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cc- EO
JH.

From: J M Steele
Director (Security)
16 July 1996

DESK IMMEDIATE

cc PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L) - B
PS/Baroness Denton (DANI,DED&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Legge - B
Mr Thomas (B&L) - B
Mr Ray - B
Mr Bell - B
Mr Leach (B&L) - B
Mr Watkins - B
Mr Wood - B
Mr Perry - B
Mr Stephens - B
Mr Hill (B&L) - B
Mrs Collins - B
Mr Beeton - B
Mr Maccabe - B
Mr Canavan
Mr Clarke - B
Mr McKervill - B

PS/Secretary of State (B&L) - B

INDEPENDENT COMMISSION TO REVIEW PARADES AND MARCHES

Work is in hand, following the Secretary of State's announcement yesterday of his intention to establish a Commission on parades, to put in place the necessary arrangements as quickly as possible. This submission provides advice on the publication of terms of reference, and some initial thoughts on the membership and staffing of the Commission. In view of the urgency I am not directing it to the Secretary of State through Sir John Wheeler.

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Terms of Reference

2. Draft terms of reference for the Commission are attached for the Secretary of State's consideration at Annex A. [These are a revised version of those circulated by Mr Leach last week.] If Ministers are content, they may wish to publish them by way of an arranged PQ before the House rises on 25 July.
3. The Secretary of State indicated in the House yesterday that he would be prepared to consider representations on the TORs from any quarter. The question therefore arises of how wide-ranging any consultation should be. The need to move quickly and to keep the process to manageable proportions suggests an informal, speedy exercise, focusing on the main political parties. This week's discussions at Castle Buildings provide a suitable opportunity. The choice then is between showing the TORs to all the participating parties, or confining this to the 'big four' (UUP, SDLP, DUP and Alliance). Given that this is intended as a low-key and limited exercise to sound out the main political players, the second approach appears the more attractive. (Furthermore, some may find it incongruous that the minor parties are being consulted when Sinn Fein, the political representatives of the most aggrieved section of the nationalist community, are not: this would be exacerbated if the PUP and UDP - despite their relatively constructive stance this week - were amongst those being consulted.)
4. The Irish will certainly expect to be involved. While this will doubtless be criticised by unionists, the Anglo-Irish Agreement gives them a locus, not least on the membership of the Commission: and in current circumstances they will be very sensitive to any hint that they are not being fully consulted. Thursday's IGC provides an early opportunity for discussion: if the Secretary of State agrees the draft TORs will need to be put to them tomorrow.
5. The Secretary of State may also wish to consult the four church leaders, as well as showing the TORs to the Chief Constable.

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view of the shortage of time, and for wider political reasons, we would not propose that the consultation exercise be extended further at this stage (ie to the academic world, community groups or the marching orders); these groups will have the opportunity to present evidence to the Commission in due course.

Membership of Commission

6. The smaller the Commission, the more workable it is likely to be. Three members would seem ideal; five could prove cumbersome. Given the difficulty of the issue, recruiting suitable candidates may not be a straightforward task.

7. It will be essential that the Chairman is of suitable stature and clearly independent; ideally he or she should also have some experience of NI. The Commission as a whole will also need to provide the right balance in terms of both religious/community composition and relevant experience.

8. The Chairman might be drawn from one of three categories:

- a. Senior political figures. A respected political figure would add weight to the Commission's work and could make implementation of its recommendations easier. Lord Callaghan, though now perhaps a little elderly, is one suggestion: other possibilities are at Annex B. The difficulty may lie in identifying an individual with relevant experience of Northern Ireland who does not carry any 'baggage' with one side or the other.

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9. Other members of the Commission will certainly need to have Northern Ireland background. Striking a balance between the two communities will obviously be essential: ideally they should also bring relevant experience to the Commission's work. An illustrative list is at Annex B, but other possibilities will doubtless emerge.

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Support

11. The Secretary to the Committee might - if the Chairman was content - be a civil servant. Given the complexity and sensitivity of the work, this would need to be at quite a senior level, probably Grade 5.

12. Accommodation will be needed. The International Body's offices in Windsor House are available, and would be suitable. Remuneration and other issues will also need to be resolved in due course.

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13. We should not underestimate the difficulty of identifying suitable candidates, or their becoming available to carry out the work. We might aim to have the Commission up and running by August/September, with a view to its reporting by the end of the year.

Recommendation

14. The Secretary of State is therefore invited:

a. to agree the attached draft TOR, and the consultation arrangements proposed in paragraphs 205;

b. to note the options for membership of the Commission.

15. Officials would welcome the opportunity to discuss with the Secretary of State the question of the composition of the Commission.

[sgd]

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