

ULSTER UNIONIST PARTY SUBMISSION TO THE INDEPENDENT REVIEW ON PARADES AND MARCHES

INTRODUCTION

and Parades are an important element in the cultural expression of both traditions in Northern Ireland ~~but~~ have a particular significance for the Protestant section of the community. The Protestant organisations which organise parades include the Orange Order, the Royal Black Institution and the Apprentice Boys of Derry and it is true to say that the majority of traditional parades in Northern Ireland are organised by these loyal orders. However, there are also a significant number of parades organised by Roman Catholic organisations including the Ancient Order of Hibernians and the Irish National Foresters.

THE NATURE OF PARADES

including A major proportion of the parades organised by the Loyal Orders are parades to Church services ~~which include~~ memorial services to commemorate such events as the Battle of the Somme. These parades are usually led by Bands playing Hymn tunes and are of a similar nature to church parades held by others including youth organisations such as the Boys Brigade and the Girls Brigade. Each of the Loyal Orders have strict rules regarding church services and Bands who accompany church parades are ~~expected to avoid playing any 'party tunes' on such occasions.~~ *directed not to play*

In addition to church parades, ~~organisations hold many other~~ *major* parades to mark various anniversaries of historical significance to their culture including, for example, the 12th July Battle of the Boyne commemoration (Orange Order), 12th August Relief of Londonderry (Apprentice Boys), 15th August (Ancient Order of Hibernians) and the last ~~Saturday~~ *S* in August (Royal Black Institution). ~~Many of these parades follow a long established rota around various towns and villages and are, therefore, infrequent in any one location.~~ *by each*

In addition to the parades organised by the various Orders there are also a large number of annual parades organised by bands for the purpose of raising funds. Many of these parades are also of a competitive nature and the standard of competing bands has improved considerably in recent years with some bands going on to excel in various world championships. However, the behaviour of some bands and bandsmen has at times created a bad impression and earned such parades a poor reputation in certain quarters.

Many bands are not formally linked to any of the Orders and whilst some do come under the authority of private Orange lodge for many the connection is limited to a contract of hire for a particular parade. As previously stated most of the Orders do have a Code of Conduct for Bands who accompany their parades and these are strictly enforced with offending bands being suspended from participation in official parades.

PUBLIC ORDER

In a democratic society the right to organise parades and public meetings is a civil liberty which ought to be enjoyed by all. With such a right there also comes responsibilities on the part of organisers and there is a duty on the part of the Police to ensure the maintenance of public order. The legislation covering parades is contained in the Public Order (Northern Ireland) Order 1987. In our opinion this legislation is inadequate and has never enjoyed the support of Unionists because of the input of the Anglo-Irish secretariat into the framing of the legislation. Indeed the interference of the Irish government in the parades issue through the secretariat has been provocative and unsettling and has only served to politicise the issue to a much greater extent.

The Public Order legislation has only been applied fitfully and would appear to have confirmed the suspicions of those who believe it to have been designed to restrict the right to free assembly. For example there have been very few prosecutions under Article Seven of the legislation for those who have endeavoured to prevent or hinder any lawful procession as at Garvaghy Road, Portadown. This contrasts with the number of prosecutions for inadequate notice given for organised parades under Article Three.

A more fundamental flaw in the legislation is that it fails to adequately differentiate between the varying nature of parades and in particular to provide adequate protection for parades of a traditional nature. We believe that such parades ought to enjoy a distinct status under the law as they did in the pre 1987 legislation and that a clear definition of traditional parades is essential in order to guide the police and the courts in determining whether the right to parade without interference should be restricted in limited circumstances.

The experience of the Garvaghy Road parade is that those who would oppose a traditional church parade by breaching the Public Order (NI) Order did so in the knowledge that the risk of public disorder emanating from their protest would force the authorities to either ban or reroute the parade. Numerous judicial reviews have confirmed the Police's wide discretion to impose restrictions in such circumstances and opposition groups have exploited the risk of public disorder knowing that the Police will usually reroute a parade if those who oppose it have organised, or threatened to organise, widespread public disorder. The effect of the law is that the organisers of the lawful parade are penalised while the protestors have achieved what they set out to do. The problems of Northern Ireland are such that there may never be the tolerance of difference that will mean that the Police should never be obliged to prevent public demonstrations, but a law which habitually achieves the opposite of what it is intended to clearly encourages those intent on public disorder.

The Ulster Unionist Party seeks amendment of the existing legislation and believes that much of the controversy could be removed if all parades were categorised and that each category was subject to relevant guidelines. In so doing we take as our starting point that restrictions on parades should be a last resort and should not apply where a parade has been classified as traditional. Suggestions for various parade categories are appended at Annex (a).

Parade organisers have always been responsible for managing the good conduct of those participating in parades. However, they cannot be expected to steward observers or 'hangers on'. Responsibility for ensuring good behaviour of such members of the public must properly remain with the Police.

CONSENT PRINCIPLE

Many of the groups who have opposed parades in Northern Ireland have referred to the principle of consent which they interpret to mean that a parade can only take place through an area where the consent of residents is forthcoming. This principle was even extended to apply to a commercial area such as the centre of Londonderry where a Sinn Fein councillor argued that the Apprentice Boys would only be allowed to parade from their Headquarters to a Church service provided they had the consent of the Nationalist people of the City as a whole. This example shows how the concept of consent is being used to effectively create 'no-go' areas again in Northern Ireland.

There are other insurmountable problems in seeking to measure consent. In the first instance how does one define the area in which consent is to be sought without giving official sanction to the creation of sectarian ghettos? How is opinion to be taken and who is to take it? Certainly the danger exists that so called residents groups are open to infiltration by extremists whose objective is to foment sectarian confrontation. Such individuals invariably seek to dominate these groups and in some instances there is clear evidence of intimidation at work. In any case how can it be certain that these residents groups are genuinely representative of the local population? Even if a statutory body were created to measure consent, it would have to be triggered by a complaint from locals and would be open to manipulation. The question of financing dozens of mini referenda across Northern Ireland must also arise. Finally what powers would such a body be given to enforce the implementation of its finding and in particular what impact would this have on the operational independence of the Police?

CONCLUSION

In South Africa where there were similar problems to those in Northern Ireland regarding public marches and demonstrations the Goldstone Commission established a set of basic principles at the core of which was the principle that the right to demonstrate or march is a fundamental right of democratic citizenship and that one of the central responsibilities of the Police is to facilitate this right.

As in South Africa so in Northern Ireland the law must defend and protect the rights of the law abiding against those who would threaten public disorder in order to undermine the law and who would seek to foment street confrontation in order to undermine the stability of the community. It is vital that the right to parade peacefully along the public highway is adequately protected by the law in Northern Ireland.

We have set out proposals for the categorisation of parades and a general framework for dealing with each category. In particular the Ulster Unionist Party believes that parades of a traditional nature must be given a distinct status under the law. With such regulations the legal position on parades would be much clearer and those who would threaten public disorder to disrupt parades would realise that they cannot abuse the law to deny others their lawful rights.

ANNEX (a)

PROPOSED CATEGORIES OF PARADES :

Category A - Traditional Parades organised by the various Orders including the Orange Order, Royal Black Institution, Apprentice Boys of Derry, Ancient Order of Hibernians and the Irish National Foresters.

Category B - Occasional or Special Parades organised by the various Orders.

Category C - Band Parades, Political Parades and Parades organised by the Various Orders which involve creating a new parade route.

Category D - Cross Community, social, civic, sporting and Trade Union Parades.

Category E - Youth organisations, Royal British Legion and other organisations with a marching tradition.

PROPOSED GUIDELINES FOR PARADE APPROVAL FOR EACH CATEGORY :

Category A - Parades of long standing to be registered with the police under a scheme provided for by an amendment to the present legislation. When a Parade has been so registered the Police must guarantee its free passage. Such a register could include parades which have been previously rerouted. The register would also include parades which are held annually on established days but rotate between various locations eg 12th July, 15th August etc..

Category B - This category would include occasional or special parades connected with banner unfurlings, historic anniversaries etc.. The Police should not withhold approval for or impose conditions on such parades except in exceptional circumstances.

Category C - Each parade application should be considered on its own merits by the police. Approval should be granted provided that the Police are satisfied that the parade is not designed to provoke public disorder and/or damage community relations.

Category D - No change to present arrangements.

Category E - No change to present arrangements.

NOTE : Serious misconduct by participants in Categories A,B or C should result in a review of the particular parade by the Police. In Categories A and B 'participants' will mean the members of the organisation on parade and any attending bands. In Category C 'participants' will mean anyone whom the Police know to be participating in the parade.

Oliver Lively.
Peter North.
John Dwyer.

Church & tradition
1969 Civil Rights

who will sponsor upgrade of "music" re bands parades - (proletarian money)

LET HIM TALK ON - I WANT TO GET AN IDEA WHERE HE'S HEADING.

① Adv's commission - would it help?

WOULD WE ACCEPT ^{THIS} COMMISSION MARK 2 + C Co?