place, whether in pogroms in the 1920s of Catholics in Belfast or in attacks on Protestants in the border and rural areas. The following examples illustrate the ease with which this term was used and how it has been utilised in a local context.

104 Harvey et al (2005), p 70.

105 CVSNI, Addressing the Legacy of Northern Ireland’s Past Advice Paper, January 2019, p49-53; and CVSNI, *Extension to the Strategy for Victims and Survivors (2009-19) and Programme Funding*, Policy Advice Paper, November 2019, p29-32.

106 NID01, Derry/Londonderry, October 2019.

107 Ulf Hansson and Helen McLaughlin, *Protestant Migration from the West Bank of Derry / Londonderry 1969-1980*, PFC (2018), p13.

108 D. White, *Londonderry: Population Movement from West Bank to East Bank*, 11 January 1979.

109 *Flight: A Report on Population Movement in Belfast in 1971*, Community Relations Commission Research Unit (1971).

110 NID05, Newtownstewart, November 2019.

The Experience of Displacement

24

“What does that idea of ethnic cleansing mean to you?

F: Everything you’ve worked for and your future is taken away. I have a son and daughter and I would not wish them to come to my farm. Definitely not.

D: You say there about the peace, there is no peace. We’re under threat all the time and if I put our farm up for sale tomorrow morning there’d be 100 Catholics there to buy it.

....

And do you think people want a site on your land to...

F: To push you out.

I: ...to take your territory?

F: Push you out.

....

M: And they would murder to get it, so they would but it just hasn’t come to that yet but...

F: Near enough.”

Speaking to the experience of the sale and territorial ‘claiming’ of land, another interviewee provided the following example:

“There was a small farm in Fermanagh, obviously I could name them but I’ll not and the fella was getting quite old, he’d a big farm, he had two sons, one son was running part of the farm but it was too much so he was selling part of the farm on, the best offer was coming through the estate agents for a Catholic sale so the sale was going through, he was driving down the road one day and there was a tricolour flying over the farmyard that he was selling so he withdrew the sale right away. ‘We have just won this, we have just got this’, the flag was up on it and all.”

“...the difference is, they were all single, my father was the only one with three sons. So, you ask about ethnic cleansing, that’s ethnic cleansing in its worst form and that’s the only reason. Had my father not been married and had three children he probably would never have been attacked because they would have known he would have died out in that farm at some stage.”¹¹¹

These perspectives were strongly felt amongst border communities in rural areas.

2. The Border

Borders constitute real geopolitical divisions between states and peoples.¹¹² They also have a powerful effect on ‘imaginative geographies’ – those ‘mental boundaries’ that differentiate our space from their space, thereby constituting senses of identity and belonging that define and (potentially) exclude those others who are perceived to inhabit a different imaginative world.¹¹³

111 NID04, Fermanagh, November 2019.

112 G. Dawson, *Making Peace with the Past? Memory, Trauma and the Irish Troubles*, Manchester University Press (2007).

113 E. Said, *Orientalism*, Penguin (2003), p.54-5.

While there are numerous anecdotal accounts of the experience of living in the border counties and in particular, the conflict over land, academic literature on this area is somewhat light. This section concentrates on the experience of Protestants living in the border counties of Northern Ireland, specifically Fermanagh, where longstanding claims have been made of republican paramilitary intimidation (particularly against locally recruited and part-time members of the security forces) and the loss of land. The following statement, made by a member of the local Protestant community, published by the Irish novelist Colm Tóibín after a visit to South Fermanagh in 1986, is illustrative by way of background:

“They want us off the land, out of business, they want us gone. We’re the planters. That’s the way we’re made to feel. We’re like the Rhodesians, we’re like the Israelis. But we’ve been here for hundreds of years. There are plenty of deserted Protestant farms down in Fermanagh. We’re not going to be intimidated. We’re going to fight.”¹¹⁴

Lived Experiences

Much of the available literature on this topic attests to the experience of Protestants living in the border counties and their relationship to the land. The following examples are found in Patterson:

‘A UDR man was shot in the back when he went to feed his animals on a farm near Kesh in the west of Fermanagh. Although seriously wounded he survived the attack although he subsequently put his farm on the market and moved away from the border’.

‘On 1 March Tommy Fletcher, a forestry worker, was stopped by four gunmen as he was walking to work from his small farm which straddled the border near Garrison in the west of Fermanagh. He was brought back to the farm where his captors searched the house to get his UDR rifle and ammunition. Then after assuring his wife that he would not be killed the IRA men took him to an outhouse where he was shot fourteen times. After Fletcher’s death five other UDR men in the same locality all decided to leave as a result of threats to them and their families...’

‘In June, Richard Latimer, a 38-year-old part-timer in UDR was shot dead in front of his son in his hardware shop in Newtownbutler. His family had moved to Newtownbutler after being intimidated out of their farm near the border by gun attacks’.¹¹⁵

Impact on Identity

The effect on the Protestant community has been reported as affecting their sense of security, visibility/invisibility, social isolation, community morale and polarisation and reinforcing a ‘siege

114 C. Tóibín, *Walking Along The Border*, Queen Anne Press (1987) p109.

115 H. Patterson, ‘Sectarianism Revisited: The Provisional IRA Campaign in a Border Region of Northern Ireland’, *Terrorism and Political Violence*, 22 (2010) 337–356. While not the focus of attention here, the Hard Gospel Project report ‘Whatever you say, say nothing’, provides detail on how individuals interacted with the land while going about their daily business – taking longer routes to avoid certain areas for example.

mentality'.¹¹⁶ Some empirical work makes reference to members of the border Protestant community feeling the need to maintain a low profile within the community as a whole. To do otherwise, they suggested, was to set yourself up as a target for paramilitary attack – 'we slipped along quietly with our heads down. Our attitude was 'don't get involved in case you draw attention to yourself'.¹¹⁷ The Rural Community Network has identified a subsequent lack of capacity, confidence and cross community contact.¹¹⁸ McKay notes that most regarded Republican violence in these areas as 'designed to make large tracts of land along the Border uninhabitable by Protestants'.¹¹⁹ A number of McKay's interviewees were able to articulate various detailed accounts of how this occurred in practice, identifying the individuals and families directly affected and in some cases going further and identifying those they believed – often citing this as 'common knowledge' – had carried out the acts of violence. The prospect that neighbours may have been involved in 'setting up' neighbours further entrenched suspicion and a culture of retrenchment.¹²⁰ Those sentiments were shared by Catholics living in rural areas where they were in the minority as well, in particular their memory of being harassed by B Specials and UDR for suspected support of the IRA.

Ethnic Cleansing?

One of the key recurring themes in academic and popular discussion on land and the border counties is the allegation that the IRA carried out a campaign of 'ethnic cleansing' of the local Protestant community. The term 'ethnic cleansing' comes from the conflict in the former Yugoslavia in the early 1990s, where the UN Commission of Experts defined it as 'rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area'.¹²¹ In its final report the team of experts found that ethnic cleansing 'is a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. To a large extent, it is carried out in the name of misguided nationalism, historic grievances and a powerful driving sense of revenge. This purpose appears to be the occupation of territory to the exclusion of the purged group or groups'.¹²²

These sentiments have some resonance in Northern Ireland for some of the displacement that occurred, but as Clark finds with the Irish Civil War,¹²³ it is difficult to specifically point to a policy or

116 See for example: H. Patterson, *Ireland's Violent Frontier: The Border and Anglo-Irish relations during the Troubles*. Basingstoke: Palgrave Macmillan (2013); K. Simpson, *Unionist Voices and the Politics of Remembering the Past in Northern Ireland*. Basingstoke: Palgrave Macmillan (2009); H. Donnan and K. Simpson, Silence and Violence among Northern Ireland Border Protestants, *Ethnos: Journal of Anthropology*, 72(1) (2007) 5-28.

117 Rural Community Network 'You feel you'd have no say'. *Border Protestants and Community Development*, Rural Community Network (2003), p.5.

118 Ibid.

119 S. McKay, *Northern Protestants: An Unsettled People*, Blackstaff (2000) p.216.

120 On the impact on women in general, see: Boydell, L. et al. (2008). *Women Speaking Across the Border: The Impact of the Border and the Conflict on Women's Health and Roles*. Dublin: The Institute of Public Health in Ireland.

121 First Interim Report, S/25274, para.55.

122 Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674, 27 May 1994, para.130; Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The fall of Srebrenica, UN Doc. A/54/549, para. 19, cited in *Prosecutor v. Radislav Krstić*, IT-98-33-T, 2 August 2001, para. 562; and Report of the International Commission of Inquiry on Darfur to the United Nations Secretary- General Pursuant to Security Council Resolution 1564 of 18 September 2004, p. 117.

123 Clark (2016) p41.

plan through acts alone to establish ethnic cleansing occurred in Northern Ireland, and is something that requires further research by the proposed Implementation and Reconciliation Group under the Stormont House Agreement. In Northern Ireland a number of research reports, publications and newspaper articles, interviewees appear to have accepted ethnic cleansing as fact. By way of example, the Hard Gospel project, commissioned by the Church of Ireland Diocese of Clogher and which examines experiences of border Protestants during the conflict in Fermanagh, Tyrone, and adjacent counties of the Republic, reports that 'Ethnic cleansing' was experienced as a reality by the vast majority of the people interviewed, who lived close to the Border, and who recounted that individuals were strategically 'picked off' and many families left the land/area for good.'¹²⁴



Paul Joseph - Mural 18 June 2007 (Flickr)

There is no empirical or legal evidence to support the claim of ethnic cleansing. Boyle and Hadden for example report:

'The evidence from census figures . . . is that Protestant numbers in border areas have declined only marginally and that the major change has been the rapid increase in the number of Catholics. The conclusion must be that

¹²⁴ D. Gardiner, Hard Gospel Project. 'Whatever you say, say nothing'. A report on the views and experiences of Border Protestants for the Church of Ireland Diocese of Clogher. Northern Ireland: Hard Gospel Project.

The Experience of Displacement

in urban areas the two communities are moving into what they regard as safer areas, while in rural areas they are staying put on their land.’¹²⁵

Similarly, cultural historian Dawson has argued:

‘Such claims rest on a questionable treatment of evidence. While migration, including Protestant migration, away from the Border is a reality, this is due to a range of factors, including rural youth unemployment ... The pattern of violent death is clearly more complex than Unionist claims about “ethnic cleansing” allow. In the course of the Troubles, border Protestants and Unionists have been subjected to a politics of intimidation and terror, but this has not taken place on a scale, nor with the consistency of pattern to warrant the description ‘ethnic cleansing’.’¹²⁶

These population movements are complex that go beyond just social and economic factors, in how violence affects communities. Moreover, it does not fully account for why one community declined more than the other. Dawson’s invocation of ‘scale’ or ‘pattern’ to define ethnic cleansing is problematic, given that it does not have a settled definition by the UN or is criminalised under international criminal law. However, it is instructive to lay out how this term came to be used in Northern Ireland and its implications:

1. In the early 1970s, the Reverend Ian Paisley began regular visits to Fermanagh and South Tyrone in an attempt to establish support for the Democratic Unionist Party. In doing so, Paisley made frequent reference to ‘IRA genocide’.¹²⁷
2. In the early 1990s, the term ethnic cleansing was appropriated from the events in the former Yugoslavia. For example, in 1992 the leader of the Ulster Unionist Party claimed that Protestants in border areas ‘had been the victims of ethnic cleansing for over twenty years...Thousands have been intimidated from the border regions of Fermanagh and Tyrone.’¹²⁸

Some interviewees were of course more nuanced in their analysis, willingly acknowledging the impact of natural demographic changes as opposed to a campaign of ethnic cleansing:

“There’s a combination of factors in there of course, it’s not only because of ethnic cleansing and displacement, there are other factors. People do naturally move away from villages, children have a different ethos in life nowadays, they want to be in a big town, want to be where the nightlife is, where the work is and everything. It’s not just the Protestant population is moving out of the village; it’s the Catholic population is moving too. As we talked about on Monday, close the school and you virtually close a village down, don’t you.”¹²⁹

125 K. Boyle and T. Hadden, *Northern Ireland: The Choice*, Penguin, (1994).

126 G. Dawson, *Making Peace with the Past? Memory, Trauma and the Irish Troubles*. Manchester: Manchester University Press (2007).

127 ‘It’s plain genocide’, *Impartial Reporter*, 1 May 1980.

128 Patterson (2010).

129 NID05, Newtownstewart, November 2019.

In Northern Ireland Protestant communities along the border, in particular Fermanagh, framed the violence against them as ‘ethnic cleansing’. In north Belfast in 2000 the loyalist paramilitary group the Ulster Freedom Fighters complained of ethnic cleansing in the area, despite the majority of victims intimidated out of their homes being Catholics.¹³⁰ Indeed Morrissey and Smyth find that sectarian killings before and after the Good Friday Agreement served to increase the ‘mutual demonisation of and social and political distance between the two communities’, as well as representing a shift away from contesting sovereignty and national identity to an ‘internal ethnic conflict between two opposing groups.’¹³¹

Ethnic cleansing is a political term,¹³² compared to the more legal definitions under international criminal law for forced displacement and genocide.¹³³ The International Court of Justice has stated that ethnic cleansing has ‘no legal significance of its own’ in contrast to genocide.¹³⁴ Its political use risks normalising through the word “cleansing” as something positive, rather than the more egregious term of genocide that occurred in Cambodia, Rwanda and Bosnia.¹³⁵ Expulsion of a group of people from an area does not necessarily amount to genocide, but requires the evidencing of a special intent to destroy a protected group in whole or in part.¹³⁶ While forced displacement in Northern Ireland is unlikely to amount to an international crime, the use of language like ethnic cleansing, pogrom and genocide, reflect a serious uneasiness and vulnerability of communities living in their area where they are at risk from purging by their neighbours. This reflects an ongoing lack of social reconciliation where many people are made to feel that they are unwanted or seen as coming from elsewhere, ignoring their right to live in peace in their chosen place of residence. This is not simply a result of the Troubles, but reflects a long history, still in many people’s minds, about origin and identity connected with land. Thus reducing displacement or intimidation down to simply ethnic cleansing does not effectively appreciate the complex relationship people had for leaving or for those who remained, which is further compounded by the lack of reliable statistical data to measure population movements and demographic changes at the estate or village level.

130 M. Morrissey and M. Smyth, *Northern Ireland After the Good Friday Agreement: Victims, Grievance and Blame*, (Pluto Press, 2002), p22.

131 Ibid. Morrissey and Smyth, p63.

132 Arman Murat Necip, The Concept of Ethnic Cleansing: A Cautious Quest for Justice, *Journal of Law, Policy and Globalization* 1(1) 2011, 6-14.

133 Report of the Secretary-General Pursuant to General Assembly Resolution 53/35: The fall of Srebrenica, UN Doc. A/54/549, para. 19, cited in *Prosecutor v. Radislav Krstić*, IT-98-33-T, 2 August 2001, para. 562; Report of the International Commission of Inquiry on Darfur to the United Nations Secretary- General Pursuant to Security Council Resolution 1564 of 18 September 2004, p. 117. See Articles 6 and 7(1)(d), Rome Statute of the International Criminal Court.

134 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*), Judgment, I.C.J. Reports 2007, p.43, para.190; Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Croatia v. Serbia*), Judgment, I.C.J. Reports 2015, para.510.

135 Necip, 2011.

136 *Prosecutor v Stakić*, IT-97-24-T, Trial Chamber Judgment, 31 July 2003, para. 519.

Past in the Present

While it is clear that claims of genocide in the border counties would be difficult to argue in legal terms, investigating the experience of border Protestants, intimidation and land dispossession has continued to feature in attitudes toward dealing with the past. Two manifestations can be identified.

First, and traceable to the Report of the Consultative Group on the Past and the proposal that ‘thematic investigations’ should form part of any formal truth recovery process, is the idea that ‘ethnic cleansing’ and the experience of border Protestants should be an area of thematic examination.¹³⁷ Haass and O’Sullivan reiterated this idea in 2013. Their recommendations on past facing mechanisms stated ‘Thematic studies should, rather, seek to offer context and historical insight to this difficult period in Northern Ireland’s history. The topics studied should address the policies and strategies that guided individual actions during the conflict, seeking to provide clarity not just on what happened but on the overarching political and strategic frameworks that informed events’ and identified ‘alleged ethnic cleansing in border regions and in interface neighbourhoods’ as a potential area of thematic investigation.¹³⁸ The inclusion of thematic investigations, linked to the Implementation and Reconciliation Group proposed by the Stormont House Agreement has given further space to this discussion.¹³⁹

Second is contemporary interaction with the landscape in the Fermanagh and South Tyrone area. Memory scholars have consistently emphasised the capacity of physical spaces to promote continuity with, and the preservation of, memory. As Trigg points out,¹⁴⁰ violent events frequently mark the real and imagined landscape, irrespective of what remains of the physical fallout of the event.¹⁴¹ In previous projects, Lawther has examined the interaction between conflict and imagined geographies, undertaking a series of conflict walking tours in Northern Ireland and elsewhere.¹⁴² One such tour took place in rural Fermanagh, led by a local victim’s group. Individually and collectively, the stops on this tour demonstrated how time and geography can be frozen at particular moments of trauma. In essence, each stop on the tour acted as a *lieux de memoire* (‘site of memory’).¹⁴³ Thus, a bus stop used by local school children was not just ‘a bus stop’, but *the bus stop* at which a bomb exploded; hills and ditches in the surrounding fields were not mere aspects of topography, but part of the arsenal of paramilitary organisations who used the natural landscape to their advantage when planning operations; likewise, an empty farm building was deemed emblematic of the attempted destruction of local life and the need for constant vigilance.¹⁴⁴

137 Consultative Group on the Past. (2009). *Report of the Consultative Group on the Past*. Belfast: Consultative Group on the Past.

138 R. Haass, and M. O’Sullivan, *An Agreement among the Parties of the Northern Ireland Executive on Parades, Select Commemorations, and Related Protests; Flags and Emblems; and Contending with the Past*. Belfast: Northern Ireland Office (2013), p.32.

139 On unionist attitudes to dealing with the past see also: Lawther, C. (2014). *Truth, Denial and Transition: Northern Ireland and the Contested Past*. London: Routledge.

140 D. Trigg, *The Memory of Place: A Phenomenology of the Uncanny*, Ohio University Press (2012).

141 Halbwachs, M. (1992). *On Collective Memory*. Chicago: University of Chicago Press; Viebach, J. (2019). ‘Of other times: Temporality, memory and trauma in post-genocide Rwanda’, *International Review of Victimology*, advance access: <https://doi.org/10.1177/0269758019833281>

142 AH/N001451/1 ‘Voice, Agency and Blame: Victimhood and the Imagined Community in Northern Ireland’; DfE GCRF, ‘Whose Voices are Heard? Victimhood and Dark Tourism in Cambodia’.

143 Nora, P. (1989). ‘Between memory and history: Les lieux de memoire’, *Representations*, 26 (Special Issue): 7-24.

144 For a fuller examination see: Lawther, C. (2019). ‘Haunting and Transitional Justice: On Lives, Spaces and Unresolved Pasts in Northern Ireland’. In: Gobodo-Madikizela, P., Prager, J. and Wale, K. (eds). *Post-Conflict Hauntings: Transgenerational Memory, Ethics and the Arts*. Basingstoke: Palgrave Macmillan.

III. The Impact of Displacement - Victimhood, Harm and Segregation

While most of the literature on the conflict/Troubles in and around Northern Ireland concentrates on the physical and to a lesser extent the psychological impact of the violence, there remains little analysis of its effect on peoples' relationship with land, community and social space. These can perhaps be distinguished in terms of primary, secondary and tertiary victims or harm, given a person's proximity from the violent event and the way it impacts their relationship with home, social space and sense of belonging.

In terms of victims, there is a swathe of literature and reports around intimidation forcing people to be homeless. Recent figures of 477 persons displaced in 2017/18 and 377 in 2018/19 support the ongoing everyday violence.¹⁴⁵ This is markedly down from 1997/1998 where 1,775 were displaced and 1,736 in 1998/1999.¹⁴⁶ The experience of displacement and intimidation can somewhat vary from people receiving threats to leave their home to family members being seriously injured, killed or their house petrol bombed with them inside. While there are a range of factors that caused individuals and families to leave or flee certain areas, the violence of the conflict and the targeting of members of an individual's community created an atmosphere of distrust and fear that caused many to leave. Segregation was a communal security and defence response to violence, which was only supported by state institutions to mitigate violence and had been increasing since the 1960s only to fundamentally shift in 1969 and 1970s.¹⁴⁷ Secondary victims of those although not directly attacked their perception of violence and victimhood caused them to live in fear that if they remained in an area they would be next. This communal fear feeds into collective notions of harm and grievance, which can solidify communal identity.

More tertiary victims can be seen as communities who can be the intended target of sectarian attacks on communal and identity-affiliated institutions, such as Orange halls, churches¹⁴⁸ and GAA facilities.¹⁴⁹ In one of the most notorious examples from the conflict, the British Army occupied part of the premises of Crossmaglen Rangers GAA club, causing disruption to the club's on-field activities and much off-field discontentment to the local membership.¹⁵⁰ Violence against communities can also see flashpoints around the parading calendar, in particular where marching takes place through the public space of the other community, reflecting more of a spatial rather than proprietorial dimension of a community.¹⁵¹ In some cases individuals we spoke to found that speaking about parades whether

145 There is a continuing trend of around 400 individuals being put out of their homes since 2012.

146 A Review of Health and Social Care Needs of Victims and Survivors of the Northern Ireland Conflict, Jennifer Hamilton, Jonny Byrne and Neil Jarman, p26.

147 See PFC 2018 report.

148 Suzanne Breen, Growth in Catholic population led to burning of church, say local people, *Irish Times* 7 April 1997, <https://www.irishtimes.com/news/growth-in-catholic-population-led-to-burning-of-church-say-local-people-1.59577>

149 Peter Shirlow and Brendan Murtagh, *Belfast: Segregation, Violence and the City*, Pluto Press (2006), p3.

150 'Former soldier visits Crossmaglen GAA club', *BBC*, 21 March 2016, <https://www.bbc.co.uk/news/uk-northern-ireland-35825930>

151 Shirlow and Murtagh (2006), p19.

for or against them, saw them being physically attacked, threatened or their home targeted, such as with graffiti or windows broken. Along with direct attacks against individuals' houses, there can be a communal response in maintaining segregation for security and defence of 'their own', which can be fed by more secondary perceptions of victimisation, rather than direct ones.¹⁵² This is not to deny or minimise the fear and insecurity that families and communities experience, but rather to explain the population movements in Northern Ireland during and after the Troubles/conflict that continue to this day. This continuing apprehension of threat was a common theme amongst Protestant and Catholic members in rural areas, who would not go to certain towns or villages, as they would feel like a vulnerable minority.

There is some hearsay about more informal discrimination around land and social space that continues to pervade many communities in Northern Ireland, such as boycotting or only using services, such as shops or GPs, where they are from the same community, or only selling land to the 'same side',¹⁵³ even if it mean selling it a lower amount or at a loss¹⁵⁴. As such there can be a collective communal consciousness in the everyday practice of segregation to only go to certain areas and shops.¹⁵⁵ Such tertiary experience of harm has a background of socio-economic inequalities that framed the violence in Northern Ireland. Mistrust of the other community, segregation and the reinforcement of community identity created challenges to inclusion. This continues to be felt, as one respondent said, "You've to watch your back all the time... You say there about peace, but there is no peace. We're under threat all the time."¹⁵⁶ There are also tensions within communities between those who held out and stayed and those who were displaced, as one individual said, "I would experience some bitterness and resentment within my own community for having left when my father was killed, and leaving them feeling isolated."¹⁵⁷ Despite these experiences on the ground they have not translated into the wider policy agenda in dealing with the past and reconciliation.

The Good Friday Agreement: Land and Housing

A noteworthy feature of the Good Friday Agreement is that it does not deal expressly with land or housing matters. There are a number of oblique references: (1) "urban and rural development" is identified as an area of possible cooperation for the North-South Ministerial Council;¹⁵⁸ (2) the affirmation of commitment to human rights expressly includes, inter alia, affirmation of "the right to freely choose one's place of residence";¹⁵⁹ (3) the subsection on Reconciliation uses "initiatives to facilitate and promote... mixed housing" to exemplify "the promotion of a culture of tolerance at every level of society", which is identified as an "essential aspect" of the reconciliation process;¹⁶⁰ but no institutions or processes were established to address displacement, resettlement or redistribution. Other things being equal, this seems surprising, both because concerns around housing (and

152 Ethnic Residential Segregation in Belfast, Northern Ireland, 1971-1991, *Geographical Review* 87(4) (1994) 520-536, p532.

153 Brendan Murtagh, *The Politics of Territory: Policy and Segregation in Northern Ireland*, Palgrave (2002), p121.

154 NID04 and NID06.

155 Murtagh (2002), p38.

156 NID10, Derry/Londonderry, February 2020.

157 NID14, Newry, February 2020.

158 Good Friday/Belfast Agreement, p.17.

159 Belfast Agreement, p.20.

160 Belfast Agreement, p.23; or Rights, Safeguards and Equality of Opportunity, Good Friday Agreement 1998, para.13.

particularly the allocation of social housing) were a core motivator of the civil rights movement in the 1960s;¹⁶¹ and because high degrees of community segregation have continued in the years since the Agreement. However, consistently with the Agreement's general approach to dealing with the past (discussed below), it is possible that a longer term, incremental approach to reconciliation and development was envisaged.

It is also possible that there was a relatively high degree of confidence in the existing legal and policy institutions concerned with housing. By the mid 1990s, owner-occupation accounted for more than 65% of land holding in Northern Ireland; and there was a buoyant private rental sector.¹⁶² Social housing has for nearly fifty years been managed by the Northern Ireland Housing Executive, which had been established in 1971 as a direct response to the civil rights unrest. From the outset it assumed control of the housing stock (some 150,000 homes) of 61 local authorities, devising a points-based system for housing allocation on the basis of need that was developed through public consultation and intended "to cater for all applicants in a fair and equitable manner and to give priority to those with the greatest housing need".¹⁶³ Within a decade the scheme would be regarded as having addressed the criticisms of sectarian allocation in housing;¹⁶⁴ and an ethos of fairness and community building continues to pervade the corporate values expressed by NIHE today.¹⁶⁵ As one member of the organisation said, "first thing you learn when you come into this place, fair and square, you treat everybody the same. What does that give to us? One of the things it's given us even throughout the Troubles was we had access in every estate throughout the whole of Northern Ireland when other public bodies didn't".¹⁶⁶ It seems clear that the move from allocation based on political preference to need under the NIHE helped to build community trust in its work; and to the extent that this was pursued consistently through the conflict, and continues to this day, it provides part of the explanation for why the Agreement did not specifically address housing institutions: the relevant mechanisms were already in place, and attracted high degrees of confidence across communities.

Such consistency does not of course mean that attempts to address housing concerns have been linear or unproblematic. In the years following NIHE's assumption of housing responsibility it faced strong demand for social housing that was exacerbated by ongoing displacement and the needs to repair or replace its damaged housing stock. In Belfast in 1972 alone some 14,000 homes were damaged in 284 bomb explosions.¹⁶⁷ The first Housing Condition Survey in 1974 by the NIHE found that 20% of all homes in Northern Ireland were unfit for occupation, with 25% in Belfast requiring either demolition or major renovation. At the time, this was the worst housing condition in the United

161 CAIN: <https://cain.ulster.ac.uk/ni/housing.htm>; Cameron (1969) *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland*; Chapter 16, (a) 1.

162 NIHE, *Review of the Northern Ireland Housing Market 1998/9-2001/2* (1997), p 7.

163 L. Mc Arthur, *Northern Ireland Housing Executive: A Historical Perspective* (1984), unpublished thesis, McLay Library, Queen's University Belfast, p 34; citing *Housing Executive: Third Annual Report, (1973-1974)*, p 22.

164 L. Mc Arthur, *Northern Ireland Housing Executive: A Historical Perspective* (1984), unpublished thesis, McLay Library, Queen's University Belfast, p 34.

165 <https://www.nihe.gov.uk/About-Us/Our-Mission-Vision/Our-Mission-Core-Values>; and <https://www.nihe.gov.uk/About-Us/Our-Mission-Vision/Our-vision> (accessed 26.02.20).

166 NID08, Belfast, January 2020.

167 *More than Bricks: 40 years of the Housing Executive*, NIHE (2011), p.31.

Kingdom and amongst the worst in Europe. As a result, the NIHE began a large-scale building programme, which saw 80,000 homes built in a twenty year period from 1975. Demand for these homes was fuelled by the conflict, and evidence of discrimination, intimidation or homelessness occasioned by the violence was recognised and reflected in the points allocation system (“the Housing Selection Scheme”), which allocates points to (eligible) applicants on the basis of a number of indicators. For example, one of the categories is “intimidation”, which covers the case where an applicant’s home has been destroyed or they are at risk of injury or death if they remained in their home due to a sectarian attack (or attacks motivated on other grounds of hostility).¹⁶⁸

In addition to the challenges posed by the housing stock, there were and remain issues around segregation. While the NIHE successfully established a reputation for fairness and impartiality in decision-making, its neutral allocation process was not in itself sufficient to address a growing pattern of segregation in the city: indeed, in some respects it may have operated to encourage it. As we explain below, as a response to violence and civil disturbances in the course of the Troubles, people segregated themselves over concerns for their safety. For those displaced or intimidated out of their home, many moved to an area where their community was in the majority: segregation became a survival response through being ‘defensive’.¹⁶⁹ NIHE accepted from the outset that these practices would make it difficult to implement a policy of housing allocation on the basis of need. Its first Chief Executive is quoted as saying, “I don’t think it is possible for us, because of our ideas, to try to force people into living where they don’t feel safe”,¹⁷⁰ and this has been taken to convey a policy sense that forced integration was just as much to be avoided as deliberate segregation.¹⁷¹ However, there were occasions where the exercise of development functions in Northern Ireland in effect produced new segregated housing developments: an example might be provided by the Poleglass estate in the early 1970s.

This recognition of the limits of the formal planning and allocation structures encouraged a number of softer approaches to community and cross-community cohesion; and ultimately, again, the consistency and social-embeddedness of these practices may explain why no formal attempt to address housing concerns was contained in the Good Friday Agreement. For example, the NIHE through its Cohesion Unit funds schemes and initiatives in local communities and estates to replace or ‘soften’ contentious murals that mark the territory of a paramilitary group; and its Good Relations Strategy aims to ‘contribute to safer, more stable neighbourhoods and to promote a more inclusive society, whilst recognising that trust and safety will ultimately dictate the pace of change. Co-operation and communication between communities, agencies and individuals are essential ingredients. The Housing Executive also recognised that bringing about success is beyond the remit of a single agency but we have contributed through policies, partnerships, investment and resources.’¹⁷² One member of the NIHE effectively summed up all of this by saying that,

¹⁶⁸ Geary, 568.

¹⁶⁹ Boal et al p87.

¹⁷⁰ S. Kennedy and D. Birrell, “Housing”, Ch 6 in J. Darby and A. Williamson, *Violence and the Social Services in Northern Ireland*, Heinemann, (1978), p108.

¹⁷¹ Ibid.

¹⁷² More than Bricks, p.41.

“You can’t force people to integrate but what you can do is give them opportunities to better themselves, to make sure that their community is as good as it can get, that they have a good environment to live in, that they have a good house to live in, that we’re responsive landlords in terms of what we do. That we encourage them to do things in a way with their neighbours. That’s what it’s about, encouraging folk to live in harmony with their neighbour. Albeit there might be a real wall or an imaginary wall but if you’re not beating the life out of each other or shooting each other and you’re actually talking to each other in various places then that’s a measure of success. And part of that is to get folk to engage, to integrate, to listen. And for us to facilitate that. Now, it’s not all just stop the conflict, it’s about good housing management. We’ve built up a way of giving us a good reputation as a landlord but also listening to what they want out there and that actually helps in terms of harmony and quietness and all the rest of it. Now, we cannot nor do we pretend that we can stop all community gangs, paramilitaries operating in our estates....[but] we’re talking to people that other people wouldn’t be talking to. ... We are believable, we’re there, we’re on the ground, we’re interacting, not just on the 12th July but all year round”¹⁷³

This softer, more dialogical and relational engagement from a community actor, with nearly 50 years of presence in estates, suggests that services can play an important role in community and social cohesion in mitigating some contestation around controversial murals, election posters and flags. However the NIHE also recognises its limitations that reconciliation or minimising segregation cannot be achieved through housing management alone.

“I’d love to be sitting here and saying to you, do you know what, in ten years we’ll have all the walls down, we’ll have a fully integrated social housing arrangement out there but it would be lies, it’s not gonna happen. The best we can do is continue to encourage people not to kill each other, to work together for the common good for the whole of the town, the city, the district – whatever. To understand each other, to actually get on and don’t have that conflict.... Really we’re seeing in my working life [over thirty years] the quietest period we’ve had for years.”¹⁷⁴

The overall theme that emerges is one, which reflects high degrees of confidence in the neutral housing institutions, but simultaneously respects and acknowledges the limits of those institutions in achieving social integration. The latter is properly understood as a complex social and political problem, and one, which requires a multi-actor, locally driven solution, developed incrementally and sourced in the whole-life benefits that come from life in safer more inclusive communities. While it seems possible that the Good Friday Agreement was predicated on an understanding of the ongoing efforts of NIHE and other actors - in the context of a housing policy and practice that had been in place for a quarter of a century - nevertheless the realities of the housing struggles in Northern Ireland seem to jar with the little express language that we do find in the Agreement. It is clear, in particular, that the “right to freely choose” one’s place of residence is heavily curtailed by a social context where segregation remains and is associated with general senses of safety and/or belonging.

173 NID08, Belfast, January 2020.

174 NID08, Belfast, January 2020.

The Impact of Displacement - Victimhood, Harm and Segregation

36

The Rowntree Inquiry into the NIHE deficit in 1979 found that a lack of supervision and the loose nature of contracts allow paramilitaries including the IRA to extort contractors working for the NIHE for protection money or contribution to prisoner funds.¹⁷⁵ There is more resistance by the NIHE to let paramilitaries dictate housing allocation, but the threats to contractors and new families moving in continue. As one NIHE staff member said, “we had a little bit of an issue in Antrim a few years ago where one of the leading paramilitaries wanted a house for his daughter and she wasn’t at the top of the waiting list and she wasn’t getting it and it was funny, anybody that came to view the house always seemed to get a threat. So we just boarded the house up and wouldn’t allocate it because you can’t. We’ve been at this for so long, we’d be fairly brave about going in and saying right, you can’t do that.”¹⁷⁶

A. Segregation

As a result of the inter-community violence barricades were hastily erected in Belfast and other parts of Northern Ireland. In places such as republican controlled areas of west Belfast and loyalist controlled areas east Belfast, such as Woodstock and Ravenhill Roads, barricades were erected. These barricades were used by paramilitary groups to demarcate their territory and as ‘no-go zones’ for the state security forces, with loyalists only willing to take them down when the authorities would tackle republicans.¹⁷⁷

Many of these were removed by the army and police as part of Operation Motorman, but gradually over time permanent barricades were erected and burnt out houses demolished to create a defensive no man land between the two communities.



175 Martin Dillon, *The Dirty War*, Arrow (1991), p387-388.

176 NID07, Belfast, January 2020.

177 Mulvenna p154-156.

Segregation can reinforce common communal and cultural identity that helps to distinguish it from the other community and justify attacks against it.¹⁷⁸ Paramilitary groups can draw upon segregation, lack of police protection or mistrust in state security services allowing them to act as de facto community defence forces and in such a position provide legitimacy for them to attack the other community.¹⁷⁹ Moreover from our respondents there was at times a lack of empathy for the displacement of the other community, such as for those burnt out in West Belfast or in Derry/Londonderry a lack of understanding of why many Protestants left the West Bank, with some believing it was because there were better houses or jobs on the East Bank, rather than the violence and intimidation that families received.¹⁸⁰ That said, some individuals spoke about how they and their family have received sustained intimidation, but still had good community relations with their neighbours from the other community and sympathy that similar intimidation happened to them too.¹⁸¹

Segregation also extends beyond housing to also social interactions and activities. These are explicit through community aligned sports such as rugby, Gaelic football, hockey or camogie. Also in terms of social life such as only going to certain restaurants or pubs who were seen to be from 'their own community' as one individual said if they were in an unfamiliar bar or social space "you couldn't discuss anything because you didn't know who was sitting in the alcove beside you."¹⁸²

In the post-agreement period of Northern Ireland a culture of politeness beyond segregation continues where people avoid confronting each other over divisions or speaking about politics.¹⁸³ As one interviewee said, "People are afraid to speak about it as you don't want to raise your head above the parapet. There is a lack of confidence to speak on these issues as people have a tendency to put their heads in the sand to cope with the situation and to get on with their lives. Speaking out only brings unwanted attention and brings up memories that people don't feel safe."¹⁸⁴ While most communities do not face intimidation or have explicit physical barriers between the two communities, Housing Executive estates have around 86% segregated,¹⁸⁵ down from 94%.¹⁸⁶

Another respondent whose father was murdered shared, "What we've done is we've buried [the past], we just don't talk about it. We go into this neutral workspace and we don't talk about that we've lost and we've hurt and we've all this trauma. You just get on with it because it's the Northern Ireland way... that's part of our culture. Our culture is don't fuckin' talk about it and don't tell anybody and keep your mouth shut."¹⁸⁷

178 Boal et al. p88.

179 Shirlow and Murtagh p21.

180 NID01, Derry/Londonderry, October 2019.

181 NID09, Rathfriland, January 2020; NID04, Fermanagh, November 2019; NID10, Derry/Londonderry, February 2020.

182 NID05, Newtownstewart, November 2019.

183 Seamus Dunn and Jacqueline Nolan-Haley, Conflict in Northern Ireland after the Good Friday Agreement, *Fordham International Law Journal* 22(4) (1998) 1372-1388, p1387.

184 NID14, Newry, February 2020.

185 NID07, Belfast, January 2020.

186 Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his mission to the United Kingdom of Great Britain and Northern Ireland, A/HRC/34/62/Add.1, 17 November 2016, para.85.

187 NID08, Belfast, January 2020.

The Impact of Displacement - Victimhood, Harm and Segregation

Another person said moving to their own community after being displaced “It made it safe because you were in among a Protestant area, and it wasn’t 100% safe, but it was safer than living in a Catholic estate.”¹⁸⁸

One person said that segregation and violence against members of the other community by “rendering someone faceless and characterless, that you’re almost non-human, no character, we have been dehumanised and that’s the whole idea.”¹⁸⁹ The past pervades the present and individuals perceptions of belonging and inclusion in Northern Ireland. As one individual said, “The thing is they don’t forget, but we don’t forget either.”¹⁹⁰ One community worker viewed segregation as a solution that cannot be changed overnight, “there is green land, and there is orange land.”¹⁹¹ With one community leader involved in reconciliation work for decades finding that “we’re no longer neighbours, and we have almost dug ourselves in great trenches where we can’t talk to each other.”¹⁹²

Estates, villages and towns can also culturally mark their territory through the erection of community-identifiable flags, kerbstone painting and murals. In Housing Executive managed estates there are some 800 murals, many of which related to local paramilitary groups marking out their territory through “tagging”.¹⁹³ There are also over 100 illegal memorials to paramilitary members who died during the conflict on NIHE property, making it difficult to remove, especially when they involve notorious murderers in territory still controlled by the organisation.¹⁹⁴ There were diverging views on the place of paramilitary organisations in communities, with some saving that their role remained “coercive control”,¹⁹⁵ such as with continuing extortion and punishment shootings, whereas others said that paramilitaries are a result of their environment and community demands for order, when there is mistrust of the state and the police.¹⁹⁶ The settling of EU nationals in segregated estates, while initially rejected in some quarters, have been more widely accepted, given that “their kids are keeping the schools open.”¹⁹⁷

Many respondents were supportive of integrated education and saw segregated schools as part of the problem that creates an environment for sectarianism. “All the barriers start in childhood. Those barriers are there from the start. We go to our separate schools, our separate churches, and our separate pubs. We follow separate football teams or separate sports, there is no convergence at any stage and that’s the problem.”¹⁹⁸ There are 62 integrated schools in Northern Ireland out of a total of 1200, meaning that the vast majority of children are educated within their dominant community.¹⁹⁹ McAllister et al. note the transgenerational impact of segregation on children in that,

188 NID06, Armagh, January 2020.

189 NID05, Newtownstewart, November 2019.

190 NID05, Newtownstewart, November 2019.

191 NID13, West Belfast, February 2020.

192 NID02, Derry/Londonderry, October 2019.

193 NI07, Belfast, January 2020.

194 Brendan Hughes, Housing body faces no action over second loyalist memorial, *Irish News*, 29 June 2015; and Adrian Rutherford, Illegal paramilitary memorials on Housing Executive land in Northern Ireland, *Belfast Telegraph*, 21 April 2017.

195 NID07, Belfast, January 2020.

196 NID13, West Belfast, February 2020.

197 NID08, Belfast, January 2020.

198 NID05, Newtownstewart, November 2019.

199 See <https://www.education-ni.gov.uk/articles/integrated-schools>

The Impact of Displacement - Victimhood, Harm and Segregation

‘Every aspect of the lives of children and young people was defined by division – their identities, communities, schools, social networks, sporting activities and use of free-time. Notions of difference were perpetuated by a lack of inter-community contact and understanding. Segregated education and housing remained a significant barrier to ending sectarianism, often actively ensuring its continuation. Territorial ‘ownership’ of space and the use of violence to assert cultural identity went beyond the religious divide.’²⁰⁰

This segregation is most pronounced with the peace walls.

39

B. Peace walls



Peace wall Belfast

Also indicative of continued residential segregation, fear and insecurity are the continued presence of ‘peace walls’ in major towns and cities in Northern Ireland including Belfast, Derry/Londonderry and Portadown/Lurgan. These physical structures, including walls, gates, concrete blocks and security barriers physically keep communities apart. The construction of peace walls has increased since the signing of the Belfast Agreement in 1998 and recent research by Byrne, Gormley-Hennan, Morrow, Sturgeon, demonstrates how for affected communities, peace walls are still understood to be a protective necessity.²⁰¹ Their research found that some 70% of Protestants and 58% of Catholics acknowledged that an important function of the peace wall was to make them feel safer and more than three quarters of all respondents said that they felt very or fairly safe in the shadow

200 Siobhán McAlister, Phil Scraton and Deena Haydon, *Childhood in Transition Experiencing Marginalisation and Conflict in Northern Ireland*,

201 Byrne, J., Gormley-Heenan, C., Morrow, D. and Sturgeon, B. (2015). *Public Attitudes to Peace Walls (2015). Survey Results*. Ulster University: Department of Justice.

of the wall.²⁰² Conversely, the majority of respondents on both sides of the community expressed significant anxiety that both sectarian and anti-social behaviour would increase should the nearest peace wall be removed, with 48% ‘very worried’ or ‘fairly worried’ about the ability of the police to maintain order in that situation. Even more starkly, the proportion of people wanting local peace walls to come down some time in the future, had decreased from 44% in 2012 to 35% in 2015.²⁰³ This suggests that many people remain sceptical that security can be assured except through physical barriers and presents a significant challenge to policy-makers to develop other means of reassurance and safety.²⁰⁴

The Department of Justice has an ‘interface programme’ responsible for delivering the removal of all interface structures by 2023.²⁰⁵ Progress has been slow. The Belfast Interface Project’s last publication identified a total of 97 barriers across Belfast – two fewer than they identified in their 2012 publication.²⁰⁶ Likewise, recent research by the International Fund for Ireland suggests growing public appetite in each community for the removal of these barriers, though not necessarily support for the 2023 deadline.²⁰⁷ This reflects that the peace walls are an extreme physical iteration of the mistrust between communities that is apparent throughout the rest of Northern Ireland, that their simple removal cannot be done without redress the social harm caused by displacement and ongoing intimidation. As one member of the NI Housing Executive commented, “it’s the same in every town. It’s not just a Belfast or Derry based phenomenon. You take any town, you go into our office and they can tell you which side is which, where’s the barrier, where’s the invisible wall, it’s not about peace walls per se, they are invisible walls, but they’re there all the same.”²⁰⁸ The social tolerance or normalisation of segregation in Northern Ireland raises difficult issues of the viability and shape of any redress to tackle it.

C. Squatting

In the face of mass displacement the informal practice of squatting emerged to claim possession of a house and maintain the ethnic identity of a community. Squatting is the practice of entering and occupying an uninhabited house. In Northern Ireland, while the practice has proprietary consequences and provides a mechanism to settle certain kinds of title disputes,²⁰⁹ the initial act of trespass is

202 Ibid.

203 Ibid.

204 Ibid.

205 <https://www.justice-ni.gov.uk/articles/departments-justice-interface-programme>.

206 Belfast Interface Project. (2012). *Belfast Interfaces – Security Barriers and Defensive Use of Space*. Belfast: Belfast Interface Project; Belfast Interface Project. (2017). *Interface Barriers, Peacelines and Defensive Architecture*. Belfast: Belfast Interface Project.

207 The relevant reports are available via the following link: <https://www.internationalfundforireland.com/the-2019-community-attitudes-to-peace-walls-survey>.

208 NID08, Belfast, January 2020.

209 These are regulated by a combination of common law rules and statutes, the latter including the Limitation (NI) Order 1989 and the Land Registration (NI) Act 1970.

regarded as a civil wrong and can also occasion criminal liability.²¹⁰ During the conflict, squatting practices were used by individuals displaced from their homes to move into a more community-aligned estate at short notice, or by local paramilitaries to distribute housing to selected families. In the mid-1970s squatting had a pattern of a displaced community or estate being replaced by families from the other community at short notice, given the limited housing supply in areas such as West Belfast.²¹¹ In 1977 in West Belfast 156 squatters moved into completed unoccupied council housing with a further 256 NI Housing Executive houses were replaced by tenants selected by local paramilitaries, solidifying the one-sided community homogeneity of the estates.²¹² In some estates paramilitary organisations demanded weekly payments from squatters to maintain their possession.²¹³ At one point there were over 5,000 squatters in social housing in 1976.²¹⁴

The Northern Ireland Housing Executive could seek a civil judgment against squatters, who were provided with a 'use and occupation' book accompanied with a letter making clear that the tenancy was not granted, which despite paying weekly amounts have not been recognised as conferring a



Peace wall Derry / Londonderry

210 Although the recent enactment in England & Wales of a specific offence of trespass in a residential building does not extend to Northern Ireland: see generally Robin Hickey, A property law critique of the criminalisation of squatting, in L. Fox, D. O'Mahony and R. Hickey, *Moral Rhetoric and the Criminalisation of Squatting: Vulnerable Demons?* Routledge (2014), chapter 7.

211 In one case dozens of Catholic families moving into an estate after Protestant families had fled - Belfast Telegraph, "'We're staying", say Suffolk squatters' (30 July 1976).

212 D. Coyles, The security-threat-community, *City*, 21(6) (2017), 699-723, p705.

213 Side p34.

214 News Letter, 'Plea for laws to beat the squatters' (2 August 1976). In 1972 squatters numbered 2,372 - Belfast Telegraph, 'Squatters total 2300' (6 December 1972).

tenancy by the courts.²¹⁵ This practice allows squatters to remain provided they continue with the weekly payments (not rent, but mesne profits), but they have no right to repair, and the NIHE can enter the property and seize it at any time provided force is not used.²¹⁶ In this way the NIHE was able to navigate squatting and paramilitary distribution of housing in estates without disturbing paramilitary control, who if the house was taken by force burnt down the house or threatened the new tenants, making the property unusable. While squatting was addressed and is no longer an issue for the NIHE,²¹⁷ its informal practice during some of the worst years of the Troubles/conflict reflected a defensive and needs basis to informally allocate housing. This has implications for redress and efforts to overcome long term issues of sectarianism and division in Northern Ireland.

IV. Redress Schemes

Redress for displacement is intended to remedy the harm caused and as far as possible to remove the harmful consequences for such wrongdoing. Reparations in particular are aimed at providing victims with acknowledgement and measures to repair their harm from displacement, such as compensation, restitution of land and property along with more symbolic forms, such as memorials, and institutional reforms to guarantee non-repetition of such violations. These are reflected in other contexts and the broader transitional justice literature. In Palestine appropriate reparations has been framed as a ‘right to return’ of Palestinians displaced from their homes since the Nabka in 1948.²¹⁸ Kutz argues for the prioritisation of restitution of homes over businesses, as homes play a key ‘role in grounding identity and giving family members a sense of origin, place, and rootedness.’²¹⁹ However it is questionable the extent to which returning people’s land or property can restore their sense of belonging or the lost opportunity to raise a family on their ancestral homestead.²²⁰

The experience of land restitution in other countries emerging from mass displacement speaks of the difficulty of ongoing violence and insecurity, third parties, squatters and evidential requirements of ‘good faith purchases’ with due diligence.²²¹ In South Africa, Atuahene points to some of the land restitution problems with the passage of time with claimants getting older and dying, with many opting for compensation over return of their land which was often urban, scarce and occupied, making it difficult to develop or sell-on, and a lack of inter-agency coordination to provide creative

215 *Northern Ireland Housing Executive v McCann* [1979] NI 39; and *NIHE v Duffin* [1985] NI 210.

216 See John Coyle and Angela Hegarty, Housing Rights, in B. Dickson (ed.), *CAJ Handbook*, (1993), 314-340, p.321.

217 NID07, Belfast, January 2020.

218 John Quigley, The right of return of displaced Jerusalemites: A reminder of the principles and precedents of international law, *Jerusalem Quarterly*, (2006) 25: 19 – 25.

219 Christopher Kutz, Justice in Reparations: The Cost of Memory and the Value of Talk, *Philosophy and Public Affairs* 32(2) (2004) 277-312, p307.

220 Judith Binder and Tim Murithi, Home at last: Land conflicts in Burundi and the right of victims to reparations, *The Institute for Justice & Reconciliation Policy Brief*, 11 (2013), 1-18.

221 Max Counter, In Good Faith: Land Grabbing, Legal Dispossession, and Land Restitution in Colombia *Journal of Latin American Geography* (2019).

solutions, such as enabling claimants to have priority in new housing projects or developments.²²² In Bosnia and Herzegovina providing only restitution and not compensation meant it could be informally usurped by private sales and renting (ownership rather than possession) that did not by itself encourage those displaced to return to their homes at the end of hostilities.²²³

Some of these comparative experiences have some resonance in Northern Ireland, in particular for displaced farmers ‘farming from a distance’,²²⁴ i.e. maintaining ownership of the land, but not returning to it only renting it for others to use for grazing. In such ways farmers intended to keep the land within the family by waiting out the war to when they could return and enjoy possession of it. Displaced families wanting security more readily accepted compensation or rehousing, but many found it was inadequate, further entrenching their loss. Some commentators have found that any sort of land restitution needs to go beyond resolving individual housing and compensation issues to consider the ‘social, economic and environmental dimensions’ of housing development and planning during the Troubles.²²⁵ O’Leary suggests that housing, land and property ownership continue to be a consequence of British colonialism over the past eight centuries, that cannot be completely redressed by subsequent generations, but its effects can be mitigated and society transformed through power sharing and equality of opportunity.²²⁶ Indeed from assessing the schemes for redress that operated during and after the Troubles, the creation of the Northern Ireland Housing Executive and constitutional reform of governance structures have gone a long way to address some of the political grievances of the conflict around housing, but perhaps have insufficiently remedied the social and spatial consequences of the violence.

Forced displacement in Northern Ireland has resulted in community harm that has not been addressed, such as social isolation. Violence also impacted people’s way of life, which had different implications for those living in rural areas, especially to farmers who are ‘wedded to their land’.²²⁷ Violence in the countryside often targeted protestant farmers, resulting in some of them joining security forces or loyalist paramilitary groups to protect their families and community. Impromptu auctions of family land during conflict often meant that individuals did not receive sufficient compensation for the value of the land. International human rights law around displacement in internal armed conflicts suggests that governments are responsible to ensure the safe return of individuals to their communities.²²⁸ This may be difficult to achieve in Northern Ireland with community segregation and peace walls, which the compensation of land and rehousing reinforce.²²⁹ The issue of restitution of rights has also

222 Bernadette Atuahene, *We Want What’s Ours: Learning from South Africa’s Land Restitution Program*, OUP (2016), p146-148.

223 See Paul Prettitore, *The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study*, OSCE April 2003; and Antoine Buyse, *Home Sweet Home - Restitution in Post-Conflict Bosnia and Herzegovina*, *Netherlands Quarterly of Human Rights* 27(1) (2009) 9-26.

224 NID04, Fermanagh, November 2019.

225 Coyle p719.

226 Brendan O’Leary, *A Treatise on Northern Ireland, Volume I: Colonialism*, OUP, (2019), p144-145.

227 Interview NI17 – the interviewee’s brother was shot dead on his farm.

228 *Moiwana Community v Suriname*, (Preliminary Objections, Merits, Reparations and Costs) Series C No.124, 15 June 2005, para. 212.

229 *Towards Sustainable Security: Interface Barriers and the Legacy of Segregation in Belfast*, Community Relations Council (2008).

been neglected for over 4,600 individuals forced into exile from Northern Ireland, who have been unable to return because of fear of reprisals.²³⁰ Notably this includes informers who remain at risk of physical attack today should they return to their place of origin within Nationalist communities.²³¹ The UN noted its continued concern about the ‘persistent inequality in the access to adequate housing in North Belfast, affecting Catholic families in particular.’²³² Indeed former UN Special Rapporteur on transitional justice Pablo de Greiff concluded that in the face of deep segregation in Northern Ireland when ‘redressing past violations and abuses is also facilitated when discussions about the past are not mingled with debates about sectarian distribution of the means of survival.’²³³ This can be clearly seen with the extent to which displacement has been redressed in Northern Ireland.

1. Redressing Displacement in Northern Ireland

The creation of compensation schemes to remedy property losses has been a feature since at least the 13th century in Ireland in the aftermath of conflict and displacement.²³⁴ The role of land, occupation, conflict and displacement has long been a feature of the violence in Ireland over this period, with peace settlements often involving land redistribution, restitution, and reconfiguration of land rights and/or compensation. The British government to buy off former rebels, or ensure ‘constructive unionism’ and avoid secession of Ireland often provided such redress.²³⁵ While such legal remedial practices have a long standing, they often fail to fundamentally redress social cleaves and sectarian control of space that evolves from conflict and displacement.

This is perhaps well demonstrated in the aftermath of the Irish War of Independence in 1919-1921, where Ireland was partitioned and violence had been directed at those seen as loyal to the British. An inter-state claims ‘Shaw’ commission was agreed after the War of Independence between Ireland and Britain, with each providing compensation for their own supporters who were harmed and splitting the cost of the administration of the commission and also for compensation for those victims who were judged as a ‘neutral’.²³⁶ The British compensation system called the Irish Distress Committee delivered awards to those fleeing as refugees from Ireland. However there was little effort to allow and perhaps demands for repatriation. In the aftermath of the Irish Civil War (1921-23) as many as 20,000 former Royal Irish Constabulary, their families and other British sympathisers arrived in Britain.²³⁷ The Irish Distress Committee was re-established under the title of the Irish Grants Committee was focused on Southern Loyalists made refugees between 11 July 1921 and 12 May 1923. The IGC assisted those displaced through awards and loans with some 2,237 grants

230 CGP Report p80.

231 Kevin Fulton, *Unsung Hero* (London: John Blake, 2006); Martin McGartland, *Dead Man Running* (Connecticut: Hastings House, 1999).

232 Committee on Economic, Social and Cultural Rights Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland, E/C.12/GBR/CO/6, 14 July 2016, para.49; and E/C.12/GBR/CO/5, 12 June 2009, para.29.

233 A/HRC/34/62/Add.1, para.136.

234 See Greer.

235 Fergus Campbell, *Land and Revolution: Nationalist Politics in the West of Ireland 1891-1921*, OUP (2005), p83.

236 Clark (2016), p23.

237 See Brian Hughes, Loyalists And Loyalism In A Southern Irish Community, 1921-1922, *The Historical Journal*, 59(4) (2016) 1075-1105.

approved of 4,032 claims with a total of £2,188,549 awards recommended.²³⁸ While the Irish Free State provided compensation to those displaced and refugees, the IGC provided a further avenue of redress, such as allowing one claimant who had lost his castle and been compensated under the Irish scheme to claim for his possessions and furniture pillaged before it was burnt.²³⁹

2. Redress during the Troubles/Conflict

Redress was ad hoc during the early years of the Troubles/conflict in and around Northern Ireland. Although Northern Ireland had a long-standing practice of compensating for damage caused by civil disturbance, it was regularly reformed with each spate of violence, which overwhelmed its efficacy.²⁴⁰ Without an overarching housing, segregation or sectarianism framework related to dealing with the past, these issues have been dealt with on an unplanned basis. There were a number of schemes that aimed to alleviate and remedy some of the harm victims faced as a result of being displaced or intimidated out of their homes. After the mass displacement in August 1969 the government introduced a 'special extra-statutory grant' of £50,000 to provide compensation for individuals who suffered financial loss or hardship not covered by other schemes and distributed by voluntary organisations sheltering those displaced.²⁴¹ Rehousing and compensation have been the main redress schemes for people intimidated out of their homes. However, these took time to be established in the face of mass displacement in periodic episodes, and more long-standing, everyday intimidation. The establishment of the NI Housing Executive played a key role in rehousing, but also provided specialist schemes in the later years of the Troubles, such as SPED, to facilitate a more organised house purchase scheme.

In the aftermath of mass displacements in 1969-1976 the response was managed in part by voluntary organisations (churches, schools and other buildings taking half) and people temporarily staying with friends and family. In terms of redress measures, these were ad hoc emergency responses, such as special discretionary grants to cover the cost of food, and resettlement grants to any person willing to move into new accommodation and to cover refurnishing. Claims for business and financial loss were already available and distributed to those who suffered financial loss or hardship, with a government loan deposit scheme to assist those to obtain a mortgage for a new house, while temporary wooden houses and caravans were provided.²⁴²

In terms of compensation it was governed by the Criminal Injuries (NI) Act 1957 and the 1977 Criminal Damage (NI) Order. Both schemes included compensation not only for crimes, but also 'unlawful wanton or malicious damage' caused by anyone acting on behalf of or in connection with an 'unlawful association'.²⁴³ Such a claim needs to be approved by a certificate from the police at the time the Royal Ulster Constabulary or the Police Service of Northern Ireland. Under both legal instruments

238 Clark, p24.

239 Clark, p24.

240 See D. S. Greer and V. A. Mitchell, *Compensation for criminal damage to property*, SLS (1982).

241 CAB 29 August 1969.

242 See Riots in Belfast: Care of the Homeless and Displaced, 29 August 1969, PRONI CAB/9/B/312/1.

243 S.2(1) 1957 Act; and s.5(1)(b) 1977 Order. The 1977 order also provide compensation for damage or destruction caused by 'three or more persons unlawfully, riotously or tumultuously assembled together' under s.5(1)(a).

compensation could be refused or reduced if the victim was involved in the damage or destruction had been involved in an unlawful association or refused to cooperate in the identification of those responsible.²⁴⁴ This has implications for those who did not trust the police or did not want to name local paramilitaries responsible for such criminal damage to avoid being targeted for further attacks. A special scheme was introduced under the 1971 Act to provide compensation retrospectively for claims arising between 1 July 1969 and 30 September 1971 for loss exceeding £20 for malicious damage to private property motivated by sectarian political aims where the applicant was unable to evidence that three or more people unlawful caused it assembled.²⁴⁵ The UK government paid out some £990,372,313 in criminal damage between 1968-2003, which included houses, businesses, cars and other property damaged during the Troubles.²⁴⁶ The Irish government made a number of provisions for redress for those affected by the violence. Between 1975-1982 the Irish government also paid out £10 million in compensation to local authorities in Ireland that had suffered damage to property.²⁴⁷ On the British side the justification for such expenditure was that most civilians who suffered property or businesses losses had no access to comprehensive insurance, while those in the rest of Ireland did. As Greer and Mitchell argue that such compensation for criminal damage was a ‘public good’ that required the ‘maintenance of the social and economic life of the province in the face of unprecedented damage and destruction’.²⁴⁸

Some individuals interviewed spoke about how they were inadequately compensated. One farmer spoke about how his father was shot and injured on two occasions at their home, with British soldiers moving in for three months to help them feel safe until it was sold at auction. While his father was compensated for his injuries in the two shootings (£400 and £700), they received no compensation for loss of their livelihood.²⁴⁹ The failure of compensation, but also the impossibility of repair through financial means was noted was several interviewees:

“We got no compensation. My son, X he had gone to Greenmount and he had done a degree and then he went to New Zealand for a year and then he came back and he was working as a milker down on X estate, they had 300 cows down there and he was what, 26 at the time and he had saved up £20K and he had built a unit for to house our cattle, you know, one with a silage pit and all in it and he just finished it and he never got putting an animal into it because he had to leave. So the £20K was just lost. But he didn’t get any compensation for it.”²⁵⁰

“The main issue for me, and I can deal with it personally in my farm because I was down looking at it this morning, it’s now in other hands, is you can never quantify the impact monetary wise it had on your family, you know what I mean?

244 S.4(1) & (3) 1957 Act; and s.10 1977 Order.

245 Greer and Mitchell p26.

246 Appendix 1 Memorandum submitted by the Northern Ireland Office and the Compensation Agency, Northern Ireland Affairs - Fourth Report, Session 2003-2004.

247 NIF, p12.

248 Greer and Mitchell p325.

249 NID04, Fermanagh, November 2019.

250 NID04.

You can't put that in money, how can you put that in money? You can put it in money in the other way that if you were luck you got a poor price for it but for the effect it had on your wider family you can't quantify it."²⁵¹

There was also one specific scheme established to provide compensation for those forced from their privately owned homes - the Scheme for the Purchase of Evacuated Dwellings (SPED).

The Scheme for the Purchase of Evacuated Dwellings

In response to intimidation around private housing, the Northern Ireland Housing Executive purchases homes of those intimidated by paramilitaries, under the Scheme for the Purchase of Evacuated Dwellings (SPED).²⁵² This programme did not involve restoration of the original property, but rather restitution in kind through replacement housing in an area similar to their community background, i.e. Protestant or Catholic. It initially emerged in 1973 as a temporary policy response operated by the Northern Ireland Office, but was later legislated on as a permanent procedure.

SPED is only available to residential homeowners, not for businesses. The scheme requires applicants to the scheme through a solicitor and to obtain a Certification of verification from the police Chief Constable to corroborate the claim.²⁵³ Once an application is accepted the Land and Property Service provides an estimate of the market value of the house, which is then paid to the applicant and the House Executive can dispose of the property through sale on the open property market. In the 1970s the temporary policy scheme often offered below market prices for homes, capped at £5,000 to the head of the household. The aim of the scheme was to 'avert a population exodus from Northern Ireland to England, to bolster state efforts of securitisation by re-establishing patterns of community-specific, residential segregation in Belfast, and to facilitate urban regeneration.'²⁵⁴ At the same time it contributed to the informal economy of paramilitaries forcing people from homes, temporary accommodation and squatting.²⁵⁵ In 2002/2003 the scheme cost £33 million with 689 applications received and 292 houses purchased, with £43.7 million in the following year for 261 applications and 385 houses purchased.²⁵⁶ In 2018/2019 only five homes were purchased under SPED at a cost of £700,000.²⁵⁷ The high amount in 2002-2004 reflects the large number of police officers whose personal information was compromised in a break-in to a police station in Castlereagh. Historically during the 1990s from the scheme came into operation some 40% of applicants on average were police officers for SPED.²⁵⁸

Before SPED private land and homeowners had to place the property on the market to receive any value out of it. A common refrain was that people would only sell it to members of their own

251 NID04.

252 Section 29, The Housing (Northern Ireland) Order 1988.

253 K. Side, "Ungenerous Though Not Mean": The Scheme for the Purchase of Evacuated Dwellings, Belfast, Northern Ireland, in H. Schwall (ed.) *Boundaries, Passages, Transitions Essays in Irish Literature, Culture and Politics in Honour of Werner Huber*, Irish Studies in Europe (2018), 25-39.

254 Side p29.

255 Ibid.

256 Deloitte report p72.

257 Housing Executive, 48th Annual Report, 1 April 2018-31 March 2019, (2019), p38.

258 NI Affairs Committee 13 December 2000, Memorandum submitted by the Royal Ulster Constabulary, para.25.

community “we’ll sell it to the right people, we’ll take less money for it, it’s probably against the law to do that now, but who lives by the law?”²⁵⁹ From 2003 emergency grants were made available for those intimidated out of their houses to cover short-term rent costs.²⁶⁰ During the Troubles such emergency grants were on an ad hoc basis, such as the £50,000 for the August 1969 displacement.

2. Redress post-conflict

Dealing with the past was left out of the 1998 Good Friday Agreement that solidified the peace process and set out a new constitutional and political order for Northern Ireland. Yet as suggested by Bell, the Good Friday Agreement ‘avoided the causes of the conflict or long-term solution to it, in favour of a pragmatic compromise, aimed at living more peacefully while continuing to resolve these more difficult disputes. A piecemeal approach to the past can therefore be argued not just to be a pragmatic necessity, but the most appropriate way to continue these difficult deeper negotiations’.²⁶¹ Over twenty years on from the Agreement, housing has continued to be a peripheral issue and does not feature in discussions on dealing with the past. Efforts at integrated housing have struggled to take hold in the face of ongoing paramilitary influence in communities and more structural reform has lacked political will, so as to avoid upsetting electoral boundaries and representation in the Northern Ireland Assembly and Westminster. Despite this a needs assessment of victims coming forward for support to the Victims and Survivors Service in 2014 found that 17% had housing needs, similar to 19% coming forward for truth, justice and acknowledgment needs.²⁶²

The Good Friday Agreement, while lacking on housing rights or land ownership, could be understood in light of the general property safeguards in the European Convention on Human Rights, and indeed the NI Human Rights Commission proposed that these would be incorporated within a Bill of Rights for Northern Ireland. In addition, the creation of the Housing Executive helped to resolve grievances with the political allocation of housing and rehousing for those who were displaced. Another is that community/residency patterns were relatively settled in the course of the conflict and maintained by infrastructure which persists (e.g. peace lines), and that a longer term, incremental approach to reconciliation and development was envisaged.

The Housing Executive also has to navigate the neutrality of application forms in light of human rights law, where individuals cannot be discriminated based on religion (or identity), the social cues can help to informally indicate what background an individual is from so as to avoid placing them in a republican or loyalist estate. While housing allocation is based on applicant’s choice and need, there is a housing shortage in West Belfast for Catholics who want to live beside family members and limited NIHE housing stock means that they wait longer. As one community worker remarked, “there is the Springfield Road test - on one side if a Catholic applies for a house they will wait on average 18 months, and if a Protestant applies from the other side of the road they only have to wait 6 months.”²⁶³

259 NID06, Armagh, December 2019.

260 Section 29A, The Housing (Northern Ireland) Order 1988 as amended by s.138, The Housing (NI) Order 2003.

261 C. Bell, Dealing With the Past in Northern Ireland, *Fordham International Law Journal* 26(4) (2002) 1095-1147, p1098.

262 RSM McClure Watters, Impact of the Victim Support Programme, CVS (2015), p31.

263 NID13, West Belfast, February 2020.

There is concern that even when housing is allocated on need, housing shortage in West and North Belfast is a ‘powder keg’ that has the potential to reignite violence if not properly managed.²⁶⁴

While in the decades since the peace agreement there has been a strong engagement by civil society on transitional justice, this has mainly focused on those killed during the Troubles/conflict in and around Northern Ireland and on truth and justice. The cross-community Consultative Group on the Past that reported in 2009 concentrated on those who were killed, but did acknowledge the continued issue of segregation and the numerous testimonies they received from individuals and communities on sectarianism and ethnic cleansing. While displacement may have come up through the proposed Legacy Commission as part of addressing sectarianism, only a repatriation programme for those still in exile, with no land restitution or compensation scheme discussed.²⁶⁵

After the Good Friday Agreement the Irish government established the Remembrance Commission which included displacement as an eligible ground of €15,000 for those displaced ‘from’ Northern Ireland during the Troubles and ‘wish to return to your original jurisdiction’, with a lower amount for Republic of Ireland residents who were displaced due to the violence and wish to return. For both grounds of displacement, claimants had to show ‘economic hardship’ which included providing income, tax and housing details.²⁶⁶ Northern Ireland in the post-agreement period enjoys a stronger human rights culture, with a Northern Ireland Human Rights Commission along with proactive human rights civil society, including organisations like Housing Rights, the Law Centre NI, and the Committee on the Administration of Justice involved in the monitoring, education and advocacy of housing rights.

The peace process has not however brought an end to segregated residential areas or housing intimidation on the basis of assumed ethnic background or political affiliation.²⁶⁷ For example, in September 2017, it was reported that a small number of Catholic families who had opted to live in a ‘shared’ housing scheme in the predominantly Protestant Ravenhill Road area were forced to move out of fear of threat of attack.²⁶⁸ Far from being an isolated incident, the Northern Ireland

264 NID07, Belfast, January 2020.

265 Consultative Group on the Past Final Report, May 2009, p138; and Keynote address delivered by the Co-Chairs of Consultative Group on the Past, Lord Robin Eames and Denis Bradley, on 29 May 2008 in the Titanic Quarter, Belfast. Appendix 5, CGP report, p184.

266 See The Remembrance Commission and Scheme of Acknowledgement, Remembrance, and Assistance for Victims in this Jurisdiction of the Conflict in Northern Ireland. Available at <http://www.justice.ie/en/JELR/RembCommOverview.pdf/Files/RembCommOverview.pdf>

267 Browne notes that in 1999, around 98% of Northern Ireland Housing Executive (NIHE) estates were segregated according to religious designation and in the intervening 20 years this number has only fallen marginally, standing at around 90% in 2011 according to the NIHE. Browne, B. and Asprooth-Jackson, C. (2019). ‘From 1969 to 2018: Relocating historical narratives of displacement during ‘the Troubles’ through the European migrant crisis’, *Capital and Class*, 43, 1: 23-38. ‘Exclusive: 2,000 households forced out of their homes – paramilitaries blamed for 73% of cases’, *Belfast Telegraph*, 3 January 2019.

268 ‘Catholics ordered out of Belfast shared housing in sectarian threat’, *The Irish News*, 28 September 2017.

Housing Executive²⁶⁹ has acknowledged that 1,285 families were looking for homes due to housing intimidation between 2013 and 2015.²⁷⁰ Further analysis reveals that 2,017 households presented themselves as homeless due to intimidation²⁷¹ between April 2015 and October 2018; in 1,488 cases the reason cited was intimidation from paramilitary organisations, meaning that an average of 8 families a week were presenting as homeless due to paramilitary intimidation; and another 135 cases were linked to sectarianism.²⁷² The highest level of intimidation came in 2016/17, when a total of 661 households requested to be rehomed by the Housing Executive – 477 of those making the requests said it was because a paramilitary organisation had threatened them.²⁷³ These figures are reflected in the fact that in 2016, the Belfast based WAVE Trauma Centre, which works with victims and survivors of the conflict reported that 50% of their current referrals are the result of ongoing paramilitary intimidation.²⁷⁴ Importantly, as Browne notes, those most impacted by this present day violent displacement are usually people living at the sharp edge of Northern Ireland's transition.²⁷⁵ As one woman said that “you don't feel like you belong to the area” with her community's businesses no longer open. She also felt it was “never the same” when she was displaced and moved to a new house, “when demographics changes it never goes back or gets better.”²⁷⁶

While there have been several, as yet unsuccessful, attempts at establishing a formal framework for dealing with the legacy of the past in Northern Ireland, land restitution or reparation has not featured in either the Report of the Consultative Group on the Past²⁷⁷, the Haass-O'Sullivan report²⁷⁸,

269 Intimidation is a factor taken into account for the allocation of social rented housing in Northern Ireland. This sector accounts for around 16% of housing stock in NI, and the majority is owned by the Northern Ireland Housing Executive (established in 1971). Allocation of social housing takes place under the Housing Selection Scheme, which allocates points to (eligible) applicants on the basis of a number of indicators. One of the categories is 'intimidation', which covers the case where an applicant's home has been destroyed or they are at risk of injury or death if they remaining in their home due to a sectarian attack (or attacks motivated on other grounds of hostility). Geary, S. (2015). 'Housing Rights'. In: Dickson, B. and Gormally, B. (eds). *Human Rights in Northern Ireland: the CAJ Handbook*. Oxford: Hart. chp. 24

270 'Catholics ordered out of Belfast shared housing in sectarian threat', *The Irish News*, 28 September 2017.

271 One interviewee did however draw attention to the practice of 'self-intimidation' whereby individuals and families have claimed paramilitary intimidation as a means to acquire social housing.

272 'Exclusive: 2,000 households forced out of their homes- paramilitaries blamed for 73% of cases', *Belfast Telegraph*, 3 January 2019.

273 Ibid. Anyone who has been intimidated from their home can be entitled to £754 under a grant aid scheme administered by the Northern Ireland Housing Executive.

274 'Government challenged to take action over scale of paramilitary activity in Northern Ireland', *The Detail*, 29 April 2016. Available at: <https://www.thedetail.tv/articles/hundreds-still-being-victimised-by-paramilitaries-each-year>

275 Browne, C. (2019). 'The Troubles: tens of thousands of people were violently displaced in Northern Ireland', *The Conversation*, 21 February 2019. Available at: <https://theconversation.com/the-troubles-tens-of-thousands-of-people-were-violently-displaced-in-northern-ireland-111764>

While beyond the scope of this research report, concerns also exist regarding political influence over the development of social housing schemes. See for example: 'Documents reveal DUP lobbying over North Belfast housing and "allegations of gerrymandering"', *The Detail*, 13 May 2014. Available at: <https://www.thedetail.tv/articles/documents-reveal-dup-lobbying-over-north-belfast-housing-and-allegations-of-gerrymandering>

276 NID09, Rathfriland, January 2020.

277 Consultative Group on the Past. (2009). *Report of the Consultative Group on the Past*. London: Northern Ireland Office.

278 R. Haass, and M. O'Sullivan, (2013), *An Agreement Among the Parties of the Northern Ireland Executive on Parades, Select Commemorations, and Related Protests; Flags and Emblems; and Contending with the Past*. 31 December 2013. Belfast: Northern Ireland Office.

the Stormont House Agreement²⁷⁹, the Fresh Start Agreement or the New Decade, New Approach Agreement.²⁸⁰ Rather, preference has been given to issues of truth, justice, a pension for the injured and improved services for victims and survivors. Questions regarding the state response to displacement have also been left unanswered. Indeed, as some commentators have argued, those who were displaced will remain hidden or forgotten victims of the conflict.²⁸¹ Interviewees in both urban and rural areas were not immune to these absences. Pauline, who moved to the Republic of Ireland 30 years ago, as a result of security force intimidation, is one of 22,290 Northern-born people living in a southern Border county. She told *The Irish Times*,

‘We have never been acknowledged as victims of war. This contributes to people’s negative view of us. If people were more aware of our experiences and why we were forced to leave our homes in the North, their attitudes would change. Anyone with a sense of humanity and justice would see us for what we are.’²⁸²

For those in rural and border areas, and as discussed above, a consistent refrain was that they had been ‘*abandoned*’ and that politicians were ‘*not interested*’ in their experiences.

While some allied this to a mentality of ‘getting up and getting on’ - “In them days you didn’t get money for moving, you just had to bloody get on with it”,²⁸³ one interviewee described ‘*looking across the farm to see the mountains and the fields full of bodies*’ indicating a level and cause of trauma that has not yet been recognised or addressed, failure of redress or acknowledgement of the loss of land and displacement - ‘*unrepentance – that’s the thing that gets in my craw*’ and a sense that the government ‘*want victims to go away and die*’ were dominant themes across both communities. That said redevelopment and regeneration of areas, including the demolition of flats, also had a displacing effect for communities. Despite this one individual displaced in this way from flats where his brother was murdered surmised that “the community hasn’t disappeared, but communities can be broken up, especially what happened here, but they always regenerate. It doesn’t disappear because we’re all human beings and we all need support.”²⁸⁴ This reality became a quagmire for those displaced from the North across the border. Although the ending of the conflict presented a possibility for them to return home, they nonetheless accepted that the natural desire to return had to be balanced against the reality that family homes had been lost and families were now broken up. Many also had to confront the fact that they were not in a financial position to return even if they wanted to.²⁸⁵

279 Stormont House Agreement, (2014). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/390672/Stormont_House_Agreement.pdf

280 Northern Ireland Office. (2020). *New Decade, New Approach*. Belfast: Northern Ireland Office.

281 See Browne, and Asprooth-Jackson (2019).

282 ‘Forgotten refugees in their own country’, *Irish Times*, 4 May 2005.

283 NID10, Derry/Londonderry, February 2020.

284 NID01, Derry/Londonderry, October 2019.

285 Harvey et al (2005), p.97.

V. Conclusion

The Northern Ireland experience is unique in regards to three aspects. First that there was no post-conflict or transitional justice scheme put in place to address housing or land disputes through an administrative restitution process, rather everything was treated as ordinary violence to be dealt with on an individual, ad hoc basis through the courts or the market, such as auctions. Second is the creation of the Housing Executive, an independent body for deciding on the allocation of housing, two years into the nearly thirty years of the Troubles. As the discrimination in housing allocation was seen as one of the drivers of social discontent, by the time of the peace agreement over twenty five years later the issue of housing and segregation was normalised and placed in the background to more pressing issues of governance, prisoner release and human rights. Third is the effect of violence on redress schemes as individual responses caused people to move to areas they could more identify with as being from their community and thus safer as in a way defensive displacement. At the same time the state was unable to provide constant security to individuals intimidated (and still cannot). At the same time displacement and the inability of the state to protect its citizens in either community created disenchantment, mistrust and isolation, creating a power vacuum in certain areas for paramilitary groups to operate. In other cases such state absence and breakdown in law and order resulted in defiance or resistance to the state inaction and threats from armed groups, with victims of intimidation taking the law into their own hands, making their homes into fortresses or leaving property to lie fallow to wait out threatening actors for years.

Treating political violence through ordinary administrative and justice schemes and fora overlooked the structural and social ways in which violence pervaded Northern Ireland and continues to resonate over twenty years since the peace agreement. While a sizable amount of compensation was made available to victims of displacement from their homes and businesses, it was unable to ebb the tide of segregation and may have reinforced and institutionalised such practices. Although this report has aimed at drawing the broad contours of displacement and violence on identity and inclusion in Northern Ireland, without reliable data and only twenty years since the peace process, it may be too soon to judge whether or not this approach has been effective in dealing with the past and preventing its recurrence. Given the history of Northern Ireland, current housing pressures, segregation and paramilitary intimidation there remains the potential for further violence if good community relations and respect are not cultivated at all levels of governance, politics and the social interactions of everyday people in Northern Ireland. Ultimately without integrated education, shared housing space and social mixing, peace and reconciliation in Northern Ireland will be thin and lack a solid foundation for future generations.

Reparations, Responsibility

 Victimhood in Transitional Societies

“NO LONGER NEIGHBOURS”

**The Impact of Violence on
Land, Housing and Redress
in the Northern Ireland Conflict**

July 2020

Dr. Luke Moffett
School of Law
Queen's University Belfast
Main Site Tower
University Square
BT7 1NN
t: 028 90973893
e: info@reparations.qub.ac.uk
w: <https://reparations.qub.ac.uk>

(Print): 978-1-913643-08-9

(Digital): 978-1-913643-09-6