



**LIMERICK
REGENERATION
WATCH**

Web: www.limerickregeneration.org

Email: info@limerickregeneration.org

Submission to the Seanad Public Consultation Committee:

Key priorities and challenges facing Ireland in complying with its obligations under the International Covenant on Civil and Political Rights (ICCPR).

21 March 2014

Introduction

Established in 2007, Limerick Regeneration Watch (LRW) is an independent voluntary organisation made up of residents' organisations and individuals from Limerick's designated "regeneration" areas. We aim to empower all residents to take ownership of the regeneration process and ensure that our rights are upheld and safeguarded. Residents have a right to live in a clean, safe and secure environment while we await regeneration and we have a fundamental human right to participate in the decisions that affect our lives.

The residents' organisations that make up LRW are as follows:

- Weston Gardens Residents' Association (WGRA - formed 2003).
- Moyross Residents' Alliance (MRA - formed 2008).
- Ballinacurra Weston Residents' Alliance (BWRA - formed 2010).
- Kincora & Carew Parks Concerned Residents' Action Group (CRAG - formed 2011).

With the exception of the WGRA, each group was formed because of the failure of the residents' fora (established by the former Limerick Regeneration Agency) to represent residents views and influence decisions. The groups are active in their communities, promoting volunteerism, participation, civic engagement and social regeneration while seeking equality of esteem and the empowerment of resident's to take ownership of their estates.

All of the groups operate without the assistance of a community worker; the capacity of each group is dependent on the individual skills of members that are willing to volunteer their services. Each group is properly constituted and participation on their committees is open to all residents in the respective areas.

LRW's committee consists of representatives nominated from the four groups. In recent years we have been working with communities in Dublin through the *Community Action Network (CAN)* and *Tenants First* to develop and promote a Human Rights based approach to regeneration. Last year two members of our committee were awarded a Distinction in a FETAC Level 5 Human Rights Collective Action training programme run by *CAN*.

Currently, we are campaigning for the holding of community elections to elect resident representatives onto reformed and empowered local regeneration and Estate Management committees. The present policy of community participation by invitation-only must be replaced by a democratic and accountable system that serves to uphold the Human Rights of residents, most importantly the right to participate meaningfully in the decisions that affect our lives.

Community Participation and Limerick Regeneration

Arising from the recommendations of the 2007 *Fitzgerald Report* “Addressing issues of Social Exclusion in Moyross and other disadvantaged areas of Limerick City”, the Limerick Northside & Southside Regeneration Agencies were established by Ministerial Order in June 2007. The Agencies established residents fora in the areas targeted for regeneration: Moyross, Southill (O’Malley, Keyes, Kincora & Carew Parks), Ballinacurra Weston (parts of – also includes parts of Prospect & Rosbrien) and St Mary’s Park. The Agencies also established the Northside and Southside Regeneration Committees.

In most cases the residents representatives on the Regeneration Committees were hand-picked by the Regeneration Agencies prior to the establishment of the residents’ fora. Although these committees and fora had no decision-making powers or a mandate to speak for residents, they were used by the Agencies to claim that there was resident involvement in developing plans for the areas. In reality, most residents were unaware of their existence as there was no communication between the “representatives” (paid community workers) and the residents.

The closure of the Limerick Regeneration Agencies in July 2012 saw the full remit of the project handed over to Limerick City Council (LCC), which is run under the title of “Office of Regeneration” (OoR). We had hoped that LCC would reform the failed structures for community participation; instead they have been “reviewing” the structures while developing and implementing new plans for the areas.

In March 2013 the OoR held a series of public consultations during which residents were presented with the new “Proposals for Redevelopment”, those in attendance were asked to give extensive written (and signed) feedback on the day without any independent experts to advise residents on what they were being shown. The proposals that were presented to residents were vague and unimpressive, consisting of an aerial photograph with proposed new roads, new paths, sites for medium-long term development and sites for short term new-builds crudely indicated.

Despite the overall low attendance of residents at these “Public Information Sessions”, in September 2013 it was claimed in the Limerick Regeneration Framework Implementation Plan (LRFIP) that residents had been very much involved in its development. In November 2013 the OoR announced online that “*in order to ensure that the plan is inclusive of all views, a non-statutory public consultation process has been initiated*”; with a closing date of 5th December 2013, members of the public and interested parties were invited to make written submissions on the 506-page LRFIP. Press releases were also issued by LCC, but were not carried in the local media.

On 23 November 2013 a large book containing the plans for the relevant area was left outside the doors of resident’s homes in Southill and Ballinacurra Weston. The books contained a letter from the OoR inviting written submissions on the LRFIP. Similar books and letters were left outside the homes of residents in Moyross and St. Mary’s Park on 26th November 2013. None of these books contained the proposals for “Capacity Building: Community Participation, Empowerment and Civic Engagement” from pages 151 to 153 of the LRFIP, which were based on the findings of the unpublished *Nexus Report* on community participation in the regeneration process & local Estate Management.

LCC has refused to sign off and publish the Nexus Report, but the final draft (dated December 2011) has been made available online by LRW:

www.limerickregeneration.org/Final_Report_Draft_Feb_29th.pdf

The research for the *Nexus Report* was limited to the “*community and residents groups involved in the estate management process at present.*” (Nexus, 2011, page 24). The views of residents on the ground were not sought and the people that are currently involved in the existing ‘structures’ are not representative of residents from the communities concerned, and they are certainly not mandated to speak for residents.

While the proposal to establish a “Civic Participation Charter” appears laudable, it too was limited to those involved at present. Indeed, much of what was proposed ensures that the current ‘representatives’ will

remain in place for the foreseeable future; as it was claimed that more research is needed; “an assessment of needs in each area (with residents’ representatives fully involved in the assessment process) is required.” (LRFIP page 152). Essentially, the LRFIP diluted the recommendations of the *Nexus Report*, which had envisaged that the development of an “*agreed charter*” would be “...*endorsed by all relevant stakeholders (present and potential future)*...” (Nexus 2011, page 36).

With limited time, LRW’s affiliated groups embarked on a postcard campaign, which enabled residents to make a submission calling for the immediate reform of the structures for community participation by holding community elections and the establishment of empowered and accountable regeneration and local Estate Management committees.

Two of the groups, the WGRA and the BWRA made a comprehensive joint-submission proposing that the OoR abandons its proposals in the LRFIP and instead adopt a Human Rights based approach to community participation if it truly wished to address issues such as poverty and social exclusion. The submission was supported by evidence from the numerous reports (published & unpublished) on Limerick Regeneration since its inception in 2007 and utilised the reports of the United Nations Special Rapporteur on Extreme Poverty & Human Rights, Magdalena Sepúlveda Carmona, to make the case for a Human Rights Based approach to Regeneration.

The joint-submission also illustrated with photographic evidence how that the lack of real community participation had impacted directly on residents Human Right to adequate housing. Residents had no say or influence on the Councils policy of depopulation and the boarding-up of houses:

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...

(The Universal Declaration of Human Rights, Article 25)

The right to adequate housing has been further defined by the UN Committee on Economic, Social and Cultural Rights:

... adequate housing must provide the inhabitants with adequate space and protect them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors...and provide...safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.

(General Comment 4, 1991)

Depopulation and the subsequent boarding-up of vacated houses had a serious impact on the human right of residents to adequate housing. Within days of being boarded-up, such houses were systematically looted for copper causing damage to the adjoining properties and accelerating the onset of penetrating damp due to leaking water mains. Boarded-up houses are often used by youths for drug parties before being eventually burnt-out, forcing more residents to leave.

On 24 February 2014, the City & County Managers Report on Consultations was presented to Councillors in City Hall and the LRFIP was adopted as official policy without any real debate. The fact that 274 submissions had been made was heralded as proof that the plan had come from the community. In truth, the vast majority of submissions did not endorse the plan and most (237) were from residents that had participated in our postcard campaign. The amendments that were made to the LRFIP are superficial; the BWRA and WGRA joint-submission prompted amendments to correct the factual errors in the maps and tables for Ballinacurra Weston, error which would not have occurred if residents had any real input in the development of the plans. Bizarrely, the map that Ballinacurra Weston residents were shown during the March 2013 consultations has now been amended to reflect what should have been shown to residents, while the proposal for a Human Rights based approach to community participation was studiously ignored, despite the fact that the UN Special Rapporteur had issued a letter of support, which was emailed to all Councillors on 14 February and physically given to them in advance of the Council Meeting on 24 February:



OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF
THE HUMAN RIGHTS COUNCIL

Geneva 13 February, 2014

TO WHOM IT MIGHT CONCERN

Participation is a human right in itself and a key means of realizing all other human rights. As United Nations Special Rapporteur on extreme poverty and human rights, a core part of my mandate has been examining to what extent people living in poverty are able to enjoy their right to equal participation in public life. During my mission to Ireland in 2011, I visited the Fatima Mansions regeneration project in Dublin. I praised this in my subsequent report to the Human Rights Council as a "good example of community participation in the decision-making process that should be ensured in other projects".

I applaud the great work of the Ballinacurra Weston Residents' Alliance (BWRA) in working with disadvantaged communities to promote their agency, rights and voice, and I support their approach to community participation. I believe they have legitimate concerns about the limited extent to which residents have been able to participate in decision-making around regeneration and I therefore urge the relevant authorities in the Limerick regeneration areas to take their recommendations, based on human rights, into consideration. Tokenistic or formulaic participation is not empowering or rights-compliant. In order for people living in poverty to have their dignity upheld, they must be able to have a real say in decisions that affect their lives. As the BWRA has said, "Safe and sustainable communities can only be delivered through real and meaningful community participation and partnership"; and moreover, I would add that this is a matter of fundamental justice from the human rights perspective.



Magdalena Sepúlveda Carmona

United Nations Special Rapporteur on Extreme Poverty and Human Rights

For more information

Report Mission to Ireland is available here:

<http://www.ohchr.org/EN/Issues/Poverty/Pages/CountryVisits.aspx>

Report on participation of people living in poverty in decisions that affect their lives is available here:

<http://www.ohchr.org/EN/Issues/Poverty/Pages/AnnualReports.aspx>

Key priorities and challenges facing the State in complying with Ireland's obligations under the International Covenant on Civil and Political Rights (ICCPR)

The preamble to the ICCPR recognises that “...in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights.”

To date, community participation in the Limerick's regeneration process is limited to consultation. The UN Special Rapporteur on Extreme Poverty & Human Rights takes a different view of consultation:

Currently, many participatory processes are limited to “consultation” – a higher authority giving information to or extracting information from members of the public. Participatory processes that are not designed and implemented with a human rights perspective may in fact be disempowering, and serve to exclude or reinforce existing power structures. In contrast, human rights-based participation is an important tool to empower people living in poverty by allowing them to exercise their voice to influence relevant decision-making processes.

(Sepúlveda Carmona, M., 2013, page 16)

Basically, “consultation” gives residents the right to be ignored while maintaining the pretence of participation. One has only to compare the numerous proposals of the BWRA & WGRA joint submission for the LRFIP ([www.limerickregeneration.org/BWRA & WGRA Submission for LRFIP.pdf](http://www.limerickregeneration.org/BWRA_%20WGRA_Submission_for_LRFIP.pdf)) to the responses to same contained within the Limerick City & County Managers Report on Public Consultations to Members (www.limerickcity.ie/media/Amalgamated%20Report%20low%20resolution.pdf) to see the truth of that.

It has been claimed that the regeneration process in Limerick is now accountable to the democratic process. Our Councillors, none of whom live in a “regeneration” area, have allowed themselves to be used in this regard; the decision they made to adopt the LRFIP as official policy will not impact on any of their lives, they do not have to live in fear of what will happen their homes because of the boarded-up house next door. As public representatives they are totally disengaged. Indeed, a motion to rename a bridge has received more time for debate in Council Chambers in the past few weeks than “regeneration” has in the past 7-years. In effect, we have been politically abandoned and disenfranchised. The spirit of the ICCPR has been violated by the Limerick Regeneration Programme.

Necessary legislative changes

During her Mission to Ireland from 10th to 15th January 2011, the UN Special Rapporteur visited the Fatima Mansions regeneration project in Dublin and recommended that:

This project provides a good example of community participation in the decision-making process that should be ensured in other projects, such as the Dolphin House project in the Rialto area. The State should consider adopting a legislative framework for a National Public Housing Estates Regeneration Programme to ensure that international human rights standards and community participation are ensured in all regeneration projects in the country...

(Sepúlveda Carmona, M., 2011, page 20)

There is hardly a city or town in Ireland where the hand of ‘regeneration’ hasn't reached; the experience of residents is varied and dependent on the goodwill of the relevant Local Authority; the experience of residents in Limerick was/is a negative one. We recommend that the Seanad Public Consultation Committee (SPCC) take the time to study the structures for community participation that were implemented in Fatima Mansions. We recommend that the SPCC consult with the Dublin based organisations *Tenants First* and *CAN* (www.canaction.ie) regarding the drafting of proposals for legislation on a National Framework for Regeneration as both organisations have a considerable amount of research done in this area. Finally, we recommend that the necessary legislation is introduced by the Seanad to ensure that best practice is adhered to throughout the country, so that what is happening in Limerick is put a stop to and cannot be replicated anywhere else. As the UN Special Rapporteur has said, “this is a matter of fundamental justice from a human rights perspective”.