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## PARADES IN NORTHERN IRELAND

### Background

1. The parades issue is a microcosm of the wider political problems of Northern Ireland. Few issues have the same capacity to polarise opinion, to raise community passions and to enable extremists on both sides to manipulate the issues for their own advantage.
2. The right peacefully to assemble and hold processions is a long-established avenue for groups to articulate concern or express solidarity, and is protected by common law and ECHR. In Northern Ireland most parades each year (and nearly all the disputed ones) are organised by the Protestant/Unionist community, in particular the "Loyal Orders" (Orange Order, the Apprentice Boys and the Royal Black Preceptory). Most take place during the "marching season" which runs from around Easter to the end of September, with the climax being the July/August period. A high proportion of the parades have been held on the same route for many years and are regarded by the Protestant community as "traditional". In 1996, 3160 parades were notified, of which 1 was banned, 24 were re-routed and disorder occurred at 15.
3. Many Protestants regard parading as a symbolic manifestation of their civil and religious liberties, and an integral part of Protestant culture. They perceive any move to curtail parades as an attack on that culture. Conversely, many Catholics view Orange Parades as manifestations of anti-Catholic triumphalism, consciously designed to assert the subordinate status of the minority community. They argue that policing these parades through areas where the consent of the local community is lacking is incompatible with the Government's commitment to "parity of esteem".

### Current Legislative Position

4. Under current public order legislation in Northern Ireland, parade organisers must notify the police 21 days in advance of a parade. Senior police officers have wide powers to set conditions on the route, duration and maximum number of participants if they reasonably believe that the parade may result in serious public disorder, serious damage to property or serious disruption to the community, or that its purpose is intimidatory. In addition to the police's power to set conditions, current legislation also contains a power for the Secretary of State to ban parades using the same criteria as the police; and also on the additional

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ground that a parade would cause undue demands on police or military resources. The power was used for this reason in the case of the Apprentice Boys march in Londonderry last year.

#### Drumcree 1996 and the North Review

5. The major feature of last year's "marching season" was the very serious public disorder following the police re-routing of an Orange church parade away from the nationalist Garvaghy Road in Portadown on 7 July. The Orangemen refused to comply with the re-routing, and a stand-off ensued during which considerable loyalist disorder occurred elsewhere in the Province. There was a risk that many thousands of Orangemen would converge on Drumcree on 12 July (the major Orange event of the year) and overwhelm the police lines. The then Chief Constable decided on 11 July to allow the parade down the Garvaghy Road. Following this there was serious disorder in Nationalist areas. In light of these events, the last Government established an independent parades enquiry chaired by Dr. Peter North.

6. The North Review recommended that an independent Commission be established to help promote mediation and local agreement in respect of contentious parades. It also recommended that the Commission should take over from the police the legal power to re-route and set other conditions for parades, on the basis of statutory criteria enlarged to include the impact of contentious parades on community relationships. These proposals are divisive: Nationalists are broadly in favour and Unionists broadly hostile.

#### Current Position

7. While in opposition, the Government gave a commitment to implement in full the recommendations of the North Review. This commitment was included in the Queen's Speech, and a Bill is currently being drafted for introduction in the Autumn. The objective is to have the new legislation in place in good time for the 1998 marching season.

8. The Parades Commission was established in March this year under the Chairmanship of Mr Alistair Graham. Pending the implementation of the legislation which will give it adjudicatory powers, the Commission's remit focusses on mediation, conciliation and education. It is also available to advise the Chief Constable and Secretary of State on particular parades.

#### Forthcoming Contentious Parades

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9. Following last year's events, the Orange Church Parade at Drumcree on 6 July is widely seen as the major flashpoint this year, with potentially major repercussive effects throughout the Province. The Ormeau Road (Belfast) parade on 12 July (a feeder parade for the main Orange procession in the city) is potentially in the same league. (Both involve arterial routes through what used to be mixed or Protestant, but are now largely nationalist, areas.) The third event on this scale is the Apprentice Boys parade in Londonderry on 9 August, which traditionally involves walking the city walls overlooking large nationalist housing estates. A number of other parades (eg at Bellaghy and Dunloy) could also cause problems, particularly if the outcome at Drumcree is seen as provocative by one side or the other.

#### Drumcree: Operational Options

10. The ideal outcome at Drumcree would be local agreement between the residents and the Orange Order on what should happen on 6 July. But this is most unlikely: the Orange Order will not meet any group including Brendan McKenna, the residents' leader (who is close to Sinn Fein and has convictions for IRA terrorism), while McKenna himself will not step aside, even temporarily, as the residents' spokesman. And even if dialogue did take place the substantive positions might well remain intransigent.

11. Failing a local accommodation, the operational options for the Chief Constable are broadly as follows:

- i. **Allow parade on notified route** (ie return leg on Garvaghy Road). Orange would comply with restrictions on numbers, hymn tunes only, etc. But without prior agreement fierce opposition likely from residents, requiring police to seize ground hours or even days in advance. High risk of serious disorder in other republican areas.
- ii **Allow outward leg and church service - re-route return away from Garvaghy Road.** Orange unlikely to agree - high risk of stand-off and disturbances in loyalist areas as in 1996.
- iii **Prevent Orange convergence on Portadown** (could be used in conjunction with (ii)). Several sub-options here: interdict convoys at some distance from town (eg

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by closing M1 motorway); take on convoys where they assemble; seal off all entrances to Portadown; allow converging Orangemen into Portadown but hold them in town centre away from Drumcree/Garvaghy Road area. Any concentration of resources to police out difficulties in Portadown has to be balanced against the need to maintain sufficient security force presence elsewhere to tackle disturbances in other areas.

- iv. **Invite Secretary of State to ban march altogether.**  
Many Orangemen might still attempt to march; considerable risk of repercussive disturbances elsewhere in Province.

12. **The Chief Constable (who will of course be able to call on the military resources available in Northern Ireland to support the police) will not reach his independent operational decision on the optimum strategy for Drumcree until shortly before 6 July. The Secretary of State will remain closely in touch with him as the decision point approaches.**

Northern Ireland Office  
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