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NORTHERN IRELAND FORUM
FOR
POLITICAL DIALOGUE

REVIEW OF
THE PARADES ISSUE
IN NORTHERN IRELAND

by

STANDING COMMITTEE A
(PUBLIC ORDER ISSUES)

VOLUME II

Presented to the Northern Ireland Forum for Political Dialogue
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Note

DRAFT REPORTS

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REVIEW OF THE PARADES ISSUE IN NORTHERN IRELAND

VOLUME II

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MINUTES OF EVIDENCE

COMMUNITY RELATIONS COUNCIL

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 14 November 1996

MINUTES OF EVIDENCE

on

PUBLIC ORDER ISSUES

Witnesses:
Dr M Fitzduff (Community Relations Council) and
Dr D Stevens (Community Relations Council and Irish Councils of Churches)

The Chairman: Good afternoon. I welcome you along, Dr Fitzduff and Dr Stevens to the Public Order Committee of the Northern Ireland Forum for Political Dialogue. We are very pleased to have you along today. We have, of course, had your colleague Mr Glendinning along to make views known in relation to the boycott issue. The normal format for the meeting will be that following your presentation you can, if you are happy, to take questions from members of the Committee. I would ask you if you would like, in your own time — I presume you are now ready — to make your presentation.

Dr Fitzduff: I think you will discover that this is an issue that is quite problematic and involves looking at various legalities and principles. We have not found it an easy issue to deal with. I suspect you will not either. There are many different perspectives to it. The first thing we would like to assert is the commitment of the Community Relations Council to the whole question of affirming cultural diversity, to recognizing that our histories — cultural, theological and political — bring with them their own richness. I am very conscious that the Council itself has tried to affirm that in much of the work that it has undertaken.

As we are speaking about parades it may be interesting to note that we ourselves have funded approximately 11 grants to various sectors of the Orange Order. We have also had conversations with Orange Order personnel about the need to engage in outreach work with communities where their parades in particular are found to be problematic. Those conversations remain ongoing.

We have also funded work on cultural identity because we are very aware that many of the issues raised over the summer perhaps missed what was one of the most problematic aspects of this. This was why people took to the streets in their thousands and why many normally law-abiding citizens found themselves on the wrong side of the law. We were aware for some time that the sense of loss, and defensiveness, on the part of many in the

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Unionist community was bound to find expression in some way. Unfortunately it took the form of a very problematic expression over the summer.

We are also funding a lot of debates around the parades issue. For instance, last weekend we funded a debate which was set up by the Ulster Community Action Network. Those of you who know the network know it to be particularly functioning in Protestant areas. They came together in Londonderry to look at the parades issue with people from Belfast and, indeed, from all over Northern Ireland. I understand that the debate was very vibrant. If you wish we can talk about what came from that debate. Similarly, we are also funding a debate by Eigse Na Phobail, that is the winter school of the West Belfast Festival — again looking at the issue of parades and marching.

We also fund many aspects of mediation — trying to ensure that there are enough mediative skills to deal with problematic issues like this. In addition, for instance, we have also been behind some of the stimulus looking at the debate around "parity of esteem", a term that is much used but, we would suspect, very little understood in terms of its practicalities.

When we began to look at the issue of parades in particular we realized that for some time — long before the summer happened — there were problems about the law. Our own opinion is that the law is not particularly helpful and does tend to facilitate those who would want to use disruptive or violent methods. We therefore commissioned Professor Tom Hadden and Ms Anne Donnelly to undertake a base paper for us looking at the various possible legalities around public order and marching in particular. They have produced a very substantial paper that is just as yet available in draft. Hopefully it will be completed within a day or two. I have the draft paper with me. It is entitled "The Legal Control of Parades and Marches in Northern Ireland."

It is particularly interesting because it also looks at countries like Belguim and Italy. Those of us who think we only have problems would do well to look at other places that actually have had to deal with similar issues in terms of parades that were seen as contentious. It is useful to see how other people have dealt with them. I would recommend this report. We can make it available to any member who is interested. In fact it might be useful to photocopy it and make it available to all members.

In addition, I am sure that you are making yourselves aware of all the other submissions that are being made to the Independent Commission on Parades — as part of the preparation for your own submission. In particular I would recommend the Sachr Commission which deals extensively with the legal aspects of this. I would emphasise that it is not easy when you come to look at the legal aspects. We ourselves are not legal experts and therefore we would recommend that you might wish to bring in people like Tom Hadden or SACHR to alert you to the legal aspects of it.

Finally, two other resources that might be of some use to you, and which we have had some part in stimulating is the book by Jarmen and Bryan — you may have had it — on Parade and Protest. I assume it has already been made available.

The Chairman: Yes — members have copies.

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Dr Fitzduff: The other book which we funded last year was on the whole question of "Clashing Symbols" — which again looks quite internationally at the way in which these are dealt with. It also looks at practice within the UK as a whole. I think that might be useful for members.

We now come to how we dealt with parades. If you look at the first aspect of this we recommended that, in fact, parades could not be dealt with just by law. They could not be dealt with just by community relations work. It is, in fact, a multi-faceted approach that is needed. The first factor is that we are very aware that we are sitting in front of politicians who hopefully will be contributing to what we would see as some sort of political settlement. Our sense is that the political instability has certainly contributed to much of the contention on the ground, and therefore we would urge you to assume responsibility and move as quickly as possible to some sort of political agreement. Above all, that might actually take some of the contention at least out of what is a problem area.

We are also very aware from our own work, and from talking in places like Keady and others, that the second level is also quite important. When we look at the whole context of the local context, that, to us, is crucial. Our sense is that much of what happens at the local level, is dependent upon what has been happening over the rest of the year. At the local level if you have relatively good relationships they can be disturbed by incoming bands, which are often a problem. I know from my own work in Keady, which is 95% Catholic, that there was not a problem with the parade coming through on whatever day it came. There was a problem with the behaviour of the bands. But, it also seems to us that some of the bands become much more problematic because they are being used to deal with the macro-issues, and I think we saw that, for instance, when we saw the shifting goal posts that were presented by the Bogside Residents' Association, which actually refused to deal at the local but wanted to go to a whole macro-level agreement. Our sense is that that makes it much more difficult. Our kind of work, which is to facilitate dialogue at local level, is absolutely important in ensuring that parades have the kind of tolerance and respect that we would want them to have.

However, I think we are also — and here we come to 2.4 — very aware that it is probably not sensible to focus just on parades We are facing a future that is about managing diversity. Those of us, from whatever quarter, who hope that diversity will disappear, are actually not facing up to reality. Irrespective of a political constitution, we will have to manage a society that will be culturally, that will be theologically and that will be politically, (in terms of either the reality of the situation or of the aspirations of the situation) divided. Because we are aware that it has been very difficult to deal with issues of emblems, issues of anthems, issues of parades, and given that there is very little agreement on how these should be dealt with, we have recommended an advisory group on cultural diversity that could help groups to look at different options. We do not happen to believe, for instance, that the Queen's debate was dealt with in the most constructive possible fashion. Perhaps there are other ways in which it could have been dealt with, and we would like to see a group of people who could assist those kinds of debates.

In terms of the particular issue of parades — I am conscious you have our report so I am just going through and reviewing some of it — we looked at three possible ways of dealing with space in Northern Ireland. Firstly, neutral, public space, we could say that no

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expression of cultural, political or theological difference should be allowed in public. In other words it all has to happen within churches, within Orange or church halls or Hibernian halls, and it seems to us that that is one of the ways you could actually address it. The second, with ghettoized public space, is that we could choose areas where we would celebrate our own diverse cultures, far away, as it were, from the doorsteps of those who would disagree with us. However, we felt that in the long-term that could actually increase the difficulty of maintaining and sustaining dialogue, and in the end we came to the third, which is obviously our preference: ultimately, we would like communities to feel free to assert an expression of their diversity wherever. That would be the ultimate in tolerance: being threatened by seeing each other's parades come down our streets.

However, we recognize that in the present context we may well have to consider defining certain sections, such as town centres or main arterial routes, as places where such shared diversity can actually happen. We recognize though that this has to happen in an equitable fashion; in other words, if we decide town centres are to be neutral, they have to be open to all. If we decide that arterial routes are to be open to all, then they have, equally, to be open to all communities.

We are very conscious, as we make these suggestions, that we are very open to suggestions coming from the likes of yourselves about other ways of doing this. All our work we see as tentative, and therefore we are more than willing to listen now or at another stage to suggestions from you or, indeed, from other people.

Shared public space with some limitations is probably, the option that we think is the right one to take. It is interesting to note here that Belgium has actually allocated for itself a neutral space within which nothing that is political or divisive can actually happen. In some ways it would be sad if we had to resort to that, if we were to decide that the centre of Belfast was not actually to be a place where people could come to express themselves.

When looking at the whole matter of parades and marches, we came to the issue of rights. We were very aware that, for preference, we would like to see the right to march guaranteed in all situations. This is almost guaranteed in the United States and is almost guaranteed in South Africa, and I am aware that people have been looking at places like South Africa for exemplars of this. That would be our hope. However, there would have to be equity there again, and, frankly, the thought of seeing Republican or Nationalist parades going down the Shankill or through the Waterside at the moment would be as problematic as some of the other parades, and you would probably get the same sorts of objections. So, we think that at this time in our history that is not actually viable. But it is something we would like to see, and we believe, given a context of improved relationships and agreed political settlements, that that might at some stage in the future be possible, and I would like us to hold to that dream of how our future could be.

We then looked at whether it would be possible to prioritize religious parades — we were very aware that there are some that are distinctly religious. I have only been twice to a field to listen to the sermons or to the lectures that are given at Orange fields — some of you will have been far more than I have — but I became very aware of the combination that comes through at Orange parades of culture, theology and politics, and frankly deciding what

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is a religious parade as opposed to a traditional or other parade, we thought, would probably be beyond us. It would be a very difficult thing to do.

We then did look at the suggestion — I understand that this is a suggestion that has come through from the Ulster Unionist Party — that we would just prioritize traditional parades. First of all we thought there was a difficulty with that definition. For instance, we have had 800 "new" traditional parades within the last few years. Do they become traditional within the space of a year? There is a huge problem around how you define traditional. But that was actually much less of a problem than the next one. We have been informed by lawyers that you cannot in fact affirm traditional parades as having a special place because you could actually be accused of indirect discrimination, and that would be contrary to the Act of 1973. This is something you might wish to talk to the lawyers about; we have been informed that there is no way in which just traditional parades can be validated.

In the Republic of Ireland there used to be hundreds, indeed it felt at times like thousands, of parades. I assume they were religious parades about festivals or Holy Days, and there were a lot of problems with the kind of space these parades were taking up in the streets. Now, if, for instance, the Republic of Ireland were to affirm a special right for Catholic parades in the South, that would actually lead them into the same sort of problems as we have here, because to stop history at a certain point, in terms of affirmation, is now illegal. We are very aware, for instance, of the Chinese communities, the Vietnamese communities and the Indian communities who are newly come to our history, and to stop history, so that groups like these do not have the same sorts of rights as others, is going to be problematic. Roughly 10% of the parades are Nationalist or Republican, and 90% come from the Unionist or Loyalist community, so, given the numbers, there is a problem in terms of policy and fair treatment. Those of you who are aware of PAFT may be aware that even if indirectly a policy is seen to discriminate in favour of or against one section of the community, you run into problems.

We then went on to look at the issue of prioritizing consent, and we felt that prioritizing consent did not stand up. We are very aware that most parades, by their nature. are actually contentious. We are very aware, for instance, that the civil rights parades were contentious. Should civil rights parades have been subject to a veto by those who disagreed with them? Similarly, with gay rights protests, many within our community would have a horror of endorsing the political philosophies of the gay rights or of pro-choice movements. Should they therefore be able to say "We do not want these parades in our area. We did not consent."? Should that be allowed to stand as an argument against parades?

We then went on to look at the kinds of remarks that are often made about parades. For instance: "I feel they are intimidatory", " I feel they are triumphalist". We did not feel that feelings can stand up. You cannot make decisions on the basis of what people feel about issues. There are many people, probably some within this room, who do not like turning on the radio and listening to the Irish language; they do not feel comfortable hearing so much Irish on the radio. But you cannot make decisions on the basis of feeling uncomfortable with the Irish language or with parades — that just does not stand up to scrutiny. Therefore, we felt that what we were talking about was moving towards tolerating things that we do not feel comfortable with rather than actually saying they cannot happen because we do not feel comfortable with them.

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In the end we came to the matter of practice. We believe that decisions about parades must actually be taken on the basis of practice and the kind of practice that society agrees must pertain when these parades take place.

In terms of our own policy objective for this, it is very important that these issues are seen not just in the context in rights but also in the context of community relations. Ultimately we would like people to make decisions not just on the basis of my right, your right, our right or their right, but also ultimately — and we know this cannot be enforced legally — on the basis of what is actually good for relationships between communities. Obviously every expression of cultural diversity has a capacity to contribute to or contribute against community relations. We have many good examples, for instance, of Orange bands and Green bands marching together, celebrating within villages. Those are actually excellent examples of how expressions of diversity can contribute to community relations. We would like decisions always to be made on the basis of whether or not they contribute to community relations. And that you would expect from us as a community relations council, being a rider, as it were, to rights.

When we came to look at the practice, what we suggested was that we should take, as a start, the code of conduct that was set out by Tom Hadden and Ann Donnelly. We were not saying that this was to be the code of conduct because we would have had probably many more hours of discussion about whether or not it should be the code of conduct, and we felt that it was not up to us to decide what code of conduct should be. We did feel that there should be an agreed code of conduct that people would then discuss and say, for instance, "We would like to see either NIO or SACHR draw up such a code of conduct for us."

I have already mentioned Keady, which is predominately Catholic, and people in Keady would say "OK, if the parade is to come through Keady, what is the practice that we would like to see?" Similarly if you were living in Portavogie, and there was a Nationalist parade to come through Portavogie, you would say, "Well, if there is a Nationalist parade, what would we like to see as the practice of that kind of parade, given that there are such divisions within our community?" We would be ensuring that people would be trying to stand in each other's shoes, and the code of conduct would have to be applicable right across the board. And that would be a very useful exercise.

So, we have recommended that a draft code of conduct be drawn up and sent for discussion right through all our communities. It would, for instance, have been very useful for us at some of the discussions we have been having over the last few weeks and months, and will be having, to have had a draft code of conduct in front of people so they could discuss it. We were aware that there were very minimal and very limited draft codes of conduct being sent around by people from the Ormeau Road and the Garvaghy Road, and we did not think that they were extensive enough. But we do think that an extensive one could be used to facilitate that kind of discussion.

We also looked at the matter of decision making on parades. We felt that where it works, leave it alone. There are many places where parades do work, although that is not the end of the story. We do think, unfortunately, that this summer means there will be many more contested parades. Therefore, we will need an extraordinary amount of community

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relations work at local level to ensure that more parades are not contested, and I urge you that that should actually happen. At the moment those who are worried about their parades being contested should be going out — and I am aware that you may have to choose whom you speak to, but there are local schools, there are local churches, there are local groups whom you would feel very comfortable to talk to — say look "We are aware that this could be contentious next year. Let us have a look and see how we can proceed at a local level." We would very much encourage that.

We are also aware that sometimes, as with any situation of conflict, there are times when it is useful to bring in outside people. These do not necessarily need to be professional mediators, although there have been some of those around. Those of you who come from a rural area are very well aware that there are people within rural areas, who, for instance, because of their status within communities would be able to contribute as mediators. We think that if necessary that should actually happen. If no agreement can be reached the police could then seek advice from what we call our "Advisory Group on Parades and Marches". We think that that group could actually help police and local people in considering all of the different options.

I have seen some submissions that recommended that the final decision should be made by the Secretary of State. We were not of that opinion — we actually thought that it should rest with the police. We are aware of the history of political power in Northern Ireland. I am just looking ahead, hopefully to a time — perhaps a few years hence — when we would have an agreed political solution. Where we would perhaps have David Trimble as the Prime Minister of Northern Ireland and perhaps, who knows, a few years later then John Hume as Prime Minister. To have accorded political decision-making in that sort of a context would actually be difficult. At the moment it is interesting to see why people have suggested it should be the Secretary of State. I think that is as much a sense of wanting the decision to be taken from us — or being angry with the Secretary of State. If you actually think ahead to where political power should be within a few years time it might be difficult, given our history, to have those decisions left with whoever is in political power, of whatever side.

You can imagine how people from your own communities would feel about certain people deciding on whether parades should go through or not. So our sense is that for the moment anyway these decisions should be left with the police, but that final decisions can be reviewed against an agreed code of conduct — and what has actually happened. Obviously we then suggested legal changes in Public Order Legislation. If we are to agree that a code of conduct will be part of that, it obviously has to change.

In terms of sanctions we looked at the whole question of these and again I am aware that some of the international stuff on this is very interesting because it lays down sanctions that are quite interesting to look at. Some of them are already available in terms of criminal prosecution. We also think that — to a certain extent this is around at the moment — if people do not agree to address the requirements of a code of conduct permission should not actually be given to march.

We also thought that it would be useful to look at financial matters — and we are aware that many of the groups who march do not have much finance. We are also very aware that the football authorities within the United Kingdom have had to look at this in terms of

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financial penalties if the clubs do not have adequate preparation — and we are talking about reasonable preparation here. We are very aware that counter demonstrations can make it extraordinarily difficult and obviously that would have to be addressed. Things that can help in deciding who has broken those codes are videos of contentious marches, et cetera. It is then much easier to see who actually has been responsible for the disorder.

Finally we ended up with the whole question of deliverability. The remnants of the summer have led to most of us feeling very insecure in terms of law and order. Therefore we are saying that we need to have a look at what decisions would have been possible — and what might be possible next year — in terms of being able to deliver on decisions that are made against, for instance, agreed codes of conduct. Now we are not saying it is the only thing that needs to happen. We think that we do need to look back to the summer and have a look at that. Also to look at what happened to those of us who fell apart and broke the law — from both communities. It is important to follow that up as a statement in terms of our adherence — and our continuing adherence — to law and order. Apart from that, the most vital thing is involving yourselves and all of us in the kind of work that the Community Relations Council will be promoting — which is very much about dialogue at local and every other level. You have in front of you our annual reports which will give you some sense of the extent of that kind of dialogue.

The Chairman: Thank you very much indeed Dr Fitzduff. Mr Stevens would you like to make any comment at this stage?

Mr Stevens: Not at this stage.

The Chairman: I will now open it up to the floor of the Committee — Mr Donaldson, Vice-Chairman.

Mr Donaldson: You talked about the problems of providing special status for particular parades and referred to the submission by the Ulster Unionist Party. The Public Order 1987 already makes provision for the registration of bands. What is to prevent the Order being amended to also provide for the registration of parades? Under such a registration process criteria could be established which would include looking at the length of time that a parade would be conducted through a particular area. It was in that sense that the Ulster Unionist Party had suggested that traditional parades should be given special status. The manner in which that would be legally enabled would be through a process whereby those traditional parades could be registered in such a way.

As an aside I do not think the 1973 Constitution Act has ever prevented the Government from enacting laws or entering into international agreements which favoured one side of the community over the other. I do not think it would necessarily be a problem in this situation. Could a registration process which would enable traditional parades to be registered — and therefore given some degree of protection under the law — not be a possible solution?

Dr Fitzduff: Again I emphasize that we are not lawyers. We have taken some advice from lawyers, but frankly they often make things even more problematic. Our sense is you should get a legal opinion on this. What we have heard is that if, for instance, you take as the

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criteria the length of time a parade has actually been going down a certain route, the problem about that is because of history there have been more parades of one particular tradition going down streets for longer than there have been for other parades. What you actually do is lock into a certain point of history which means that in a sense you are not leaving history open to other groups. And we mentioned ethnic minorities simply because it is less contentious than talking about nationalist parades. With this suggestion you are locking into place as it were 3,000 parades, only a tenth of which are from one community. Now the problem about that is that the consequences for the other community would actually be indirect discrimination. We are not experts on this — maybe Mr Neeson and Mr McBride would be much better answering that. We took legal counsel on this and we were told it was not possible. You might find otherwise. I am very conscious that there may be ways of actually addressing this.

Mr Donaldson: Surely what is legally important is the criteria. Let us face it we could go out there and find huge imbalances in all sorts of areas — because people have chosen to participate in a certain way. Parading for example is much more part of the Protestant culture than it is of the Roman Catholic. Provided the law did not prevent people or organizations from applying to have special status under whatever criteria would be established — surely that is the key. I do not think anyone is talking about taking the existing parades — locking those in — and then forever more saying that is it and then draw a line under it. I would have assumed, for example, that such a process would encompass not only registration but also deregistration. If, for example, the organizers of a parade conducted themselves in a way in which this caused whoever was responsible — presumably the RUC — to review their registration.

Dr Fitzduff: You might be able to win this one — but I am just thinking in terms of sex discrimination. What they look at is the reality of the situation. For instance, if they look at a certain element that seems to discriminate against women — as they do at the moment — that can be problematic in terms of part-time work, or not having child care or whatever. So my understanding is that that might be a problem. It is an interesting argument. I suspect that you will need to get the lawyers to look at that because — certainly in terms of looking at direct/indirect discrimination — the ramifications of this are frankly something that we are not competent to deal with. I would suggest that you should get people in to talk.

The Chairman: Dr Fitzduff you made, in your opening comments, a reference to the possibility that the problems over the summer period may have originated because there was a sense of loss in the Unionist community. Could you elaborate on that and tell me what exactly you think the Unionist community were lamenting over. What was the loss of what in particular?

Dr Fitzduff: Our own work would lead us to believe that there is a sense of slow incremental gain by the Catholic community — although many do not see it as fast enough. But there is also a sense of fairly fast loss in terms of place, identity, in the relationship with Westminster on the part of the Unionist community — that is very apparent to us from much of our work looking at cultural identity. There is a whole sense in which the possible stability that was there pre-1969 is very much being questioned. People are looking at a future where possible constitutional solutions might mean some loss in terms of the *status quo* for Unionists. That sense has been around for quite some time. When we look at what happened at Drumcree — and I am very well aware that some of you were involved in that — the

strength of feeling was not recognized or anticipated, particularly by those who had known that Drumcree was, in a sense, going to be ordered as it was. It actually happened because at some level it was giving space for that sense of loss to be articulated. It was quite extraordinary within your own communities — with all communities — to see the kind of people who were making a statement through Drumcree. It really brought up to the surface those feelings that had been around — about people being separated and losing.

The Chairman: Would you agree that when you boil the whole thing down your work in community relations would be made a lot easier and a lot of these problems would dissipate if in fact the constitutional issue was not left in the fashion that it is? That in fact if Sinn Fein for instance — who have tried to use the constitutional uncertainty in the province as grounds for fermenting trouble — was removed it would remove the basis for a lot of the contention and difficulty — it seems to be the natural conclusion.

Dr Fitzduff: Yes, and we would urge you all please to move as quickly as you can to an agreed political solution.

The Chairman: Mr Jack McKee.

Mr McKee: You certainly have given us much food for thought even in your hopeful picture of Prime Ministers et cetera — although some may not agree with you. They are your feelings and you are entitled to them. You spoke about town centres, and the rights of everyone to march through town centres. While I would purport to come from a strong Unionist and Loyalist background I can have no problem with the distinction between Nationalist and Republican. While I have no problem — as I have said about the Irish language on the radio I might not like what I hear, but I tolerate it — the same applies to problems with the Nationalism of these parades although I will not be going to watch, et cetera. I would not have the same problem with that as I would with a Republican parade. I see a distinction between the two. When I see a Republican parade going to, say, the town centre is it reasonable to expect the law-abiding people to tolerate this? Many of the people who organize these parades are themselves known terrorists. It is really expected of the Unionist community to say "we can tolerate this and we can tolerate these people coming into our town" — people who maybe the previous week or month blew it up! A law-abiding Loyalist parade which has taken place for years and a Republican parade — how can you put the two of them on the same level and say we will have to accept them.

It would be unreasonable to expect a community to say "we could go along with it". I say that that is the problem and that is why the people feel aggrieved. I would also be interested to see how far you go into it. You did talk about talking with these people and getting an understanding between the two. But how can this be really done when many in the Unionist community see it as agitation. It is just a tactic used by those who have previously been involved in murder, bombing, et cetera. They have now gone off on a different tactic. The right to parade has just come to the fore — more so over the past couple of years — and can you not see a level of agitation in this, and that the thing is hyped up and if this hype was not there we would have no real problem?

Dr Fitzduff: I think it is very frustrating for all of us and I can imagine what it is like for the police and the army to see people — whom they believe to have probably been

involved in terrorist activities — out on the streets. Nevertheless they are required by law to treat those people in such a way, that they remain innocent until they are proven guilty. It is extraordinarily frustrating for them and I understand that. We often have to grit out teeth in the face of the law in Northern Ireland.

In terms of agitation we are very conscious that many people have suggested that, for instance, parades were tolerated — even liked — by the Nationalist community until they were agitated to dislike them. That is not necessarily our experience. We think that parades were tolerated. They were less tolerated when there was behaviour around them that was problematic, particularly where bands were concerned. People would not necessarily have chosen to have them come through their community. The tension of this summer was such that when people were called, as it were, to object they actually did rise in response to that. To just say that it is Sinn Fein's fault for organizing all the opposition is the equivalent of saying that perhaps David Trimble was responsible for bringing everybody out onto the streets. What I am saying is that people responded because they actually felt a kind of anger about the parades. It was not necessarily because they were either supporters of Sinn Fein or because, at some level given a choice, they might not have wanted these parades to come through.

I have just come from talking to one of our council members about a conference she helped to organize with UCAN in Londonderry. One of the things that came across was the total inability of many in the Protestant community to understand the reaction of many Catholics to parades. That is something we need a lot more dialogue on. We have tried to say to people that what we want you to do is actually remember those people you met at the road-blocks or saw on the television screens and go and talk to them. Talk to those people whom you saw out rioting on streets. Try, when your tempers have cooled, to go and talk to them because there are two things that need to happen in terms of understanding.

One is that Catholics do not understand the need for parading and what that is all about. They genuinely do not. For the most part Protestants/Unionist do not understand the reaction of Catholics to those parades. That is why at every level we would like that kind of dialogue to take place. We are aware of the problems of seeing Republican parades come through town centres. Do remember, given the law, you actually condemn those who come through unless they actually have been prosecuted.

The other thing we have to remember is that all political aspirations — whether they are for a United Ireland or United Europe — are valid. They are only aspirations — you can want for the stars — there is no law against it! Unfortunately you will not stop that expression of aspiration. There may be other things in terms of the realism, or the present political situation, but that is the difficulty we are going to have to live with and it is not easy. I will get back to the feeling that certainly was coming through in terms of the conversations we were having with people in respect of the town centres arterial routes. All of that has to looked at on an equal basis and that is going to be difficult, but we can see no other way of doing it.

The Chairman: Mr Carrick.

Mr Carrick: Dr Fitzduff, picking up on the previous question and in your answer you used the word "realism". There is the realism amongst many people that despite what you said in the general statement — that Sinn Fein/IRA were not entirely responsible for the agitation and for the orchestration of the protests — as one who comes from the Portadown area I am very much aware of their deep involvement and the importation of those from outside the area to agitate on the Garvaghy Road. That evidence will be backed up by the RUC. Certainly I appreciate your comment about realism. The submission that you made to the Independent Review of Parades does not appear to address that realism in that it seems to be silent on the question of agitation and orchestration of the opposition to traditional parades. The report seems to be based upon the premise of consensus, whereas we are dealing with confrontational politics and issues that are fuelled by those who have a vested interest in overthrowing the Protestant and Loyalist community. Your submission falls short in that respect. Would you like to comment on that please?

Dr Fitzduff: Absolutely. No one is more aware than us of the kind of intimidation that happens between our communities. We are very aware of the intimidation that happens in both Nationalists and Unionist areas. One of the particular complaints we dealt with was that of a village that decided, for once, not to put up an arch and it was subject to intimidation with people coming from another village to make sure it was erected. We also had intimidation where people who, for instance, had decided not fly certain flags. People came and made sure they put them out. That is right across the board. People in both of our communities are trying to pressure their own community. It is an appalling state of affairs where people do not feel free to put out certain flags. We are very aware of the kind of intimidation that happened in Londonderry for instance — or in terms of the Bogside residents, et cetera. So in a sense it would have been superfluous to put it in. It is so much part of our lives — it is a frightening part of our lives. We are more than willing to take that in hand. To assume that all the feelings about parades were just about agitation around Sinn Fein would underestimate the kind of feelings that there is, for the most part, within the Nationalist community. There are obviously many Catholics with whom you would feel comfortable talking. There are people within the churches and schools — I would urge you to go and talk to them. These are people who would have no truck with Sinn Fein, go and talk to them and discover what their feelings are. You will find that, unfortunately, it probably goes beyond just those who are trying to use it for political and propaganda means.

What we are suggesting is if we just focus on Sinn Fein as the problem we are actually missing out on a good opportunity to talk to other people. It should be remembered that Sinn Fein only get a certain percentage of the votes. There is a lot of other people who need to be spoken to. Look at what happened this year with the Apprentice Boys' second march. There was tremendous relief among many supporters of SDLP that there was an agreement that that parade should go through. There are a lot of people in the Nationalist community with whom you can work. They would talk to you about the wide variety of feelings they have about parades. Please open yourselves up to them. Do not assume that everybody within the Catholic community are stooges of Sinn Fein. That would presumably be as reprehensible as assuming that everybody within the Unionist community are stooges of Loyalist political parties. Obviously people have free thoughts and ideas and in many cases choose to go out on the streets. Not all go out willingly, sometimes they are intimidated.

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Mr Rodgers: In respect of the answer to Mr Carrick's question speaking personally I do not see all members of Nationalist community as being supporters of Sinn Fein/IRA — far from it. I speak as one who has many true and trusted colleagues who are members of the Catholic community. Let us look back — it is only in recent years that there have been problems with parades. Marches went through many of the areas where we are now witnessing people up in arms and preventing them. What do you think the real reasons are behind this? When I have spoken to people they have told me they have absolutely no difficult with these people parading providing they behave themselves. I have always advocated that there is a need for bands to respect the other community. If, for example, they are parading past a Roman Catholic place of worship they should bear this in mind and should not be playing tunes that would be provocative or offensive in any way. The same would apply whenever they are touching on areas that would have the opposite religion. People are saying to me that this is being inspired by Sinn Fein/IRA as part of their unarmed strategy. People have had to do certain things because their doors have been knocked. They have been threatened what will take place if they do not come out and protest. I find that the vast majority of the Roman Catholic community have no difficult at all with a well behaved organized parade. I would be saying the same thing if it was the Ancient Order of Hibernians marching, or whoever — as long as people know how to conduct themselves. In the Community Relations Council you must have some idea what sparked this off in the last couple of years.

Dr Stevens: There is at least a couple of things. A sort of visible contestation about parades has emerged since the cease-fires. The contestation over parades is in part at least a proxy conflict about the wider Northern Ireland conflict — so the Northern Ireland conflict has partly been played out on the streets. It is symbolic activity about the wider Northern Ireland conflict. That is the first thing. The second is that with many Catholics, parades were tolerated although they were not particularly liked. Part of what has happened since the cease-fires is that many Nationalists are saying we want things to be different — so the contestation about parades is partly about wanting things to be different. I would see those two things as being part of why the parades issue has emerged in the last couple of years.

Dr Fitzduff: Just to add to that — to a certain extent the change is demography. This means that parades are sometimes going through areas that were perhaps shared — or were Protestant and are now Catholic — and that of course obviously brings its own problems.

Mr English: Would you agree that any offence, or perceived offence, by any section of the community is not enough to override the right of the other community to express its cultural traditions? In my opinion you laboured on quite a bit about bands and you seemed to be putting the emphasis on Loyalist bands. In my considered opinion over the past 10 to 12 years the quality of their playing, and their behaviour, has been exemplary in the majority of cases. We are talking here about a minority of marches. You may be of the opinion that this might grow in the next few years unless there are political solutions. That does not override the fact that people still have the right to parade and march with their bands. The other point I would like to ask: on your proposed advisory group on cultural diversity — what sort of make-up would you envisage?

Dr Fitzduff: We have not talked about it. I would certainly hope that we would get the consent of a variety of politicians, to sit on something like that. Also the consent of other

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people who are involved in cultural work, to sit on it. We believe that politicians need to take much more responsibility. We are looking at positive options in terms of managing diversity — this would obviously be one of the ways in which they could address it. It seems ridiculous that many decisions are not being taken together by politicians. After all they are looking at a future in which they are going to have to share. Even before one gets to any political agreements, actually looking at options for sharing divided societies — practical options — would be one of the things that maybe this Forum could look at. Certainly if we could help in any way we would like to. We would like to see politicians taking responsibility by coming to agreements, so that when you get a problem happening on the street you will not just get a politician from one side but from all sides in there with good ideas about how the problem can be solved.

Mr English: Would you also agree that while discussion would be desirable, it in itself is not essential? Obviously there are occasions when people would not want to sit down and discuss with other people.

Sir Oliver Napier: I wish to make a comment about a point that Mr Donaldson put to you about registration of parades. There is an additional problem which is: all other things being equal I am entitled to organize a parade against the closing of the local hospital or against my work being about to close down, et cetera — this would give me no opportunity whatsoever to register that as a parade. I have a democratic and legal right to protest.

It seems to me that local bands and parades seldom give much offence to local communities. People have to live together and they know the people who are parading and in the band. Generally speaking I am not saying I necessarily love it, but there is a high degree of tolerance and the behaviour generally is usually impeccable. The problem is when outside bands and parades come into a local area, that seems to me to be more a trigger point than the local ones — would you agree?

Dr Stevens: This is part of the proxy conflict aspect. I agree with you that where there are local understandings, maintaining those can be relatively easily done, but when a contested parade becomes symbolic of the wider Northern Ireland conflict, large numbers of people from outside then get drawn in. I suppose that comes back to you, in a sense. If we can find some sort of wider accommodation in Northern Ireland, this sort of conflict will be ameliorated.

Dr Fitzduff: It was interesting to note that last year at Garvaghy, there was a local agreement. The local folk were able to come to an agreement with the local Lodge and that did not seem to be problematic. What did seem to be problematic was when it got played out as a macro-victory. We were very conscious that excellent work had been done there on mediating an agreement. The difficulty was when it was stated as a triumph at the end — as part of a whole macro-conversation about parades. That actually made the agreement that perhaps would have been possible on the Ormeau Road, the next day — a local agreement — much more difficult. Dr Stephens is right. When it gets caught up in the overall agendas of political parties, political tensions or political conflict, that actually makes it much more difficult. Hence our suggestion that, where possible, there should be local parades, with a local solution to any problematics, and politicians collectively not be in there. Sometimes it

is better if you can do it collectively, but if you can do it on an across-the-board basis, and in a very helpful, constructive way, that would be good.

Mr White: I should like to commend Dr Fitzduff on her hypotheses. The solutions are much more difficult to find. She said that she would come back to parity of esteem. I do not know how I am meant to see my neighbour — all of them. There are some for whom I would have more esteem than others. May I ask you, Dr Fitzgerald, for your notions on parity of esteem, and those rights that everybody talks about? You have talked about them quite a bit, too.

Dr Fitzduff: We have actually helped to commission a study on parity of esteem that is ongoing at the moment. I happen to know that Dr Stephens is also in the process of developing a paper on parity of esteem which — I am not sure if it is finished — certainly will be available for discussion.

Dr Stevens: The way in which the British Government has been developing its policy in Northern Ireland, is to talk about equity of treatment of the two communities. Given that background there are immediate difficulties with Mr Donaldson's and the Official Unionist Party's approach. A British Government will be very reluctant to privilege traditional parades on the grounds of parity of esteem, and equity of treatment arguments. I think that there are legal difficulties. I also think that there will be political difficulties in privileging certain sorts and traditions. Parity of esteem and equity of treatment, which is an earlier version of it, are major components of the British Government's policy in Northern Ireland. I cannot see that that is going to be abandoned, and I think it will be applied in the case of parades as well.

Dr Fitzduff: The difficulty for us is that it is actually a very unclear concept, in many ways. What exactly does parity mean? What exactly does esteem mean? There is a lot to be thought through and for that very reason, there are various papers going out about what exactly are ..... Even the term "equality" brings a considerable amount of difficulty with it.

Perhaps we need to be looking at the different levels at which you would apply this. Parity of respect might be a better word. Respect is technically a better word than esteem. There are lots of people that we do not esteem and it is very difficult to enforce.

Dr Stevens: The phrase "due recognition" might be better. As you are indicating, it is quite difficult to esteem some things. Why should we esteem a tradition that we see as a radical threat to our own? That is very difficult. To recognise that there are other traditions within Northern Ireland, is another thing altogether.

Mr White: I can think of lots of people who would not inspire me to fall on their neck and kiss them — to use a well-hackneyed, biblical term.

Dr Stevens: But you can give them recognition.

Mr White: From a fair distance.

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Dr Fitzduff: This is very important. How difficult is it, at times, even to love our own family, and our own neighbours, let alone love someone who comes from a completely different tradition?

Mr White: All the time.

Dr Fitzduff: It is quite a significant commandment to love your neighbours, particularly when they come from such a different tradition. We are not actually asking as much as the good Lord himself. We are actually only asking that we look at behaviour. In fact, we are talking about behaviour and practice. We are not talking about affection or emotions. Leave that out; we have to live with our emotions day in, day out. They change day in and day out. What we have to act upon is equality of practice, and equality of behaviour.

Mr Dodds: On the question of parity of esteem, you say it means different things to different people. I do not think there is any real difficulty. Most people in the community would say "There should be equality of treatment. Everybody should be equal under the law, and equally subject to it. They should have equal rights, and so on." But when it comes to the identity of the state, that is where we have the difficulty. There are people who say "Parity of esteem means that we have to have dual flags, dual anthems, dual citizenship and so on." That is the point at which many people say "You cannot go that far. That state is either British, Irish or whatever." Once that is decided, people are entitled to and should have parity of treatment, and due respect.

You mentioned political context in your paper and in your submission today. You say that a lot of the reason for our difficulties is that we have political instability. We have had political instability here, and a question mark over the existence of Northern Ireland as part of the UK. We have had fears and doubts and terrible acts of terrorism for 25 years and more. Why have we had this upsurge in protests against traditional parades over the last two, three years? If what you are saying about the political context is true, it was also true 10 years ago, and 15 years ago.

Dr Fitzduff: Dr Stevhens suggested that maybe while the violence was going on, it was being played out. It is very interesting, if you look at Cyprus. Cyprus has actually been relatively quiet for 10, 15, 20 years — people probably know better than I do. Suddenly there has been an upsurge in violence. The reason there has been an upsurge is that they have begun to look again at a political agreement. Uncertainty around political agreements can actually accelerate unrest on the streets.

If there is a feeling that agreements are going to be coming over the next few years, it could well be that that very uncertainty also means that people get to play out their uncertainties on the street. Do not forget that we are hopefully facing an agreement. There are still a lot of problems about what that agreement will be and to some extent, people actually act on that in terms of issues like this. It is not just parades. It is obviously emblems etc.

You are also talking about changing demography. You are talking about an increasingly confident and assertive Catholic community that is not going to go away,

irrespective of the solution. There may be an agreement that there is a political solution that, I would assume, maintains the links with Westminster as primary ones. There may be something happening — North — South, who knows — in terms of an advisory body or whatever. That will not mean that certain people would not continue to want a united Ireland. That actually will not go away. You are talking about how you accommodate that which is a legal aspiration, in terms of the future, and the way in which it gets organized. They are not easy issues. The only consolation is that there are many other places, which have many similar problems. We would urge you, if you can, to actually look at some international experiences. I am conscious that the Official Unionists have already been doing this, but it does actually help to look at issues that are being played out elsewhere. The reasons may be less important than the acknowledgement that diversity will continue. The assertiveness of the Catholic community will not go away.

We suspect that there are probably many, and who knows — I do not want this to be interpreted as a political statement — there are probably many within the Catholic community, who would be content with the links with Westminster, provided they see their own cultural identity respected, and equity et cetera. There will probably still be a few who will not feel comfortable and that is probably best dealt with by recognizing that aspirations are valid, and by finding some way in which those aspirations are dealt with.

Mr Dodds: A lot of people would believe — and this was borne out by other evidence that we have heard from people who should know — that, following the cease-fire, there had been a conscious effort by Republicans, and particularly Sinn Fein, to engage more actively on other issues and that they could mobilize people, and retain support in their community. You say that in this code of conduct, one of the things that needs to be addressed is objective ways of ascertaining views of residents, in addition to the use of "community representatives", in order to limit street activity and intimidation. That is a very crucial area. We have touched on it in relation to the clear perception and the reality — again borne out by evidence that we have heard — that many of the key people, while maybe not members, are closely identified with Sinn Fein, in particular.

How can we ascertain the views of residents? They say "These are the community representatives that we have selected. You have no right to question that, or anything else." I heard one of them today, Mr McKenna, who was saying that the whole problem is intimidation by the Orange Order, by the British Army and by the RUC. How can you have dialogue with someone who is clearly coming out with all that sort of Sinn Fein propaganda? How can we get behind these residents — to the people who really count?

Dr Fitzduff: You have a task ahead of you. That is a very clear task. Our evidence is that the more people from the Protestant Unionist community, that are engaging with the Catholic Nationalist community, the better. You cannot stop Sinn Fein, or any other party, from engaging in that kind of political activity. It is legal. We cannot stop it. However, if you want to counterbalance what you see as a single-sided perspective, it is up to all of us in our community to ensure that that kind of dialogue is happening between communities, so that people are not just getting one side of the storey. It is up to all of you, in your constituencies, to ensure that you, too, are engaging with people who might actually be affected by Sinn Fein. We would, therefore, encourage that kind of dialogue.

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In terms of the particular way in which you can garner from people their perspective on parades, we are aware that choosing representatives is very difficult. Representatives often gather a particular kind of people around them. There are a whole variety of suggestions being put forward, and we are not saying that we would necessarily support any of them, at the moment. They have to be looked at. For instance, if a parade is likely to be contested, prior notice should be given, and people who object to it would have to write in. You would, therefore, have to look at the number of people who wrote in. That would get you away from the representative bit. There are various ways.

There was a suggestion that the Ormeau Road would be looked at, in terms of who wanted and who did not want parades. There was some sort of a survey conducted that, given a preference, showed that most people did not actually want them. They might have been prepared to tolerate them. The difficulty with going to surveys and having people write in is that you might find that you will get something counter to what you actually wanted. There are problems in going to the wider community.

To get back to our original suggestion, if you want parades to pass off peacefully, the best way you can ensure that is to engage in dialogue yourselves with local people, so that they will be prepared to say "Yes. We can live with this. It is only a few dozen people, or a hundred people for an hour, a couple of hours, or whatever". That is the best safety you have, in terms of ensuring that they go through. There are lots of ways that go beyond representatives. Representatives are often quite difficult. There is nothing to stop you, yourselves, engaging in dialogue, at a lot of other different levels.

Mr McBride: Thank you for your submission and I certainly agree with the broad context in which you place it, which I think is quite important. I would summarize that as the recognition that this problem can only be dealt with in terms of recognizing the need for the reality of cultural diversity and the need to accommodate various interests. That is the broad social and political context which we have to look at and it is the only way we can actually resolve an issue like this, rather than on a very precise narrow one. I also rather welcome your comments there expressing some doubts about parity of esteem, which I must say as a term I find a rather dubious and difficult one. At the end of the day one has to, in many situations, make decisions and one side or another, in a particular context, gets the benefit and parity then becomes a rather tricky concept.

It is the decisions that I come onto on this. I share your view that decision making on parades should not be a matter for the Government and very much share the grounds for that. I am bit surprised that you expressed the view that the police should make the decision, because there are a lot of difficulties with that. It places the police in an invidious position of, essentially, having to make a decision and then police it when they have almost, by definition, lost the confidence of one side.

But also and more substantially because the police are, I would have said, not necessarily the body best able to make the kind of balanced decision that needs to be made if we are going to take account of a wider sort of context than the purely public order one. It is very difficult for them to balance rights, balance interest and enter into negotiations with other people. While they certainly have a role in the public order context, I certainly would lean towards the situation which a number of people have recommended of some sort of

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independent and impartial body actually having a large responsibility for a process of mediation, but actually having a decision-making power at the end of that which encourages people to engage in the mediation process. Do you want to respond to that?

Dr Stevens: There are a number of problems with a independent tribunal. How can you get an acceptable tribunal? How can you get a variety of people who will be respected right across the community? That is the first thing. The second is what happens if the tribunal makes a decision and it cannot be enforced — the tribunal's credibility disappears down the tubes. The third one is a need to retain some operational flexibility for the police. Often decisions have to be made a couple hours or a day in advance and that is difficult to relate to an independent tribunal working. It is because of those three concerns that we came down against an independent tribunal.

Mr Davis: What I find strange in all this is that despite the thousands of pounds that have been spent over the years, the situation seems to have got worse. We have Community Relations and other organizations and the situation seems to have got worse.

Brian Faulkner banned the processions in 1971, and banned them for a further 12 months in 1972. It did absolutely nothing to appease those elements who want to stir up trouble. We all know that in Dungannon in September 1984 it was Dr Kevin Boyle who put forward a suggestion to the SDLP that they should start applying pressure on Dublin to have traditional parades banned.

Do you believe that, through the Anglo-Irish Agreement, Dublin has a major influence on this re-routing and banning of parades?

Dr Fitzduff: It is an interesting question, and you will note that we did make sure in our submission to say that if there are other people making suggestions about parades — and this would include the Dublin Government — that people have a right to know about that. So in fact if there are representations made from Dublin, we think people have the right to know that. It is probably impossible to stop them making representations. I mean you can stop the postman coming to the door or the telephone ringing But we do think people have the right to know if there have been other bodies who have been making suggestions about parades and what actually should happen.

In terms of this particular parade, we actually just do not know. We honestly do not know what had happened. We could not tell you whether or not Dublin had made representations or not. It is very difficult and we are not the body to know that. But we should say that there should be much more transparency. If Dublin has an opinion on this, then people have a right to know about it.

Mrs Robinson: I want to go back in a sense. Tomorrow marks the eleventh year of the infamous signing of the Anglo-Irish Agreement where one million Protestants were basically disenfranchised from having an input into the running of this part of the province. Is this not the fact that that is where all the ills and perceptions emanate from within the Unionist community. Things starting going wrong when they have seen a gradualism of stripping of all that they hold dear in their Unionist minds — the prooging of Stormont,

Direct Rule imposed, the National Anthem, and all the things that we hold dear. Is it not the case that Garvaghy Road was really the last straw.

I am not trying to justify anything in terms of violence. I am totally opposed to violence. But is there not in your mindset an acceptance of the reality that this was the last straw in telling Protestants where they could or could not walk. It came out in a very ugly way from both sides of the community, because the banning of the traditional parade was at the behest of the threat of violence from Nationalists. That all seems to have been swept under the carpet. It is the bad old Unionists and nothing ever happened before or after Garvaghy that has caused so much ill-feeling within the Catholic community.

Dr Fitzduff: If you talk to the Catholic community, it is amazing how they do not see this. They do not see the distress of the Unionist community. They still see the Unionist community as triumphalist. It is amazing. But similarly .....

Mrs Robinson: Given that catalogue of events.

Dr Fitzduff: Yes. In our experience this only is eased when people begin to talk about how they actually feel and what their perception is because as I say, many within the Unionist community feel that Catholics are getting it all. But the reality is that Catholics may be gaining but they feel that it is far too slow and they still will say that they feel left out and excluded. As somebody said we have got to the stage where everybody feels alienated. But that sense of loss is really not appreciated and will not be appreciated until there is a lot more talking happening. The difficulty is that if you are looking at someone and thinking that they are confident and triumphalist, you will respond to them in certain way.

If on the other hand you understand what drove people to come out — people who would not even dream of getting a parking ticket — then you have much more chance of pursuing that dialogue. We would, therefore, urge people to actually involve themselves where they can with groups in terms of trying to explain the feelings of the Unionist community, particularly since the Anglo-Irish Agreement. That is not understood by many within the Nationalist community and needs to be more thoroughly understood.

If we can help in any way possible, obviously, we will. That is our job — in facilitating that kind of dialogue.

Mr Donaldson: Dr Stevens, I wanted to take you up on this parity of esteem and equity of treatment.

When I was growing up as a child in my hometown, which was a majority Protestant town, every year there were three parades by the Ancient Order of Hibernians which took place without any problem until 1985 when the Anglo-Irish Agreement and the opposition to parades in Portadown and so on sparked a reaction. It died away very quickly and those parades take place every year without any let or hindrance.

When one talks about traditional parades that is not an Orange/Protestant exclusive description. It applies to all traditional parades of whatever tradition by whatever group. I just cannot understand — and I want you to try and help me to understand — how if you had

a situation where parades by the Ancient Order of Hibernians, the Irish National Forresters, the Orange Order, the Royal Black Preceptory and the Apprentice Boys were registered and, therefore, had a degree of protection under the law, that that somehow does not provide parity of esteem, when you have groups from both traditions having the right to be treated in that way.

And I do not understand how, because it is a matter of fact that one tradition has more parades than another, that, nevertheless, the provision for groups to apply and have their parades registered or whatever does not provide for equity of treatment. You are not giving special treatment to one side over the other. It may be that one side has more parades than another, but surely parity of esteem does not mean that they have to have the same number of parades. I would have thought that that is a complete distortion. Parity of esteem and equity of treatment simply means that they are treated in the same way. And I do not think anyone is suggesting that it should be anything other than that. But can you explain to me how you see it differently?

Dr Stevens: A British Government will have great difficulty in bringing in legislation that would privilege traditional parades, because 90% of parades emanate from one side of the community. I, therefore, think that a Government, having removed the privilege status of traditional parades in the 1985, would be prepared to go back to it. I do not think it is politically likely.

Mr Donaldson: But that is not the issue, Dr Stevens, whether it is politically likely. The argument that was being put forward was that it was legally unable to do such a thing.

Dr Fitzduff: May I just ask a question here. Often in these situations if you turn it on its head and think what it feels like if it were the opposite way; imagine if we were to present it to the community and there happened to be 3,000 Nationalist parades and one tenth Unionist parades happening in Northern Ireland at the moment, should we, therefore, pass a law that says that is the way it should stay?

That is the way you actually have to think about it if you turn these things on their head. Our sense is that that is the equity issue that you actually have to look at, because it could be that if you do validate traditional parades you could have a huge increase in Nationalist parades who are trying to catch up in order to get the same sort of equity position.

You do have to turn it around as well and see how do you think the Unionist community would feel if there were 3,000 Nationalist parades. For instance if you lived in the south and there was thousands of Catholic parades permitted to go unhindered because that was what history had been about. So in a sense it sometimes helps to turn it around when you are thinking of equity of treatment. Would you be prepared to consider equity of treatment if the situation was the other way round? Our sense is that that is the way it will be perceived. You may win it. It is a very interesting argument and we frankly had problems with it because we are about validating tradition. We did, therefore, look at whether we could validate tradition but in the end we were told that legally it would not be feasible. You may find that it is. Presumably you have consulted the legal experts on this, but it would be a useful discussion.

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Dr Stevens: May we just encourage you to bring Tom Hadden along, because the paper he has produced outlines all the legal options without coming down on one or the other. It would be very useful for you to go through the various options.

The Chairman: That is fine, Dr Stevens.

Mr Dodds, could you be mindful of the time.

Mr Dodds: A brief comment. I think that focusing on the political unwillingness of the British Government, given its stated policy objectives and its views, is probably more accurate and sensible than focusing on the legal difficulties. Because the basic legal position is that if an Act of Parliament is passed it cannot be challenged in court or anywhere else. No matter what the Government has said in previous Acts of policies, if they pass an Act of Parliament to say that this will be the case, that will be the case. There is no legal difficulty in that sense. It is the policy. It is whether they are willing to do it is the essential case.

It just struck me as I looked at my piece of paper and saw "Northern Ireland Forum for Political Dialogue" that is it not a tragedy that we do not have the SDLP and so on here. They have actually decided to boycott the Forum which set up for this precise purpose — exploring these sorts of issues. How can you talk to people when they refuse to come and refuse to lend any credence to a process which is actually all about political dialogue and is in the main dealing with things that we can find a great deal of common ground on. That is a very frustrating thing as political representatives.

Dr Fitzduff: We would agree. It is an awful pity that this opportunity for dialogue is not being grasped. I am conscious that I have made the suggestion before. This does not stop dialogue happening elsewhere. I would be very keen for politicians from different traditions to partner with one another, in terms of having dialogues with their different communities. You, Mr Dodds, could go and meet with Mr Joe Hendron and talk to his constituents and, similarly, he could come and meet with yours. Because you are limited in the Forum, you have to find lots of other ways for dialogue. You can spend your time, in a sense, regretting the fact as we would or you can actually say "Well, if it cannot be done this way are there other ways in which dialogue could happen?"

We would feel much more safe in the work that we were doing, if we knew that the values and principles of dialogue, co-operation and looking together at these issues were being affirmed by all of you as politicians, not just in words but in actions as well. It would help our work considerably.

The Chairman: Would you like to make any further comment?

Dr Stevens: No. I appreciate the hour and a half.

Mr Dodds: No, you do not.

The Chairman: May I thank you, Dr Fitzduff and Dr Stevens, for a very interesting and illuminating presentation. No doubt it has given us much food for thought. We have made a note of the various people you have suggested would be helpful to the committee, and

it is our intention to look at this matter in great depth. In due course, I hope, you will be receiving a copy of the report that we intend to present to the Northern Ireland Forum on the matter.

I cannot help but think as we have been discussing issues such as parity of esteem et cetera that anybody who is going to look at these issues in the coming months would be greatly helped if he had a Hume/Adams dictionary. It might help us all to be able to establish exactly what some of the terminologies are that have crept into all of our lives over the last number of years.

But may I thank you very much indeed, most sincerely, for coming along. As I say, it has been very beneficial for the committee to hear from you, and it may well be that we will ask, on some occasion, to speak to you further. May I wish you all the very best in what we all believe is very needed, something to heal the divisions within our society. Thank you.

Dr Fitzduff: Thank you very much, Mr Chairman.

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MINUTES OF EVIDENCE

PRESBYTERIAN CHURCH IN IRELAND

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 21 November 1996

MINUTES OF EVIDENCE

on

PUBLIC ORDER ISSUES

Witnesses:
Rt Rev Dr D H Allen, Rev S Hutchinson,
Very Rev Dr G Brown and Rev Dr M Scott
(Presbyterian Church in Ireland)

The Chairman: Good afternoon, Gentlemen. May I, as Chairman of the Public Order Committee of the Northern Ireland Forum for Political Dialogue, welcome you along this afternoon. You are probably aware that the Public Order Committee, known as Committee A of the Northern Ireland Forum, has been charged with two issues, presently, to investigate. The first issue is the issue of boycotting, and the second one is the issue of what has become known as "parades". I understand that you are intending to address us this afternoon on the latter issue. May I extend a warm welcome to you.

You will be aware that you will have an opportunity for one or more members to make representation to the Committee and upon completion of your submission, if you are happy, to receive some questions in relation to the presentation. Moderator, perhaps you will lead off and we will then deal with it in that fashion.

Rt Rev Dr D H Allen: Mr Chairman and members of the Committee, I want to thank you for your invitation to us to be present and share with you on this matter of parades.

Our Church would normally consider the subject of parades through our Church and Government Committee and through the General Board of the Church, and we have issued quite a number of statements over recent months and years. Indeed, our printed statements on the parades issue was presented to the General Assembly and was accepted by it in June of this year, which was obviously pre the marching season. I assume that you have received copies of these statements — our booklet on Presbyterian principles and our pacification on

the Northern Ireland situation and parades. If you do not have copies of them, our press officer, who is with us today, will make them available.

We do not presume to be politicians and, therefore, we do not come with any political axe to grind, but we do seek where possible to speak the Word of God into and apply it to situations that arise in the country. We do this so we might give guidance to those whose positions of responsibility place upon them heavy roles and heavy burdens.

Our deputation today comprises our Clerk, Rev Sam Hutchinson, Dr Godfrey Brown who is the immediate past Convenor of the Church and Government Committee and Dr Malcolm Scott, our immediate past Convenor of the Peace and Peacemaking Committee. We are happy to be here and to be sharing with you, and I will ask Dr Brown to introduce the documents and our discussion today.

Very Rev Dr G Brown: Thank you very much, Moderator. I feel a little as if I have been brought out of mothballs today because I have ceased to be Convenor and, while I bear some responsibility for the documents, it is some time since I have been handling them. The subject of parades we recognise as fundamental to our Ulster way of life and, sooner or later, we will all have to face up to some of the issues that are involved in the whole parading question.

In the wake of Drumcree, it seemed that the time had come for us, as a committee, to clarify our own minds about some of the issues that were involved. Over last winter we had a number of meetings with members of our own Church who were involved in the Orange Order, with representatives of the Garvaghy Road residents and the lower Ormeau residents and with a representative of Mediation Network who is also an elder of our Church. In a number of meetings we tried to tease out and listen to some of the things that they were saying to us. In the light of that and in the light of our own scriptural convictions, we drafted this report which was ultimately received by the General Assembly. I am not sure how closely you have read it, knowing how sometimes we all scan reports. You will forgive me if I make reference to one or two of the things that are in it.

We are aware of the fact that parading on the whole is a peaceful and acceptable part of Ulster life. It is only certain parades that create difficulty. We are aware also of the changing demography of many of our parade routes and of the problem of balancing on the one hand rights — the freedom to parade — and, on the other hand, the feelings of communities who feel threatened by it.

We are particularly concerned in this document to set a vision before ourselves and before the community. It seems to me that if we are going to handle the parades issue, it is not enough just to react to situations. We need to have a clear vision of where we want to go as a community. We have tried to do that in the final paragraph. There can be little doubt that the marching season is likely to remain a cause of conflict in certain parts of Northern Ireland for some time to come. In our view that need not be so, given the exercise of commonsense, tolerance and wise accommodation by all sides.

If we are to build a new kind of society in this province, that society must be a genuinely multi-cultural society where the traditions of both communities are not only

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recognised but affirmed and even celebrated. This will only come about in time as both communities learn to trust one another and respect one another's susceptibilities and fears. That, in turn, can only take place through a respectful listening to one another. Simply to ignore those with whom we disagree will only make matters worse. It will result in the continuation of a problem that it is in everyone's interests to resolve.

Those words, received by the General Assembly in June of this year, proved to be strangely prophetic, and the events of this summer have proved how very serious the situation becomes when dialogue does not take place and when it is not possible to hammer out agreements. In the July statement of the Church and Government Committee, issued in the wake of Drumcree, we have said a number of things that represent fairly clearly what our convictions are. You will, I hope, take time to look at the biblical references and another member of the delegation may well draw them out for us. But from our Christian perspective, the Bible has some very urgent things to say to us about the structuring of our community relationships.

One thing we said which caused a measure of controversy in certain quarters is that all of us — politicians, churchmen, everybody — bear some measure of responsibility, not only for what we say and do but for what those words and actions lead to. In section 11 we have said that the murder, destruction, intimidation, hijacking of vehicles, burning of homes, schools and businesses were committed in the wake of Drumcree, the Garvaghy Road and the lower Ormeau Road by people who were fired up by what happened there. We condemn that scandalous behaviour which cannot be justified.

However, those who initiate actions in volatile situations cannot evade total responsibility for the consequences of what they begin. In saying that, we are not anxious to score points. We are concerned that all of us, whether churchmen or politicians, should take seriously the results of our actions. We also want to underline, although it is not mentioned particularly in this document, the general lawlessness that has been creeping into our community and the need for the strengthening of respect for law and order. That is something that we feel is fundamental. In this book of 1993, which seriously needs revision, we made a very strong case, based on scripture and on our Presbyterian doctrinal statements, for the maintenance of respect for law and order as a basis of society. People sometimes think that it suits Protestants of various brands to call for law and order. Presbyterians have always done so out of deeply held biblical convictions.

We believe that it is the duty of the state to protect the innocent and to punish the guilty to have a well ordered society. John Calvin made the point that it is better to have bad order than no order at all. We reached a situation this year where we almost had no order at all. The biblical picture of total anarchy is where every man does what is right in his own eyes and we came fairly close to that this summer. We, as a Church, want to say that the events of this summer must never happen again, and I hope we will play our part, constructively, with our people in drawing us away from that kind of atmosphere. These documents, which I present to you now, are intended to spell out some of our convictions which we hope will play a part in leading us away from a situation of this kind.

Rt Rev Dr D H Allen: Just to say that we are well aware of the problems that face our community in this particular area. We are well aware of the urgency and the need to do

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something to remedy the problems, and I have always been told that a problem is only a problem because it has a solution; if it does not have a solution, it is something more serious. And as we talk about problems, our task is to look for the solution. It might not always be easy to find, but we have to keep searching and working until the solution is found and it is in that attitude that from a biblical and a Christian viewpoint, we seek to move forward into this area, and we encourage all, in every way possible, to do that.

Rev Samuel Hutchinson: July 1996, was in some respects, Northern Ireland's Chernobyl. Nobody intended it to happen, but happen it did, and the resulting melt-down in community relationships has produced a contaminating fall-out that has blown far and wide throughout our province. I happened to be abroad during early July and followed the situation through the eye of foreign television, and the impression was, to say the very least, sad and unfortunate. For the good name of our province and its entire community — and we are concerned for the whole community — it is essential that a generally acceptable solution to the parades issues be found and found quickly.

We certainly understand that the politicians in Northern Ireland have a very difficult role to play and are subject to intense pressures, and we do thank you for what you are trying to do. But the lessons of the recent past need to be learned for the sake of the immediate future and the long-term future of us all.

Rev Dr Malcolm Scott: The Church's Peace and Peace-making Committee deals more with the underlying principles of the Christian faith, particularly in relation to the whole business of peace-making. Referring to the document, the feed into the statement which Dr Brown has made — just to draw attention very briefly, and I will not detain you on these — we understand peace-making to be an affirmation and accommodation of diversity, and this is what we deal with very much in our situation.

Again, as Dr Brown has underlined, we affirm that to be Christian peace-makers in our own situation we must recognize the responsibility given by God to the Government and to those who serve the cause of law and order to encourage well-doing, correct evil-doers and protect the innocent. And also, while realizing that tradition is very important in our society, we believe that the evangelical faith in Jesus Christ challenges us to develop radically new attitudes and relationships with our neighbours in Ireland, and, quite clearly as we seek God's glory, we cannot be content with the kind of relationships that have obtained. We are very concerned for the good of the whole community and not just for one section of it.

Rt Rev D H Allen: I think that is really where we would come from, and I suppose the best way forward is to —

The Chairman: Give concessions? Could I thank each and everyone of you for the contribution you have made. I understand that the original arrangement was that you would give your evidence with the press present, but that the next section of the meeting would be *in camera*. If that is the case, I would just seek guidance from the Committee on how it wishes to proceed. The other sessions have been open to members questioning with the press present, but it is entirely a matter for the body. You do not have any difficulty with that, Moderator.

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Rt Rev D H Allen: Basically what we are saying is in the public domain.

The Chairman: Is it the wish of the Committee that the press remain for the question sessions?

Members: Yes, agreed.

The Chairman: Thank you very much indeed for the presentation you have made to us. No doubt Members have quite a number of items that they wish to pick up on.

We had representations made to us on the issue of parades last week by Dr Fitzduff from the Community Relations Council. Taking an overview of the whole issue of the events of the summer past, and the very unsavoury matters which arose from them, the view she expressed of the Community Relations Council is that community relations have never been worse, that they have reached an all-time low, that the events at Drumcree and the matters that ensued were really a microcosm of the uncertainty within the two communities in Northern Ireland, and that the wider picture of the constitutional issue is what has actually been responsible for all of the events that have taken place, particularly in relation to Drumcree. Drumcree took on a greater significance than that of just a parade. People who are law-abiding citizens in normal circumstances went to Drumcree because they believed they were actually making a stand on the bigger issue of the future and where they believed it was leading. Have you any particular view about that matter that you could address?

Rt Rev Dr D H Allen: In all probability we would agree fairly fully with that sentiment. One of the difficulties since Drumcree is that it has been made a whipping boy for all kinds of things and, having been involved a little bit at that time, one has to get the whole picture and see the picture as clearly as possible. Certainly the events leading up to it were events that gave concern to many people. The events immediately following gave concern to many people, and the events that have carried us into the boycotting situation — and that is another matter for another time — open and widen the whole situation in which we find ourselves and must be dealt with very firmly and very definitely in these days.

Mr McBride: I very much welcome your very thoughtful presentation and the documentation that I have just looked at. I particularly welcome your mental recognition of the need for a multi-cultural society here, in which there is respect for all our traditions and I find your comments on the events of the summer thoughtful and wise, especially those that refer to the responsibility of those who take leadership in certain situations.

Your proposals from last year, from the autumn before even these ones, point out the weakness in the legislative structure and so on. I wonder if you could elaborate on just how you see the changes being made which would help to deal with this situation.

Very Rev Dr G Brown: The detail of that is beyond our immediate ken. Obviously some kind of mechanism will have to be found to assist the police. The police have ultimate responsibility for law and order, and we recognize that. But it is not fair that the police are made the whipping boy for everybody, and it does not contribute to their law-enforcement role in this case. The problem is how to find a mechanism which everyone will recognize and

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obey. We are not going to find a mechanism that is perfect, and we are not going to find a mechanism that will please everybody, and those are the two givens in the situation.

All we can hope to do is find a mechanism that right-minded people are prepared to trust and say "Well, we may not like it, but in the interests of a law-abiding and peaceful community, we will consider ourselves bound by a verdict of this kind." This is the only way in which we can have some kind of sanity. Most of our parades are going to pass off without question, there are not going to be difficulties at all, but with those that are contentious, someone from outside the situation has got to give the final verdict on them and not at the last minute purely on security grounds, but on more principled grounds.

Obviously a document of this kind has some contradictions in it because it is a contradictory situation. It is important to listen to local communities, but we cannot — and I think many of you around this table would agree with this — allow every parade to be brokered locally. Once you do that, you divide up the land: this is their land, this is our land. It is all our land, and together we have to decide how we are going to live in it and order it. Therefore, there has to be principled and acceptable common consent, that kind of solution, rather than just local deals which delight the heart of some of those who want to turn democracy into communalism. That is not our way of life.

Mr McBride: You are particularly wise to stress the element of time which is one that maybe does not get mentioned. Part of the problem at the moment is that decisions are left to a very late stage. Would I be right in saying, in summing up really that you are saying that there are different rights here, and that some form of balance has to be struck which sometimes will go one way and sometimes will go another, and that essentially that balance should be struck by some person or body independent from the situation in good time.

Very Rev Dr G Brown: I do not think we could pronounce on behalf of our Church, but certainly that is the thinking of many of us.

Mr McKee: Thank you for coming along. I welcome it and I hope that maybe something will flow from it.

I certainly agree with you and share your view about law and order. We must have law and order, and if it breaks down we are into anarchy. But you do talk about peace in the community, and about the breaking down after Drumcree, and I want to know if we are kidding ourselves that there was this great degree of peace in the community.

I am talking particularly about the Protestant and Unionist community and, may I say, many Presbyterians who are weary of what they see as continual concession after concession. I agree with the Chairman who talked about the wider picture, and it has all got to be taken into account. They saw the banning of the Orange parades, and particularly the one at Drumcree, as just another concession to what they would call the enemy, and would you not agree that there is a fair degree of agitation about parades and that that is just another tactic employed by the Republicans, and particularly Sinn Fein, to get the community going? They have picked people in the community who are well known for their terrorist activities and thus have make it nigh impossible for many to negotiate with them. It is agitation. The Unionist people see it as another concession, and they are saying "Enough is enough".

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Rt Rev Dr D H Allen: When I was speaking to the Irish Association in Dublin, and trying to paint a picture for them, this was one of the points that I made to them. Even looking objectively at the situation, the Protestant, Loyalist population felt that concession after concession was given, with no reciprocation. As far as Drumcree was concerned, many people regarded it as "a bridge too far" if that was lost as well. This is the problem with concessions. Often, concessions can only be seen when we get them. You have to balance up what is the reality of it.

As I said earlier, the situation did not begin at Drumcree. It may have come to a crisis at Drumcree, two years running, but that was really a perception in the minds of many people of a bigger problem that was already there. Out of that, for instance, has come this difficult area of consent, with people seeking to give consent for others to move within their area. That in itself is a very emotive term which seeks to demand, or to proclaim, ownership of areas, or streets and roads. This is the most counter-productive way of approaching any problem. Now, consent is good in some situations, but in those areas it has added to a lot of the problems of resolving the issue of local parades. As Dr Brown has said, the vast majority of parades do not create any problem. It is just a few in areas where, as we see it, demographic change has led to claims.

Looking simply at the Drumcree issue, there are folk who feel that compromise — this lovely word which people often do not like to use — was actually reached in 1985 when the parade was moved from the Oban Street district to the Garvaghy Road. Then, because of demographic changes, it seemed as if there was going to be another change. Where do we keep moving to? These are the problems that have to be faced. These are the problems that have to be well-teased out and talked through on a local basis. There may be a wider, and a more Province-wide, decision which will help to give guidance but, at the end of the day, agreement is with people who live and work close together.

Mr English: Thanks again, Gentlemen, for coming along today and giving us the benefit of your insight into the situation. I think you will agree that where there is an offence, or a perceived offence that in itself is not enough to override the rights of others either to parade or to protest. Whilst in many cases consultation is desirable, it is certainly not essential and again, it should not override the rights of others either to parade or to protest. In No 9, say that it is at least worth exploring using some kind of advisory body. Would you elaborate on how you see the make-up of such an advisory body, and who should be represented on it?

Rev Samuel Hutchinson: We do not claim to be expert politicians or expert lawyers drawing up a precise document. We await the outcome of the North Review. As you may know, the Convenor of the Church and Government Committee, Dr John Dunlop, is actually serving on that Review and is therefore unable to be present today. It would have to be somebody who would command respect in the community. In other words, if there is a contentious local issue and the verdict goes against one section, those people will, nevertheless, be prepared to accept that verdict as something that is just and fair, rather than saying "We do not trust that body anyway. We shall do our own thing."

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May I just amplify a little bit on what the Moderator said in reply to Mr McKee. I sit at a desk in Church House, day in, day out. I am the recipient of all kinds of letters and telephone calls from all quarters. Admittedly, it is those who feel strongly who write in, rather than those who do not care too much, but I share your analysis that there is this perception of a certain slippage. In fact, I would add one other element to it: there is a fear on the part of some of my correspondents, very ill-defined, but a feeling that there is something going on in the corridors of power that they do not know about and are worried about.

Mr Carrick: Like my colleague Mr McKee, I am also concerned at the general decline in respect for property and respect for people in our community. Looking back over the years, it is a spiralling situation — a downward spiral of anti-social behaviour. If society in general does not soon wise up to the terrible problem that it is facing, it will be paying a terrible price. It is against that background that I wish to make my point.

It seems to me to be a problem that a small minority of people can actually hold the majority of people to ransom. Dr Brown touched upon the point that we cannot have this local consent as a basis for moving forward. However, we must get global ownership of a solution, so local people must be involved in bringing about a local solution. However, herein lies the problem. There are those in our society who are more concerned about confrontational politics and confrontational situations than about consensus politics and consensus solutions. On the one hand, how can those who are reasonable people, those who are prepared to sit down, discuss and argue out a solution, reach agreement with people who are absolutely determined to drive a wedge further into the communities. As the Moderator knows, I come from Portadown and I have some little knowledge of the situation around Drumcree. I actually live in the Parish of Drumcree.

Even today, some seven months until July 1997, the ante is being upped already. It is against that background, Gentlemen, that we all have to try to get a solution. How do reasonable people actually bring forward a solution when dealing with unreasonable people?

Very Rev Dr G Brown: I am not closely involved in the brokering of these things. but you have put your finger, if I may say so, on the scenario, as a lot of us see it. You are quite right. There are those who had a vested interest in hyping this problem of parades. because they know that it is a most sensitive and delicate issue that appeals to the ordinary man who is not a very political animal, but sees his rights being infringed on this issue that is dear to his heart. It seems to me, therefore, that the more we heighten the issue, the more it is going to spread over the land, and there are going to be a hundred different Drumcrees - God forbid! We have to de-escalate the issue, and this may mean some local compromises. It may mean some occasional surrenders, but by doing so, the whole heightening of the issue is lowered. Constructive solutions then become possible and they may lead to the reversal even of some of those compromises at a later point.

I have a very firm conviction that one of the fundamental tasks of the majority community in Northern Ireland is to make Northern Ireland a place where decent Nationalists feel at home. The more we do to reverse that, the more we are signing the death-warrant of Ulster. The more we do to establish that, the more we are going to create the kind of community which we envisioned in our statement.

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I hope that we find ways to de-escalate this problem and take it from being the most important thing in Northern Ireland in 1997 to being a fairly minor, local issue, while getting on with the real issues that will ultimately carry the solution, even for issues of this kind.

The Chairman: May I ask you to elaborate on one point, Dr Brown? You mentioned that this may involve some surrenders. You will be very aware of the sensitivity and that actual terminology you have used is very difficult for people to adopt. It is causing grave difficulty for the Government, and particularly the Secretary of State. In the current negotiations, the Government are attempting to avoid any suggestion that IRA/Sinn Fein have to surrender. They have made that a public declaration. You can imagine, therefore, the disdain, and the very grave difficulty that law-abiding members of the community have when they are being asked to surrender basic principles, rights of free assembly, and the right to walk to their place of worship while, on the other hand, the Government are saying that they will not require IRA/Sinn Fein, who have caused death and destruction, to surrender. This is part of the difficulty, I, personally, feel that people are seeing democracy stood on its head. That those who are law-biding citizens, and are prepared to work with the forces of law and order, are being asked to surrender, and the gunmen are being told "We do not require you to surrender". This gets to the root of the problem.

Rev Samuel Hutchinson: Mr Carrick, I liked your question because it had in it the seeds of its own answer. You mentioned reasonable people.

In my job, in years gone by, I was involved, to some extent, in other trouble — spots in the world. One of the signs of hope is when the reasonable people, whom I would like to think are the majority on either side of a divide, get together. If they are prepared to work together, not only in the narrow, centre-ground, sense but in the broad centre-ground, that helps to deal with the people on the fringes, who are totally intransigent. I do not want to put political labels on this but maybe you follow what I am saying.

Mr Carrick: Yes I accept entirely what Mr Hutchinson has said. However, it is difficult, both in the face of terrible coercion and intimidation, perhaps even at the point of a gun, for the decent, local people to come out and take a stand against those who are orchestrating and agitating in their very community.

Rev Samuel Hutchinson: May I respond briefly? I make a slight distinction between consent and consensus. I quite accept that if you are living in a certain area, it is very difficult to put your head above the parapets. I have sympathy for people who are in that position, but if we could look at the province as a whole, and if the majority of the decent people on either side of the divide in the whole population could reach a consensus as to how this should be dealt with, that would certainly have a moral authority.

The Chairman: Maybe I should have given Dr Brown the opportunity to answer the question on the concept of surrender.

Very Rev Dr G Brown: I take your point. I use the word, very conscious of its overtones and difficulties. There are times when you have perhaps, to take the longer view. Rather than focus on winning every local situation, you have to look at the total picture, and

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work for something positive on a larger scale. I am well aware of the sensitivities. It is a word that is so deeply ingrained in our psyche, that it is a difficult one.

Rt Rev Dr D H Allen: May I say something just before Mr Davis comes in. Whilst not wanting in any way to disclose the confidential nature of the discussions that we had at the time of Drumcree, there was certainly a very strong, outgoing attitude on the part of the Orange representatives who were making representations to the Garvaghy Road representatives. They were prepared to go a fair distance with what they were trying to use, not as a bargaining point, but as the basis of an agreement — how they could arrive at a just and equitable settlement of the situation. Time really was against the possibility of that succeeding then, but certainly one must pay tribute to the work that was done, and it was hard work, hard work done into the late hours of the night. The very fact that it did not succeed does not say that it cannot again succeed, and I would say that there is a need to understand the importance of people still talking. I know one of the things about this province has been that there was an area that we went through where everybody said no. Now in some situations we are back into a similar kind of area where there are folk who are saying no, and that really means that if you do not do what we want, the answer is no.

We have to keep moving on in this matter of parades. It will demand intense talking, it will demand intense discussion, and it may well demand looking at how we can rationalize the situation. For instance, Garvaghy Road, how can we rationalize this particular problem? If the parade is moved from there, where will it be moved to again? There are a lot of complex issues here that must decided, but you do that by talking to folk on the road. Being a Portadown man myself, I have known Garvaghy Road all my life. I have not lived there recently, but I know a lot of people there. I must say that even with demographic changes the attitudes that were coming in did surprise me. I feel that had a lot more folk in that area been approached individually, there might well have been more difference of opinion than we were led to believe. You are in a situation where if you disclose all that has been happening and all that is working you could well remove the possibility of further involvement in that area, and it is important that we do get involved in it.

Mr Davis: You seem to make a point of the need for people to talk. Do you believe it would be helpful, for example, if the SDLP were to take its place in the Forum? That is question number one. The second question is: have you any evidence from your dealings on the Garvaghy Road or the lower Ormeau Road of Sinn Fein agitating?

Rt Rev Dr D H Allen: Well, I am a person who believes in involvement. I never tell my people how to vote, but I always remind them of the privilege that is theirs to vote. There should be a very genuine situation in which people regard themselves as citizens, and it is a citizen's right to be involved on the part of others if at all possible. That there is a sense in which people should be talking together. We often throw it to the politicians, we say you are elected for a position, for a responsibility, and we find it difficult to understand abstentionism. That may well be for very genuine reasons, it may be for very fickle reasons. One would not want to advise, but I feel that it is important that people talk. May I have your second point again please?

Mr Davis: During your dealings on the Garvaghy Road or the lower Ormeau Road, have you had any evidence of Sinn Fein interference or agitation?

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Rt Rev Dr D H Allen: Its Members maintain that there is none. You cannot accuse a person of something if you cannot prove it. But whoever is doing it, there is strong influence being exerted by people, not only in those areas, but right throughout the province, and that cannot be denied. Putting your finger on the persons concerned is not always easy, but I feel that strong influences are being brought to bear upon people in communities.

Mr Donaldson: Gentlemen, thank you for coming along today. Like all good Presbyterians I have three points I want to put to you. The first relates to what Mr Hutchinson said about Ulster's Chernobyl. I think I know where he is coming from, although with the recent history of Northern Ireland one has to set the events of the summer in their proper context. If this summer was a Chernobyl, then some of things that have happened in the last 25 years equate to something like World War Two, because we have had some pretty horrific experiences in the past-atrocities which have led to deep divisions within our community.

Someone made the point recently that the history of Northern Ireland seems to have been adjusted somewhat; we now no longer talk about BC and AD but about BD and AD, before Drumcree and after Drumcree and all the ills of Northern Ireland emanate from the events of the summer. So I suggest that whilst it is easy to draw analogies like that, it is dangerous to overplay and overstate the impact of what has happened because, believe me, it drives people into feeling that they have to become entrenched, because you are telling them they are entrenched. We should try to avoid the use of emotive terms like that because they do not actually contribute to the process of resolving the issue, and that is not to underplay it. Nevertheless, it was a serious situation.

In terms of understanding the context of what happened in the summer, I wonder if you have a view. You mentioned in your presentations and the in statements issued a number of scriptural references, and one quite correctly points towards the duty to obey the properly constituted authorities. But you will be aware that in Northern Ireland there is a substantial body of opinion that believes that the Irish Government are not a properly constituted authority in Northern Ireland and that in fact the Irish Government play a substantial role through the Anglo-Irish Agreement in issues such as parades.

We know, for example, that senior police officers visited the Maryfield secretariat in the days leading up to the situation at Garvaghy Road and that they received representations from the Irish Government on this issue. I can tell you from personal experience that many of the people felt aggrieved at the decision that was taken, because a foreign country, which is not a properly constituted authority, was interfering in an issue which was a matter particular to Northern Ireland. I suggest that you ought to take that on board, because it helps to explain why what the chairman described as normally peaceful, law-abiding citizens feel so strongly about the way that Northern Ireland is being governed. Many of them question the legitimacy of the properly constituted authority when we have a Government, which is not accountable to or constituted by the people who live in this province, having a substantial say in this issue.

In fact, you can date the problems with parades in recent history right back to 1985 and the signing of the Anglo-Irish Agreement, and I know that those who live in Portadown

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will tell you that what was happening in Portadown then was directly related to what was going on. I am interested to know whether you have an opinion on that since you are the Presbyterian Church in Ireland as a whole, and therefore you have a much broader remit than we have. Nevertheless, in terms of Northern Ireland itself, the Irish Government and their role in all of these affairs do have a great destabilizing influence on what is happening.

The final point relates to territory. Some of you mentioned territorial situations, and I know that the Church will be very much aware of the importance of territory in the conflict in Northern Ireland. I read recently of the closure of yet another Presbyterian church in Londonderry, and you will be aware of the huge population movements that have taken place in Northern Ireland over the last 25 years and that some people regard that as a form of ethnic cleansing. Would you accept that the parades issue and issues allied to parades, such as boycotts, cannot be considered in isolation from the broader context where people feel that territorially they are being disadvantaged, that there is a campaign driven by a terrorist force, which seeks to create this territorial conflict in Northern Ireland? In relation to parades that some terrorist force is in the form of Sinn Fein and may I inform the Moderator that there is very clear evidence that Sinn Fein is involved in the Garvaghy Road. Brendan McKenna, a former member of the IRA, the main spokesman for the residents, served a prison sentence, having been convicted for attempting to blow up the Royal British Legion in Portadown. He is a member of Sinn Fein and it exerts an influence not only on the Garvaghy Road, but also in other areas where there have been conflicts.

I suggest that you cannot simply look at parades in isolation from the broader issues that do, in Northern Ireland, colour people's minds in their approach to issues such as parades.

Rev Samuel Hutchinson: May I respond on one point? I completely agree with what Mr Donaldson says, that in our situation emotive language is to be avoided. One of the things the Church has tried to do is to be a restraining influence and get people to express themselves in calm and reasoned terms. My reference to the instance of Chernobyl was this: I drew, as it were, two parallels from it. Number one, it was something that was not meant to happen. I would be surprised that any person sat down at the beginning of June or July and planned what actually happened on the streets of Ulster. Secondly, it was an incident that had repercussions far beyond the immediate locality where the original incident happened. That was my intention in using that analogy.

I would love to comment on some of the other things. You asked, I think, several questions. I will let the others go first.

Rt Rev Dr D H Allen: The reason we do not apportion particular responsibility is that the people who have often been accused keep denying it. But that does not mean that in our minds we do not have our ideas as to who is behind it or what lies behind it. It is a much bigger scenario than is often painted.

One would think that Drumcree, for instance, is the be-all and end-all, the beginning and the ending, of all the parades problems. There are other aspects of the parades problems that are not, in a sense, immediately related to Drumcree but which might be, in some senses, contributory. But the thing that has to be borne in mind is that the problem areas of parading are very, very small compared with the vast number of parades — right across the cultural

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divide — that take place in this province. To highlight a few of them and to suggest that they all have similar problems is wrong.

We have said in our statement that we recognize the right to parade as a part of the culture of both traditions. This is a thing we have to keep in mind, but in recognizing that, and in recognizing the right of people to walk along streets, there has to be an understanding and a sensitivity. A lot of blame has been laid at Drumcree and very little has been said about what has happened since then in the context of something that has been ongoing.

Take, for instance, the £2 million worth of damage that occurred in one night, in one area, in Armagh city — that was almost totally forgotten in the aftermath of Drumcree. But it is not the kind of reaction that one would have expected if all that was happening in Drumcree was simply that people who wanted to walk down a road were not being allowed to and were responding to that decision.

There are many complex issues that have to be approached, and the overall general picture has to be taken. You cannot take just little isolated instances and say, "Well that is the reason for Drumcree, that is the reason"; it is the whole picture which is political, which is cultural and which has, I suppose, a religious element in it too. And we, from our point of view, are seeking to try to see what is the Christian attitude.

Now it is easy, almost to be pious in that — to see what is the Christian approach forward. Very often the most unpopular words, in any situation, are those spoken by our Lord Himself, and we have to still face up to Him. This is maybe the area where sometimes compromise and sacrifice have to come. It is very easy for me to say love your neighbour but if my neighbour gets on my nerves seven days every week, it is very hard for me to like him let alone love him. There is a sense in which I have to try to understand him, and that means there has to be a coming from my side as well as the hope that when I get somewhere near him he is going to be coming from his side.

Mr Ian Paisley: I apologize for being late here today.

Gentlemen, from what I have heard of the discussion — obviously I have seen some of your documents before — I am sure much of today's discussion has concerned the issue of Drumcree. Of course there are other flashpoints in Northern Ireland that some of you have already alluded to. In particular, I think of the situation in the village of Dunloy in Co Antrim. As you know this weekend there is going to be a parade in Dunloy. A Sunday parade to a Presbyterian Church by local Orangemen from the county. They are really parading to make up for the fact that their last annual parade was disrupted by a protest. The previous year it was not only disrupted, but men and women who marched in that parade were actually viciously and brutally attacked by baton-and-hurley-stick-wielding thugs.

Would you join with me today in a call to the people of that area of Dunloy, and to the wider areas, to have mutual toleration and respect and to allow this parade on Sunday to go by without incident and in a peaceful way, which will serve the purpose of showing that, as a community we may not be able to be the same, but we can at least co-exist in an area where two traditions exist?

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Very Rev Dr G Brown: I am the Moderator of the Presbytery in which Dunloy lies, and I certainly echo precisely what you have just said. At the same time I am bound to say the problem in Dunloy goes far beyond the recent Orange parade, as you well know. It has been an ongoing problem of minor persecution of the local church there, its car park and its properties, over a period of years. This raises a number of questions, of course. At the same time I am bound to say that I was deeply concerned at the picketing of Catholic churches. I felt that we did not enhance the witness of the Christian, certainly the Protestant evangelical community in that area by an action which so clearly infringed the civil and religious liberties of others.

Mr Ian Paisley: Can you explain to me with regard to the Bushmills situation — where there was a picket at the local Roman Catholic place of worship — how that picket infringed people's civil liberties?

Very Rev Dr G Brown: Well, I am not going to enter into the details of it. I just think in general it was difficult, and certainly the Ballymena one entered into it. Bushmills was a peaceful one — but it was hurtful. These are things that burden my heart, and I feel that we have got to be careful not only about what others do to us, but how we react to it.

I take entirely the point you were making, Mr Donaldson, about the Irish Government and the anger at interference. We as a church in our dealings with the Irish Government have said very clearly that it is unhelpful when they are perceived to be interfering in the affairs of Northern Ireland. We have got to be careful — we are ultimately responsible for our own actions and for how we react. Even if we are less than satisfied with the state, we are nonetheless obedient citizens of it, and we must observe our duty to obey the powers that be.

The Chairman: We have started to get into too fine a detail. We were looking at this with a much broader-brush approach. I am conscious of the fact that we are running over time and that we have another deputation to meet this afternoon. I am going to allow one final question from Mr Browne.

Mr Browne: Could I also as a Presbyterian like Mr Donaldson welcome you here today. As a Presbyterian I would like to make sure that no one is being misled about what actually took place over the Drumcree situation. There is a piece here in one of the news sheets that says

"These were understandings perceived by Roman Catholic neighbours as a lack of even-handedness in contrast to the apparent sensitive policing of most Protestant civil disobedience."

As someone who was there I am totally opposed to many of the things that happened during Drumcree. I can understand why some of the things did happen, but there was no excuse for some of the damage that was caused during that time. As someone who represents an area classed as the coal-face — North Belfast — I can tell you that many Protestant people in the area would totally disagree with that statement there.

My biggest problem at the moment is trying to get the community back on board with the police again. There was a number of people injured by police who were drafted in. They were not local policemen. All I wanted to do was draw your attention to this. There are a few other things, but we do not have time to go into them. This may be the perception of

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many people, but I can tell you from someone who was on the ground on many occasions there, it is not actually the real truth. The media play a major part in this because they were all down, in many hundreds, at Drumcree watching people literally being beaten off the road — but they were not on York Road or Shore Road watching many people being beaten off those roads — just because they were having a peaceful protest.

Rt Rev Dr D H Allen: One of the biggest problems we face in any country is that perceptions are very influential. It is not even always what is actually happening, it is something that is perceived to be happening. What we were saying there was that it was the perception of some people that this was what was happening. There are a lot of other perceptions that do not really fit in with the picture as we know it. We often speak about what we have heard, or read, but when you get down to the nub of the matter, it usually is a totally different situation.

Without wanting to get back into details and the like, I will just mention Dunloy. Dunloy's big problem has not really been the ongoing problem of the parades. The last parade attracted so many people that that created more of a problem than anything. It is an ongoing difficulty. For instance, with our own Presbyterian Church on at least one occasion a youth service has had to be stopped because of intimidation — with stone-throwing, windows being broken and things like that. That is a problem that has to be dealt with there. I personally, as Moderator, have issued statements and have put the onus on local people to make sure that this does not happen. They should learn and seek to live together, as people who accommodate each other, people who see that they might not agree with you but can learn to live side by side with you. Perceptions are sometimes blown out of all proportion, but they are very important for they colour a lot of what we think and say.

The Chairman: Are there any final comments that any of the other members of your team, Moderator,, would like to make?

Rev S Hutchinson: Give the Moderator the last word.

The Chairman: Could I then, on behalf of the Committee, thank you, Moderator, for the very illuminating and interesting views that you expressed here today. You made a comment about appealing to all the parties to use their influence, and also to the elected representatives. I am sure it is the overriding wish of all of those represented in this Forum Committee that we see stability and peace restored to our province. I believe that the recipe for that, whilst it may be difficult to implement, will be based — I am sure we will agree — on the principle that all people living in Northern Ireland should be equal under the law and all equally subject to it. That would be the foundation to build upon. Thank you very much indeed.

Rt Rev Dr D H Allen: Can I, on behalf of our delegation, thank you very much for receiving us and for seeing us so very courteously. I want to assure you that we do not underestimate in any way the seriousness of the responsibility that is yours and the task that you have before you. We are well aware of the problems and we seek to, without appearing to be pious, to approach it with a prayerful but hopeful attitude. We will do all in our power to work for a peaceful resolution of the problem that confronts you, and we wish you success.

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The Chairman: Maybe I should just make it clear that the report from this body will be presented to a full meeting of the Forum. We hope this will happen at a meeting in January. You will be made aware of the report when it becomes final and receive a copy of it. We thank you very much indeed for contributing to it.

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MINUTES OF EVIDENCE

MR D BRYAN AND MR N JARMAN
CENTRE FOR THE STUDY OF CONFLICT
(UUC)

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 21 November 1996

MINUTES OF EVIDENCE

on

PUBLIC ORDER ISSUES

Witnesses:
Mr D Bryan and Mr N Jarman
(Centre for the Study of Conflict, University of Ulster)

The Chairman: Good afternoon. May I welcome Neil Jarman and Dominic Bryan. The secretary has circulated the book 'Parades and Protest' which I am sure you will probably refer to. May I welcome you along this afternoon to the Public Order Committee. You are probably aware that the Public Order Committee, Committee A, of the Northern Ireland Forum for Political Dialogue has been charged with looking at two issues — boycotting and parades. I understand you are going to speak to us solely on the issue of parades. We thank you for coming along this afternoon. The presentation that you make to us will be part of our deliberations and, in due course, we will be making a submission to the main Forum and proposing adoption of a view from the Northern Ireland Forum on the issue. If you would like to make an initial opening comment on the matter, Mr Bryan, the Committee, if you are happy, will then have some questions arising from that. Thank you.

Mr Bryan: Thank you very much for your invitation. You have seen our report, so the ideas which are summarized at the end you are familiar with. What I want to do is give you a bit of background to the work which we have been doing and which we are doing at present and look at a couple of what we think are crucial ideas. Mr Jarman will take up some of those points. We have been working and looking at parades for about five or six years now. When we started, the research was never intended to look at parades as a problem. We were researching the history and background to parades from an academic point of view. About two years ago it became obvious to us that parades as an issue was going to assume a far higher profile, and the Centre for the Study of Conflict produced a report on the issues at Portadown. It was actually produced before the first Drumcree incident, and it came out just after. Mr Jarman and I then, through the Centre for the Study of Conflict, went around to try to produce the report.

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We felt that there was a lack of information in the arena about the Loyal Orders and about parades and a lack of analysis about the position of parades in Northern Ireland and about the history of those parades. We also felt that it was important to try to get some of the ideas and some of the arguments in one place so that people could read it. We tried to interview, in a relatively short time at the beginning of this year, as many people connected with the problem as we could possibly get in touch with quickly. We produced the report and circulated it to try to get some feedback and to introduce some of the comments people made. That is really how the report came about. We are both employed by the Centre for the Study of Conflict for another year, so our work is ongoing, and we are hoping to produce a second report some time next year.

What I would like to do now, very briefly, is go through what I see to be the two main arguments used over parades; the argument that parades should take place because of tradition, and the argument that parades should not take place because residents do not give their consent. So I am very quickly going to run through why we think both of those arguments are problematic and then suggest what might be seen as ways forward.

First of all, tradition is commonly used by Unionists as the argument for parades taking place. We feel that arguing for parades to take place because of tradition is highly problematic. Firstly, it is far from clear to us how you judge what tradition is and what is traditional. More particularly, we cannot see any reason for saying that because something is traditional, it is necessarily right or wrong, that it should or should not take place. Just because something is traditional does not mean that it is good. You could produce a lot of traditions. You could show that there is a tradition, going way back in Portadown, that Catholics throw stones at Orangemen. You can trace that back about 150 years. Yet surely that would not be a tradition that one would argue should be kept going. It does not seem to us that tradition, from that point of view, is a reasonable argument for saying that something should or should not take place.

Secondly, much of what takes place in parades does not seem to us to be traditional. There does not seem to be any way one can judge whether something that takes place at parades has happened for a long time or has not happened for a long time. There are many things that take place at parades at the moment which date back only 15, 20 or 30 years. There are many things that do not appear at parades now that used to appear at parades. When do you judge that something becomes traditional? It seems to us a big problem. How do you say when something is traditional — two or three or four years? It seems to be quite problematic.

The third, and for us the key problem with using tradition as an argument for parades to take place, is that the ability to have a tradition is fundamentally based upon power: the power to be able to display your political symbols or to have your demonstration. It seems quite clear to us that, particularly this century, there has been a power differential between Unionists and Nationalists over the ability to have their parades and demonstrations. That is one of the reasons there are substantially more Loyalist and Unionists parades than Nationalists parades. Over that period Nationalists have not been able to demonstrate in as many areas that the Unionists and Loyal Orders have been able to demonstrate, so there has been a clear power differential. If you make an argument for tradition, you are just reimposing that power differential. So that, as we see it, is the problem with tradition.

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Consent is a word that seems to be bandied around by lots of people for different reasons. It is interesting that residents' groups are using consent, which is exactly the argument, it seems to us, that Unionists used in the setting up of Northern Ireland in the first place: that a certain geographical area had a population which did not give consent to, in that case, home rule. It is interesting that residents' groups are using consent when the principle of consent is something that Sinn Fein has not signed up to, so it seems to be something that people claim when it suits them. The consent principle — that people in a particular area should have the power to give their consent or not give their consent — seems to us to be a fairly direct attack on freedom of expression. Just because there is a majority in one particular area, it does not seem to us that that majority should have the right, therefore, to say that something should or should not take place, something that is the expression of the minority in that area.

It seems to us almost impossible to judge consent particularly in the atmosphere of violence that exists in Northern Ireland. It is possible to go to an area and try to survey people and try to get a judgement of what they feel should or should not happen. How do you decide what consent is it — 50% of an area, 60%, 70% or 95%?

In conclusion, in that sense, we would say consent is also about power. In fact, we would say that the argument for consent and the argument for tradition are, in fact, exactly the same argument. They are arguments about one population maintaining its sense of power over another population. Having said that and having criticized those two arguments, what we would say is that people's identities are important. So, whilst criticizing tradition, we are not saying that people's identities are not important and that people do not have rights to expressions of their identities. Perceived tradition should be respected.

We are also not saying that residents do not have rights, because residents do have rights. Just because we do not accept the consent principle as such, we are not saying that residents do not have certain rights.

Thirdly — and we feel that this is also quite important — those who are claiming the rights should have a strong sense of responsibility when they are receiving those rights. Those organizing parades and those organizing protests, which are their right, should accept the responsibility that comes with those rights.

Mr Jarman: I am just very briefly going to make a couple of points about some of the main areas that are highlighted or drawn out to move the issue forward, as a way of resolving the conflict at the moment. Many of these are a focus of the extended discussion in the booklet. They are some of the points that we want to discuss today.

We can divide them into short-term and longer-term viewpoints. In the longer term, we recognize that there is a case — a very strong case — to be made for an independent commission to oversee the issue of parading. Although the problem has arisen particularly in the last two years, 1995 and 1996, it is an issue that goes back some way and has repeatedly caused conflicts and problems in Northern Ireland since the inception of Northern Ireland, and well before that. There is a case for actually overseeing the whole issue, and maybe providing some more information. I do not see a commission as giving permission for a

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parade to take place, but more as a body which could somehow facilitate any disputes that arise over a parade and try to bring about some form of consensus on what should happen.

At the moment we feel that there is a somewhat anarchic system of actually addressing the issues. Within the idea of a commission, there is a case for a greater transparency of the dispute, the process of addressing the disputes, and the ways the real issues are faced with the problem. We would regard a parade commission more as a facilitating body, not with powers to regulate or give permission or even make strong decisions about a parade. It might make recommendations or it might offer advice to other authorities, whether the Secretary of State or the RUC, although we would make a case for the general decision to be a political one rather than one of public order. Our understanding is that there is a fair degree of support for such a body within the middle ground, particularly amongst people who are not intimately involved in the issue.

We would also recommend or acknowledge that if the review body currently looking at the parading issue makes recommendations about parades, it is unlikely that anything is going to be set up before 1997. Therefore we have to look at those points, those procedures that have been worked on already through 1995 and 1996 to see what we can do in terms of voluntary and political initiatives to move the issue forward and address the issues of 1997.

I want to highlight some of those areas. We want to make sure that we enhance the right to parade, not restrict it. We also want to enhance greater responsibility amongst organizers and protesters in order that parades and protests are carried out peacefully. We want to look at ways in which some of the parades and the protests could be stewarded better, to address problems that might arise, for instance, when parades go past Catholic Churches, Protestant Churches — contentious areas — and to facilitate the small areas where the disputes arise, such as when pedestrian civilians cross a road.

We highlight the fact that in a number of areas there has been substantial dialogue. There was substantial discussion and fruitful mediation not only in the case of the Apprentice Boys walking around the city walls of Derry/Londonderry, but also towards the end of August with the Black parades. The role of politicians in these areas has been important and should be highlighted. There should be a greater case for political initiative, for taking a more public stance to bring the two sides together and find some form of compromise.

We also think that there is a case for the guidelines that operate within many of the Loyal Orders to be given greater emphasis by those Orders. They should be given greater responsibility for their own rules and regulations which governs the carrying of certain flags, certain forms of display, and certain styles of music.

There are three areas where work has already been going on and where, perhaps, more needs to be done as we move towards the next marching season.

My final point is that it is important that the right to parade, and the right to expression of political, religious, social and cultural entities should be enhanced. At the moment, the debate is largely looking around, constraining Protestant, Unionist communities' rights to parade. The other side of that argument, constraining the rights of one community, is to enhance the rights of the other community. If Loyal Orders, or members of the

Protestant, Unionist community wish to parade through areas where they are not always fully welcome, then they have to recognize that that right should also be extended to members of the Nationalist, Republican, Catholic community. They should have their rights enhanced. Increasing the rights of both communities and consolidating them, is the way forward rather than seeming to restrict either communities' rights.

The Chairman: Thank you very much. I shall now ask Committee Members to put to you any questions that they may have.

Mr McBride: Thank you for what was a very thoughtful, mercifully brief and quite entertaining presentation. The last time that I actually spoke to you was on the Ormeau Bridge. We meet in slightly different surroundings. I should like to take one thing up with you. You said that the general decision should be a political one rather than one taken on grounds of public order.

Mr Jarman: As a last resort, there may be a case for a public order decision, and it would be difficult to argue against that. What we would like to see is an extension of the process, a way in which the timescale for announcing a parade could be extended. There are two parts to it. We would like to look at a process where perhaps all parades are allowed through a given area. The extension of that would be to act like the Bogside Residents' Group and say "Look at the whole of Northern Ireland." Looking at the bigger picture benefits both communities.

The other way would be to look at the totality of a parade that goes down the Ormeau Road, or any other road. You could maybe work out a compromise regarding all of the parades, rather than picking them off one by one. If you did that, there might well be a way of building up a bigger form of compromise. What I would like to see is an extended process which would allow more time for discussion around the issues, for a decision to be made, for an opportunity to object to that decision, and for there to be a chance to repeal it — to go through more of a judicial process. I am not saying that it should be a judicial process, but that a more judicial process should be gone through. If need be, there would be a political decision, in the final instances, as there was on 10 August last year, when the final decision was made by the Secretary of State.

In certain instances, the police would still want to have the right to the final say, if for instance, they could not police a decision.

Mr McBride: That is a very helpful exposition of what is involved and you raised a lot of points like the need to take account of the pattern of demonstrations in a particular area. I got a clear sense of the usage of the term political aspect. One has to be quite careful about that. I agree with you. You got the essence of it at the end. There may be certain public order situations which the police have to have discretion to deal with on the day. There is a decision to be taken, which is virtually overtly political, and that is when you are in a melt-down situation, basically. That was one of the failings of this summer, that the decision that the rule of law could not be maintained was a political one.

What we have to find is a mechanism, in between, for dealing with these situations. It should not be a directly political situation other than that. It should not be a matter of

Government interference. We went through that period a long time ago. Equally, I take the view that while the police should have a residual power, they are not equipped, and they are not the body, to make decisions other than on strictly public order/policing type grounds. If we recognize, as most of us increasingly do, that there has to be some sort of balance struck between the rights of different communities and different interests, that is 'political'. We need to find some non-partisan body to do that.

The Chairman: What is your question?

Mr McBride: I am really asking if you would go along with that sort of analysis?

Mr Bryan: The problem is, at the moment, that the judgements being made are never being made on any sense of what might be right or wrong. They are all being made on public order. It is interesting. We were talking to policemen about the Loyal Orders in Scotland and Liverpool recently, and public order almost never comes up as an issue. It seems to us that a society has got to the bone when decision after decision is made using public order legislation, rather than referring to a set of guidelines, or a set of principles, which people can look at and say "The same principles are being used for that Republican parade in Lurgan as are being used for a band parade in Lurgan." These should be a common set of principles that people can see being used, even if they do not always get the decision that they want.

Mr Donaldson: In your presentation you talked about tradition. In defining tradition you said that because something is traditional, it is not necessarily good and that part of the justification that the Loyal Orders used for parading in particular areas, was that it was a tradition. Do we not also have to look at motivation here? One of the serious arguments that is made against Orange parades is that the Orangemen set out to cause offence, that they set out to engage in confrontation. You made a lot of interesting points in this book, points which the Orangemen in Portadown would argue with, like walking quietly through Nationalist areas, playing hymn tunes, and so on. I do not know whether you have witnessed the parade on the Garvaghy Road in recent years. On your criteria, it would be difficult to fault that particular parade in terms of the discipline, the bands, the nature of those bands, the tunes that they play and so on. You will know that in 1995, and indeed this year, no music was played at all, as a concession, as it were.

Orangemen in that area cite tradition for this reason. When they set out, 189 years ago, to walk from Drumcree Church back into the centre of their town of Portadown, they never set out to offend anyone. Nor did they ever set out to have confrontation. Let us face it: Ballyoran Park, Churchill Park, Woodside did not exist in those days. They cite tradition as being their motivation in that it is the main arterial route back into the town, the route they have always walked. When they started walking that route 189 years ago, they never sought confrontation with anyone or to cause offence. The point is made against the Orangemen that they seek to offend people, that they seek confrontation. Yes, the demographics have changed, but one can hardly blame the Orangemen for the change in demographics. So when you are looking at the motivation, I have to argue with you that the Orangemen cite tradition as defence. They never set out to offend anyone, or to seek confrontation. This is simply something that they have been doing for almost 200 years. It is the route that they have used for that period of time. They do not see why they should forego what, to them, is a civil and

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religious liberty, because there are people who live along the periphery of that route today, who say they are offended by what the Orangemen are doing. That is why they cite tradition.

The Chairman: Would you like to pick up on that?

Mr Bryan: Arguing about the motivation for a parade and saying we do it out of tradition, are two separate issues. Making a judgement about why people wish to parade seems to me to be not unreasonable. I think that is a different argument. I would dispute with you that you, or anyone, can know what was the motivation of the Orangemen 180 years ago. No matter how much you feel is read into what it is to be an Orangemen, we cannot know what the motivation was for parades 100 years ago. and I would put it like this to you, we also know that within the Drumcree Church parade that even 10 years ago. I put it to you like this. We know that even 10 years ago, there were elements in the Drumcree Church parade which are not there now. There were bands that took place. We might say that the motivation now is such, but we cannot be sure that 10 years ago, when certain bands went with the parade, or something like that, that the motivation or the way they were perceived was the same. It is reasonable to argue that this is our motivation — to make people understand our motivation. It is unreasonable to try to trace that back 180 years which I do not believe any of us can necessarily do.

The Chairman: I would allow you briefly, Mr Donaldson, to pick up on that. I should maybe say to all members that really the whole point of our Committee here is to put questions to these gentlemen. We have all arguments that we would like to raise with them. If we are going to attempt to put together a report, we want to hear their views. We will then deliberate on them at a later stage.

Mr Donaldson: One of the best ways of eliciting the views of an individual is actually to debate with him. I appreciate the response Mr Bryan has given because it helps to clarify, perhaps, a misconception I have.

On the issue of changes in the aspect of parades, you talked about what is traditional and what is not traditional. Let's face it, society changes; what we wear changes, and, therefore, is it not a natural process? Trends will come and go. Styles will come and go. I do not think anyone is making the point that the nature of a parade, the way the people dress, or the bands that conduct them, are necessarily the tradition.

Would you not accept that the tradition is actually walking on that road? Whilst I accept that one cannot, of course, try to divine what was the motivation of Orangemen 189 years ago, I suggest to you that, Drumcree Church being the parish church of Portadown at that time, their motivation was simply to go to their local parish church for a religious service commemorating the Battle of the Somme and, that being the main arterial route back into the town, the motivation was simply to find the shortest way back into the town again. The tradition, therefore, is actually just engaging in the process of walking.

Mr Bryan: In saying tradition is just engaging in walking, you are just in a sense asking for a licence to be able to have whatever you want take place in that parade. It seems to me that you are making a claim that a particular type of parade, for particular reasons, has always made that parade. The motivation of those on parade is a reasonable thing to discuss.

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But you cannot claim that just because you have always gone along this route, despite the fact that changes might take place in the parade, you have tradition and are always going to be able to keep going on that route. That seems almost to contradict your argument about tradition.

The Chairman: May I just pick up on one point, Mr Bryan, and ask you to elaborate further on it. You made a comment, and I do not know whether you were serious. You asked what is a tradition. A parade takes place for a hundred years on the one hand, and for 10 years stones have been thrown at Orangemen in Portadown. Most reasonable people would say there was quite a clear distinction between those traditions: one is lawful and has gone through a period of culture et cetera, and the other is an illegal activity and quite clearly could not be classified in the same way as the parade. I do not believe that you meant that as an example, surely.

Mr Bryan: I do not mean to compare the two but I simply produced that example to say that one cannot justify doing something purely on the basis of tradition, because that does not necessarily make it good. You cannot decide that a tradition is right or is necessarily a good thing. A tradition can be a bad thing. I am not, because of that, saying a parade is a bad thing. I am just saying that to make a judgement about whether events should take place, tradition is not something one can reasonably use.

Mr Jarman: On the point about motivation, one of the problems with parades is that there are always two sides. The perspective from those people parading is often very different from the perspective of those people who are living nearby the parade. Those things very often do not coincide and, therefore, the perspective, from our understanding, from talking to people in places like the Garvaghy Road, is not always focused around that particular parade. It is maybe that that is the one particular parade that they have a chance to have some effect on. They do not see that one parade very often as the total of the parades. Last weekend I heard it put forward that there were 60 parades in Portadown through the marching season, and the Garvaghy Road church parade is perhaps the one parade that they feel that they have some power over. They do not focus on it in the same way as the Orangemen.

The other side of it is that they also see, from a personal historical perspective, that the Orange Order has not in the past been a neutral organization. It has been closely linked with the Northern Ireland Government and the Northern Ireland state. Therefore, they perceive relationship to it somewhat differently from those in the Orange Order. Those are very much the two positions.

Mr English: Thanks very much, Gentlemen, for coming today. I have been trying to tease this out from the various people who have made proposals about a parading commission: Is this a buck-passing exercise that, people are recommending? If not, could somebody tell me how you envisage it being made up? Are the members to be elected? Would they be appointed? At the end of the day, is it going to be four Catholics and four Protestants, and who will sit in the middle? Will they pick somebody from the American Administration, the Australian Administration, or from South Africa to sit in? What do you envisage yourselves?

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Mr Jarman: There is an element of buck-passing about it — an easy option to go for. Once there becomes a ground swell of support for it, people fall into line. It is an easy option to see this as, perhaps, a panacea for the future. I am concerned that, on the one hand, it is an option which will maybe set up a bureaucracy which will not be necessary, I hope, in two or three years' time. On the other hand, it is an excuse for people not to do anything, to abandon the other practice and other ways of dealing with it. Perhaps 1997 will allow people the opportunity to put other methods into practice, and through more overt political initiatives, to address the issue.

If it comes about, I am not 100% behind the idea. I do not think it needs to be absolutely representative. I do not think the membership needs to be very publicly identifiable. We have looked at the way bodies like the Fair Employment Commission have worked. It is not widely known who sits on that commission. If you are addressing a set of principles, as long as those people are working round a set of principles clearly stated about having the right to parade and setting up a system of civil rights and responsibilities, it can be an option that those people are from different backgrounds and disciplines. I would not necessarily look for someone from the international state, but it would not be a bad thing. I also think that there could be someone, maybe, from a civil liberties background. The point that civil liberties must be fought for both communities has to be acknowledged here. Although it is something that is touted very much more by the Loyal Orders — that is civil and religious liberties — it has to be something that extends for both. We would be advocating something that confirmed those civil liberties for the Unionist community rather than restricted them.

Mr Carrick: On the question of the principle of the right to march, I wonder do the gentlemen see a difference between the right of those whose avowed intent is to destroy Unionism and to overthrow the constitution by means of force, and those who wish to uphold the constitution on one hand, and those who are not happy with the constitution but are prepared, by argument and by reason, to work us out of the Union with Great Britain?

Mr Bryan: I say that this is a test of how democracy can work. Sometimes you have to put up with views of people who do not fundamentally agree with the state. If you are going to take the argument that you should not have people demonstrating who want the end of the state, you would stop Marxists parading in London. Now you do not stop Marxists parading in London. If the quality of the state that you are living in has to be judged by the way it puts up with views that one dislikes, however unpalatable they may be, then that is the way we have to go forward. The views that Republicans have people might feel are unpalatable. I know the feelings in places like Lurgan and Portadown where bombs have gone off. I know the feelings they have in those places. But I still believe that if one wants to set up a future for Northern Ireland we can all live with, those views, however unpalatable, have to be allowed to have symbolic expression.

The Chairman: Mr Bryan, I would just ask you to elaborate on something because it is complementary to what, I think, Mr Carrick is getting at. Dr Fitzduff, when she made representation to our Committee last week, pointed out to us that the Community Relations Council's belief is that the events at Drumcree, and the events that followed, were really a microcosm of the much bigger problem — the constitutional issue. What Unionists were actually defending and why it attracted people who are normally law-abiding, decent citizens,

people who are not even connected with the Orange Order, was their belief that what was happening at Drumcree — and you heard the comments by many politicians "enough is enough" — was not just about a traditional parade and the right of people to oppose an Orange Order parade going through. Her belief was to quote her "The Unionist community had a feeling of a loss of power."

That tunes in very much with what you were saying earlier that the Nationalist community maybe sees the parade as a demonstration of power. Whilst there is probably no substance in it, in that walking down the road at Garvaghy demonstrates no power on the parts of Unionists, because they do not have any power or authority within the true terms of the governance of Northern Ireland, there was a perception by the Unionist community that this was going to be another loss on the Unionist side of the equation if they were to be prevented from doing this. Can you give us some guidance in terms of whether you think that this is, in fact, the much bigger picture in relation to this whole issue?

Mr Bryan: You obviously cannot disconnect the whole issue from the wider constitutional issue. After all, when one displays symbols that is what one is doing: one is symbolizing one's own feelings and one's own politics. That the Protestant population felt that is without question. I would raise issue with people who suggest that, because a particular parade does not take place, the whole of the state of Northern Ireland is at stake. Quite frankly, you have to look at the whole vibrancy of Loyalist parading culture — it is extremely vibrant — and you have to say that that rationally does not seem to me to be the case.

The Chairman: As Chairman, I do not like normally to take up so much time myself, but I want to develop this. Has it become apparent to you that it was the very public face of the Sinn Fein representatives who were involved in organizing the protest that actually ignited the spark that was there from the Unionist community. Unionists actually believed that it was not simply a reaction from a local community which maybe had the opportunity to stop Orangemen. In actual fact they believed that it was part of the unarmed struggled and that, in the absence of the very open aspects of warfare, it seemed to be an attack on their position within the United Kingdom. Have you considered this? Do you think there is merit in that argument?

Mr Carrick: Would the speaker address the critical term in my question "those who by means of force and use of force"? That it the critical term in my question. I believe in freedom of political expression, but I have a problem with those who use force.

Mr Bryan: The issue is being, in certain senses, manipulated. Representatives who are clearly Republicans, with a background of being put up for that reason, do not seem to me to be in question. What then seems to be taken from that is that, therefore, it is not an issue that we should address, and I think that is wrong. It is an issue that needs addressing despite those representatives being involved. I would probably try to answer the same way and say that despite the fact that people are using violence, one judges a society by saying that, despite the fact that you are doing something that we feel is morally reprehensible and unjustified, we still believe in freedom of expression, and we are going to allow those things to take place despite what we feel to be a morally reprehensible way. That is what

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differentiates a community that is on a moral high ground from a community that is not on a moral high ground. That was the only way I can answer that.

Mr Jarman: Sinn Fein and the Republican movement have consistently held parades throughout the history of Northern Ireland, within a number of areas — not as widely as they would like to, but they have done so. When they had the opportunity to parade in Belfast such as at the internment rally when they rallied outside the city hall, it did not produce a big reaction or pick up support for Republicanism. But those areas do feed into a sense of a refusal to allow the Republican movement to have parades, do feed into a sense of not having the same rights as the dominant community.

Even constitutional Nationalists do not feel they have the same rights. It is not a question particularly of Republicans, but of any section of the Nationalist community, whether they be Hibernians or the Foresters. Would they have the right to parade into the centre of Portadown in the same way that the Unionist community has? It feeds into a sense that the Nationalist community in general, has fewer rights as a community than the Unionist community. In that sense it could be a question of your wanting those rights to be enhanced and encouraging people in that way by showing your magnanimity, showing your largesse.

Mr Davis: How much importance do you place upon politicians trying to resolve this problem?

Mr Jarman: Politicians could play a much bigger part than they have done. When we were critical last year of the role of politicians two or three actually said that they were doing their bit behind the scenes, which is a very easy way of either being anonymous about it or disguising how effective or how extensive the work is. I think the role of John Hume in Derry has been highlighted this year. For John Hume to facilitate dialogue and for Allister Simpson to take up that offer has been very important in bridging that divide there and moving the issue forward. I think we saw that on 10 October — the recent parade — when John Hume was again prepared to come out and say "Well look, it is not a big issue this time."

I would like to see politicians taking a more public viewpoint and focusing it around a broader issue of rights and responsibilities rather than on this particular community's right to parade and .....

Mr Davis: Do you feel this situation has got worse since the signing of the Anglo-Irish Agreement?

Mr Jarman: The problem of parades did not start with the signing of the Anglo-Irish Agreement. You can trace one of the current disputes back to 1981, and there was a series of disputes back in the Downpatrick, Castlewellan, Ballynahinch areas in the early 80s which pre-dated the Anglo-Irish Agreement. The first violence at an Orange Parade was in 1796. There has been a legacy of conflict around parades for a long period of time.

Mr Davis: Since 1985 do you think it has got worse?

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Mr Jarman: There was a bad period in 1985/1986. There has not been a consistent rise in problems since.

Mr Bryan: The Public Order Order was not a result of the Anglo-Irish Agreement. The Public Order Order was probably, if anything, a result of the miners' strike in England. The difference with the Public Order Order here, if I understand it correctly, was that the Government wanted the Secretary of State to have more power here than the Secretary of State would normally have with public order. But in terms of where the Public Order Order came from, it came from situations in England and Scotland that were taking place in the early 80s. That seems to be where it derived from.

Mr Jarmen: If you want to look at and narrow it down and come back to this idea that in some senses the disputes over parades are intimately linked to the transition to peace — the peace process. Then the peace process suffered from the same sorts of problems at close to ground level as the peace process is suffering from on a higher level. So I would say it is much more recently linked to current disputes.

Mr Ian Paisley: I appreciated your submission to the Committee. I have two specific questions. First of all, in the issue of tradition, on your submission Mr Bryan you said that one of the component parts of tradition, what makes it similar to the issue of consent, is the component part of power. It is a very interesting point; I disagree with it. I disagree with it quite forcefully. I think, and I wonder if you agree, that actually a stronger component part, if not the dominant component part of tradition, is the issue of celebration with regard to parades in Northern Ireland. And there has been a deliberate and calculated misunderstanding, and deliberate and calculated interpretation, of tradition to turn it into something about power and triumphalism when its whole identity and its whole idea has been about celebrating as a community, and expressing who we are to each other, as well as expressing who we are to others — but more importantly who we are to each other. That is the first point.

The Chairman: Mr Paisley, could I ask you just to speak up a little bit. Some members of the public and the note-takers may be finding it difficult to hear you.

Mr Ian Paisley: That is not something I usually get asked to do. I will have to facilitate you on that one.

The other question, and it comes back to what Mr English was saying earlier, and that is the issue of passing the buck to a commission. Then there is your point, which I think is really a revisionist point, about where this Public Order legislation in Northern Ireland came from. Do you not accept that the pre-1987 legislation, and how it worked and operated in Northern Ireland, was much more effective in stemming problems to do with parades than the current policy which brings every parading issue to the wire? It is, as you say in your submission, a Public Order issue, and instead of actually allowing these matters to be settled in an ad-hoc fashion, and on the judgement of local people in the community, they are now settled in the courts, which, unfortunately, mushrooms the effect of public order and public order issues.

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Mr Bryan: On your first point, are many of these parades a celebration? Yes, undoubtedly they are a celebration, but they are much more than a celebration. For years and years Unionist Prime Ministers walked down the road and got up and made a political speech at the end of a parade. It is a celebration, it is also quite clearly a political event. I would describe the Twelfth in the Stormont years as a ritual of state; that was when governments got up and said their piece, made their statement about what they were going to do. Interestingly, people who disagreed with Governments used to go along and heckle and give abuse.

Mr Ian Paisley: When the Prime Minister went to the chip shop he would probably tell people what he was doing. It was not a ritual of state. This is revisionism.

Mr Bryan: No, I disagree. If you read what took place on the Twelfth: it was a public holiday, all the Ministers came up and had to be seen to be taking part; they paraded along — actually, they did not parade, they often went in cars and were driven along to the place. They made a big political set piece speech, which was then publicized in all the newspapers, special editions of newspapers. Is it a celebration? Yes it is a celebration, but these events are more than just celebrations. I also suspect you would find, in fact I know you would find, some Orangemen who are unhappy with the celebration argument. They see the Twelfth as more of a religious and commemorative event. The whole complexity of parades is that they can mean so many different things. That is my answer to that one.

Were things settled better prior to the public order legislation being brought in? Well, if you looked at the problems with demonstrations from 1967 to 1971 you would have to say no. There were periods during that time when the old legislation was felt to be so inadequate that even the Stormont Government started banning parades in six-month blocks. Parades are used at various points .....

Mr Ian Paisley: You cannot even do that now. The point is that the current legislation does not allow you to take the decision to ban something for six or seven months.

Mr Bryan: It allows the Secretary of State to ban in an area for a three-month period.

Mr Ian Paisley: But the notice has actually to come in to the police in the first instance, and that is something which now totally politicizes it and brings it into a context which it was never in before.

The Chairman: Any final questions?

Ms McCabe: You mentioned the number of parades, and I am not very clear about the numbers of parades that take place. Also we had Presbyterians in earlier who told us that most parades pass off without dispute. How do you square that with the arguments that you hear quite often that the reason for the disputes is to destroy Protestant culture.

Mr Jarman: On the question of the numbers, the only statistics available are those provided by the RUC, and although it has been suggested that they are contentious, that is all we have at the moment. What the RUC describes as the Loyalist community has nine times more parades than what they describe as the Republican community, and that number of

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parades has been increasing fairly steadily over the 10 years that they have been publishing statistics. That would back up and reinforce the argument that Mr Bryan put earlier that parading is a vibrant part of political culture in the North for both communities. Both communities are increasing their number of parades.

We estimate that there were disputes at 52 parades last year, which is a reasonable proportion of the estimated 3,500 that there are. These include instances of minor clashes or minor flurries afterwards, indirectly related to the actual process of parades, let alone protests. This is why I am wary about setting up a sledge hammer to crack a nut with. It may seem like a big nut at the moment. It may shrink very quickly.

That is why if you could address it as a political issue and address it around the idea of confirming the civil rights responsibilities, the problem could be reduced to a relatively small number of contentious areas, and it could be addressed within the boarder political realm. That is what I suspect, on my good days, is the argument I would put. On my bad days I would say that it is pie in the sky. It basically needs something more, and that it is going to continue to carry on as a problem for the near future. On my goods days it is going to be over by next summer.

The Chairman: We will pray for good days. May I thank you, Gentlemen, for coming along and for the time you have taken to make your views known to the Committee. It has been very interesting, and an exchange of views is always helpful. You are probably aware that we have been charged by the main body of the Forum to prepare a report which will go to it, we believe, around about the beginning of January. A copy will be forwarded to you for your own interest, and there will probably be a discussion in the Forum. It may be of interest to you to hear that as well. Certainly keep in touch. I think we all have the one objective — to try to get this society, community, back to stability and peace neighbour living peaceably with neighbour. Thank you very much.

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MINUTES OF EVIDENCE

ROYAL BLACK PRECEPTORY

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 9 January 1997

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Rev W W Porter, Mr Abernethy and Mr W Logan
(Royal Black Institution)

The Chairman: Good afternoon. May I welcome you on behalf of Standing Committee A, which is the Committee of the Forum which deals with public order matters. We are very pleased to welcome the Royal Black Preceptory along this afternoon.

The usual procedure is that you can decide if you all wish to address the Committee and feel free to do so. If you have any documentation or any other items that you would like to table or leave with us you can give that to our Secretary at the end of the session. Following your presentation and the comments by your members, the Committee will ask you a series of questions. That is an open session and sometimes is helpful in developing and bringing out certain items of your presentation. Would you now like to introduce yourselves for the benefit of Committee members and then we can move on to your presentation?

Mr Logan: Thank you very much, Mr Wilson. It is certainly pleasurable to be able to come along and state a case — a very legitimate and worthwhile case on behalf of our organization.

I, for my sins, happen to be what they call the Imperial Grand Registrar. Now that is a grand title but really it can be broken down into four letters — WORK — as most of you who are involved in secretarial work will know. I happen to be the person who does the secretarial work for the Institution on an international basis. With me, I have Rev Warren Porter who is one of our senior chaplains in the Order, and Mr Bill Abernethy who is a member of the treasury team in the Institution. Bill comes up from that part of the world which you may know about — County Tyrone — and lives in Armagh, in a place called Loughgall, which may be familiar to some of you.

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With regard to the Royal Black Institution I provided Miss McKibben with a copy of the submission which we made to Dr North and his group. I did not see any benefit in duplicating that specifically for yourselves, so you will forgive me for the fact that it was directed to them, but nonetheless you have the benefit of seeing it.

For those who are not familiar with the Royal Black Institution, it is a sister organization to the Orange Institution. We have similar aims and objectives but perhaps we concentrate a little bit more within our Order on biblical matters. Certainly both Orders are religious in content but the Black Order goes into it perhaps that little bit deeper and it is fair to say that at our monthly meetings and at various levels within the Institution, our concentration is on that matter. I would not be overstating the case to say that 60% to 70% of our workings within our meetings is directed towards biblical matters and biblical instruction.

With regard to the question in hand concerning processions, and perhaps it may appear pedantic to some Members here, we prefer to be engaged in processions, rather than parades and marches. We feel that if one talks about parades and marches there is a harshness, a rather military feel, and that little word that was very frequently used — triumphalist. So we are engaged in processions and that is what we call them. We do not process back and forth just for the fun of it, or to annoy people, or anything else. We have specific reasons for processions as detailed in our submission to the North Commission.

First and foremost all of our workings in public are to or from a place of worship, or a service of worship. We go to church as a group to demonstrate our faith unashamedly. We do not wish to intrude that into anybody else's thinking but we feel that we have a right to exhibit that as and when we desire. The other occasions when we appear in public are what we would term 'gala' occasions, such as the last Saturday in August. Now some people might say — and I am digressing slightly here — the last Saturday in August, why the last Saturday in August? What significance has the last Saturday in August to anything? Well, in days past when holidays were not so prolific, it was the time of year, at the end of the summer season, when working men who were working six days a week had a day off. As an Organization we chose that day, and our forebearers chose that day to come together and go off with their families and their children in charabancs — I do not think anyone here would be old enough to remember the charabancs — I certainly do not. That is why the last Saturday in August is the day when the Black goes out as a major unit within society, on a gala occasion, in a family way, when people go off and have their day out together. Other people may have other connotations to put on our display of our feelings.

Other occasions, and these are not so frequent, are when a local unit within our Institution, a preceptory — other organizations call them lodges or clubs or whatever — our base unit is a preceptory, and they may be dedicating a banner or a flag or some such thing. That is displayed in the area in which they operate. It is dedicated by a cleric and it is paraded around and used in the procession around the area in which they work.

I do not know what more I can say. Perhaps my colleagues will have more to say but there may be more benefit in the Members present today asking us questions to which we could respond.

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The Chairman: Mr Abernethy, would you like to say anything at this stage?

Mr Abernethy: Not at this stage.

The Chairman: You are quite right. We find that very often the question and answer session helps to develop themes and goes into areas which, perhaps, the members are particularly interested in.

Thank you very much indeed. I shall now open this to the floor and ask Members if they would like to raise any matters as a result of that presentation.

Mr Donaldson: It would perhaps help the Committee if Mr Logan would outline where the Institution has encountered problems. I am aware of the situation in the Lower Ormeau, but I know that that has developed in other areas — Bellaghy being one and Crumlin another. Would you like to tell us a little bit about the problems you have encountered in the past few months, and years, in terms of your processions being interfered with.

Mr Logan: Prior to 1995 we never encountered any difficulty whatsoever. We entered into and went through our various processions on the occasions that we were in public without any annoyance or interference, or any attempt to prevent us from exercising that which we wished to do. However, I do not think I need to relate to citizens of Northern Ireland the happenings of 1995. Some people may choose to put various reasons on why these things happened but in our mind, and in our view, it was all part of a very orchestrated situation. We, I believe, are victims of that orchestration and of that greater plan which exists and is laid out by some people who shall remain nameless at this time. It was strange the way it sort of leap-frogged around the province. It developed on the Ormeau Road and we had people who were greatly concerned about particular matters, and expressed themselves as concerned citizens. May I say at this point that we are all concerned citizens? That is why we are here today. That is why you are here today. We are all concerned. There are some people who are concerned about parochial matters in little parochial areas, or who are intent on imposing self-imposed ghettos. The Royal Black Institution is concerned about people's feelings and all those sorts of things, but we are also primarily concerned about this province and that is why we are here prepared to talk to you and to talk to other people.

It commenced not in 1995. In 1994 and 1993 there were talks in the Ormeau Road, and then we had the happenings in Portadown. It escalated and leap-frogged around the province to the various places which are referred to in the contents page of our submission such as Pomeroy, Strabane and Lisnaskea. Whilst Lisnaskea is referred to as a district, there were four areas there which were actually affected directly — four little villages where you had 30 or 40 men walking through with an accordion band. Perhaps a little gospel group had formed an accordion band in some gospel hall and this little accordion band was brought out by the local men who perhaps had a connection with that gospel hall. That was the sort of offence that was being given to people — that these people should walk through a particular area. There were four places in the Lisnaskea area. There was Bellaghy which we all know about very well and the events at Dunloy. Then in County Down we had Newry where there was a similar situation. It is all little clones of the same thing that emerged in the city. Then we had in County Tyrone and then, of course, Roslea which is a name that has been familiar with us right down through all of the years we have had our difficulties, and long before that.

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It takes the same pattern. We have people saying that this is causing them disruption. It is disturbing their lives. It is causing them offence.

Coming back to the Ormeau Road, I mentioned to Miss McKibben but I do not know if it has been made available, that I had a little five-minute tape — very amateurishly done on my own machine. I went to the Ormeau Road at half past eight on the second Saturday of September of this year just to see what level of community activity would be disrupted at that hour of the morning when seventy people, most of them with their pension book in their hip pocket would come down the Ormeau Road on Black Saturday. I have it on tape and I have authenticated the date and all the rest of it. At the fruit shop on the left hand side of the road coming down, the gentleman, the proprietor there was out polishing apples and putting his wares out for display. Across the road from that there is a newsagent's into which went a young boy either to get a paper, or some such thing. Farther down there is a breadshop, into which a lady went and perhaps bought some bread. This is on tape. Then there are various other people perambulating about — walking up and down. There were a couple of elderly gentlemen out for a morning walk; a young jogger out galloping around just on to the Ormeau Bridge. That was the totality of the disruption to the community that perhaps could have occurred when those people were coming down the Ormeau Road and I imagine that that could be replicated throughout the province in the various places where these concerned groups have expressed their concerns.

The Chairman: Thank you. Mr Steven McBride.

Mr McBride: I have a few questions. I come from the Ormeau Road area and I must say in advance that I appreciate that your organization has handled the situation there rather more sensitively than others and I appreciate that some positive things have been done, but you referred to this being an orchestrated situation. Do you accept that that is all there is to it? Is it simply something that is orchestrated for political purposes or do you acknowledge that there are legitimate concerns or feelings in the community about it?

Mr Logan: I think that there are legitimate feelings. Although we are one people, there are different opinions. I am of the opinion that we are one people within this province, but there are certainly people who do not, and would not think the way we do. They have concerns and they would view those things which we display and perhaps represent as not in keeping with their particular area, as they choose to call it. I do not feel empowered to designate any particular area as theirs, or ours, or anything else. I think that is utterly wrong. We should be living together.

Mr McBride: You acknowledge that there would be some basis that it would appear orchestrated. Should any account be taken of that?

Mr Logan: I think we do take account.

Mr Porter: Would we not need to sharpen up the thing and ask what precisely we were to take account of?

Mr McBride: I have asked, first of all, if there is more to it than the orchestrated thing —

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Mr Porter: If there is more to it or not is one of the things that puzzles us really. I personally could not give any definitive answer to your question because I really do not know. I know there must be something.

Mr McBride: Your Registrar has said that he recognizes that there are people

Mr Porter: There must be something, but precisely what it is I cannot see, beyond the fact that this display — and it is to a certain extent a display — of our Protestant culture is offensive to some people. That may well be the case and, of course, they are entitled to be offended to it if it conflicts with their views, but whether they are entitled to carry it to the point of preventing us is another matter.

Mr McBride: Do you feel that there would be any benefit in meeting people who have objections or have you taken any steps to do that, to see if there are any of these issues which can be helpfully improved?

Mr Logan: I was involved in meeting people in 1995 and some of you may have seen what I said to Mr Paul Clarke on television. That was that at one stage we were advised that it would be a worthwhile exercise to get into a boat at the Ormeau Bridge, sail down to the Queen's Bridge and then exit from there and walk into the centre of the city. As I said at that time, that is somewhat of an insult to our intelligence. You see we are not bowler-hatted-buffoons, walking about the country just for the hell of it — if you will forgive the language. We are intelligent people who know when we are being taken for a ride. I could put that in more strong terms, but I do not wish to.

Coming back to what you say, yes, we have talked to people but we did not get anywhere. What was invariably happening — and it happened on two, three, four occasions — that there was some sort of resolution, or some sort of decision arrived at, and the people with whom we were talking decided and felt that they had to go back from whence they came, and then come back and the whole lot was thrown out the window, and we were back to square one again. So really it was a totally fruitless exercise. It exhibited to us, in a very strong way, that they were not their own masters and this is what leads us to say there is an orchestration coming from some central point. You can decide which central point you might think that would be, rather than me.

Mr McBride: Well, actually I was going to ask you about that. You have said it and you mentioned people who shall remain nameless. I think it would be fair to ask you to name those from whom you consider that orchestration is coming? Whether by organization or whatever.

Mr Logan: Well I think in all honesty, and we have got to be utterly honest in the situation, Sinn Fein cannot be absolved from some responsibility in this matter. It and its associates, who, as we have seen in recent days, are prepared to do the sort of things they do, have some input into this situation.

The Chairman: Right, you can come back again. It is just that I would like to bring some other members in.

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Mr McBride: I have a couple of other questions if you do not mind at this stage, Mr Chairman.

The Chairman: Right, if it is relevant to this particular issue.

Mr McBride: Do you consider that there is an absolute right to march or do you accept that there are legitimate restrictions and, if so, what are those legitimate restrictions?

Mr Porter: Well, we are into the area of philosophy now. There are very few absolutes really in life at all, but we do think that any law-abiding citizen or organization that is not engaged in activity that is calculated deliberately to offend people or to be in contravention of the law of the state or anything like that ought to have, as a basic civil right, an entitlement to walk on the Queen's highway.

Mr McBride: Do you think there should be any restrictions on that?

Mr Porter: Well, if the organization concerned is simply out to annoy people, if that is its motivation and that can clearly be shown to be its motivation, that would certainly put a question mark over the right to walk. If it is an illegal organization, an organization that is seeking to subvert the state, I do not think its members should have a right to walk. There are certain limits obviously to it, but, all things being equal if these are law-abiding, peaceably-disposed and peace-seeking citizens, I do not think they should be prevented.

Mr McBride: If these are law-abiding people, do you accept that there is an obligation to obey the law and the directions of the police in matters like this?

Mr Porter: Could you repeat that again a little bit louder?

Mr McBride: Do you accept that there is an obligation on everybody organizing public events to obey the instructions of the police and the law in general?

Mr Porter: Yes, broadly speaking.

Mr McBride: I do acknowledge that in the Ormeau Road that your people have been more positive in working with the police than certain other organizations.

Mr Porter: Yes, the police are the instruments of law, but a decision that the police make will not necessarily always be right. No doubt you will agree with that.

Mr McBride: I do agree with that. So you would accept that we are obliged to deal with that as best —

Mr Porter: Any citizen, or any group of citizens, has a right to make as strong representations as possible to the police if they feel that the police have made a decision that is unfair.

Mr McBride: Within the law?

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Mr Porter: Within the law.

The Chairman: I would like to bring Mr Carrick in now. Mr McBride, you can feel free to come back again.

Mr Logan: Could I draw Mr McBride's attention to the middle paragraph of page 7. Many of our members are searching for an answer to the question: what are we, as an Institution, doing suddenly to be the cause of offence to our neighbours? In trying to answer this apparently simple question, and in the light of recent experience, we can only come to the conclusion that it is not the fact that we walk in procession that appears to us to be the problem, but simply the fact that we actually exist as an Institution. That perhaps is the correct answer to you question.

With regard to the other question which you put about whether there should be any restriction or whether we should work in accordance within the law, I would refer you to the recommendations on pages 10 and 11 and to recommendation 9 "Organizations and/or individuals with subversive motives towards the State or its citizens should not be permitted to take part in public procession." I have perhaps clarified that for you.

Mr Carrick: Gentlemen, Mr Logan, in trying to analyse the difficulty and the problem that we face, it has already been stated that prior to 1995 we did not have a problem, there was no opposition to processions. I assume that between 1995, or between 1994 and 1995, and right through to 1996 there were no tremendous demographic changes in the areas where we are now encountering opposition and, assuming that to be the case — and as far as I am aware the members and the membership of the Black Preceptories are not doing anything different to what they were doing prior to 1995 — I am a little at a loss to understand why there should be a problem. Do you have an explanation?

Mr Logan: Well, as Mr Porter says, join the club. We do not know what we are doing differently that suddenly changes the situation, but I do think that there are people who are playing a game of chess here and working four, five and six moves up the board and if that group of people does this move, well, they know we will do that because they are so predictable. That is what they are going to do, and then it moves on from there. But there are people who are planning four, five or six moves up the board and, you know, perhaps we do not have the, and I say this very humbly, perhaps we do not have the 'savvy' to see ahead that far.

Mr McKee: I would like to thank the gentlemen for coming along. Certainly their answers to the questions so far have given me a fair insight into the thinking of the Black Preceptory, and I think they have gone a long way to try to show themselves to be reasonable. Where organizations march to a certain point and the RUC are there to stop them, how would you like to see the RUC dealing with the situation? Do you think that you have been fairly treated by the Northern Ireland Office and the RUC itself in the way it handles it? Do you think that legal orgnizations are the ones who have been asked to back down all the time rather than those who are breaking the law by preventing the organizations from going ahead? How would like to see this handled by the police and by the Northern Ireland Office itself?

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Mr Abernethy: Within our organization we have rules and regulations to deal with any people in our organization who do not come up to the standard. Getting back to your question as regards the RUC, we as an organization are very disappointed. If I can move from my part of the world to, say, the likes of Pomeroy, the local Preceptory returned there on the last Saturday evening in August to find that, having given the required notice and done everything within the law, they were being stopped at the top of a street which, as Mr Carrick mentioned there, had been done for generations and which was actually done on the Sunday night prior to it when I was there myself. We walked up and around the church in the middle of Pomeroy and back again down to Dungannon crossroads as had been done certainly all my lifetime, and yet on that particular occasion, as you say, the RUC decided — . You know, they could have moved back 50 yards which would have allowed the procession to go, and yet they decided, in their wisdom, no. They came to below the church and prevented the Blackmen from going and, as this gentleman said, rather than have a conflict there they decided, well, if that is the case, they are not going to have a conflict because behind this, they felt, was that these people were gathered to use the Black Institution as an opportunity to have conflict with the RUC and the Blackmen were not going to give them that opportunity and have the RUC and have the Black Institution blamed for that. So, we did feel very disappointed, and the folk in Pomeroy had not given offence to anyone.

Contrary to some of the things that are going out in the media, at no time did any resident in that area of Pomeroy ask to have a meeting with any member of the Royal Black Institution. There were certainly requests from people who live some half a mile from the area in contention, but never at any time did we parade in that part of Pomeroy which is on the Carrickmore side, so why should we be asked to have discussions with people like that who either lived there or, indeed in some cases, lived in Carrickmore itself. Certainly, I agree with you. We did feel disappointed and let down, and it has been made known not only by the Preceptory but indeed by the East Tyrone district of which Pomeroy is part that we were disappointed in their attitude on that evening. Twenty yards farther up the street they could have had those people retained, but they did not do it and they prevented the whole thing from going ahead.

The Chairman: Mr Logan, could I just ask you to consider the situation. You have laid a very big emphasis on the fact that your organization is deeply rooted in the Scriptures and on biblical principles. It is a religious organization. Could you first of all tell me how you view the violence that has come as a result of some of these parades taking place. I am not asking about the reason for it but on some occasions when some of these parades have been taking place violence has ensued and people's property has been damaged. In certain areas there have been very ugly scenes. How do you view that?

Secondly, following on from that, do you differentiate between what I think most people would agree is the excellent conduct of the members of the Black Preceptory and that of people who at times, whether supporters of the various lodges or the bands that lead the parades, attach themselves to the parades and are not under your guidance or discipline? Do you see that as a problem that could be addressed, as more to do with people, undesirables in some cases, who attach themselves? I know this may not be the case in relation to the Black Preceptory, but you have mentioned your relationship to the sister organization, to the Orange grouping. Do you see this as an area where the Loyal Institutions could in fact do something which would be beneficial to them and to the wider public, ie dealing with those who attach

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themselves to the parade who do not have the discipline and the regulation that the members in your lodge would be subjected to.

Mr Logan: Well that is a wide-ranging one. Violence is no good for anybody, it does nothing, it achieves nothing, it destroys, it disrupts, it destroys people's lives, it is of no value to anyone, and that is the end of story as far as I am concerned, and as far as the majority of members of my institution are concerned. That is it, violence is of no value to anyone. We have seen the cost of violence, but we have also got to bear in mind people's memories. We are accused very often, accused being the operative word, of having a long memory in this province and in this country. Memories are really very short in many ways, because memories seem only to go back to if not July of this year, July of last year in the Portadown area. A lot of people perhaps conveniently forget that this province has been put, and the Government controlling this province, have been put to the expense of 27 years of violence, 25 years before Drumcree of 1995.

So do not tell me that it all started two years ago; it did not start then, it started long before that. There are various people who will look at it from different points of view and attribute various reasons to that, but nonetheless it all started well in advance of that and the violence that we have been subjected to is of no value to anyone. We have all suffered in all sorts of ways. We have suffered financially from the point of view of industry — we hear great talk about the tourism that we have lost in two years — and, most importantly, we have all lost in lives. Lives have been disrupted and families destroyed — it is of no good to anyone.

Could I say that we have an internal code of conduct through which we control our own membership; we have internal rules and regulations. We have a very comprehensive books of rules and regulations, which I do not propose to put before you, but we have an internal code of conduct. I could, perhaps, leave a copy of this, which has been drawn together from a variety of guidelines which are in addition to our rules and regulations — a variety of guidelines which are issued to our membership prior to going on parade. You may choose to have that copied and distributed throughout your Committee after this meeting.

I will just briefly go through it. There are specific rules and regulations governing the conduct of members and if contravened sanctions with varying degrees of severity may be imposed. In addition, general guidelines are laid down, and marshals are specifically appointed to oversee the conduct of members when engaged in a procession:

1. Adequate planning is required prior to any processions referred to on page 6 of the Imperial Grand Black Chapter Submission, of which you have a copy.

2. If an incident occurs members of the Black Order and band members must not break rank or become involved.

   2a. The police will deal with any such incident.

   2b. Marshals must co-operate with the police.

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3. Worshipful masters — that is the term that we designate our chairman with in our meetings — worshipful masters are in complete charge of bands and must exercise control if necessary or if so directed by an appointed marshal.

3a. Worshipful masters are held responsible to the Imperial Grand Black Chapter and may be sanctioned according to the appropriate rule.

4. Members and band members are instructed not to cause damage to property, hedges, trees et cetera and to dispose of any litter or containers — perhaps, you might say, that is a euphemistic term — in a responsible manner.

5. Members are reminded of the responsibility laid upon them that they should not be involved in any act which would bring discredit to the Royal Black Institution or bring it into disrepute.

Those are general guidelines and they are issued and reinforced every time prior to going on procession, and it would be worthwhile for you to take cognizance of that. Could I go back to what Mr McKee asked. He talked about the RUC and what it did or what it did not do and how it acted in particular situations. The RUC is in an extremely invidious position and in many cases in utterly impossible situations. Also, this institution, and indeed our sister organizations, are in similar invidious positions because we are in a culture and have been reared in a culture of being law-abiding citizens and we find a great conflict when we feel that those things which we hold very dear to us have been taken and are continuously being taken away. In many ways it is like a Chinese torture, it is a sort of constant drip on the stone and there is a constant drawing away of those values and those things which we hold dear.

But I say the RUC is in the invidious position of being there to try to keep the peace. We, by nature, want to keep the peace. And we have this conflict within our minds that we know what is right and we want to do what is right and we know we are prevented from doing it and the RUC is there. We do not want to be in any situation of confrontation with the RUC — at no time do we want that — but we are placed there, not by any desire of ours or act of ours, but by a situation that has been created artificially to put us there and if we react in the way which some people feel we will be doing, the predictable way, that will put us in a situation of being the law-breakers. We do not want that to be the case, and we do not want the institutions to be in that situation.

And we have a conflict within our minds. I have got to be very honest with you, we have all tumbled in our bed at nights wondering what the right thing to do is and we do not know. And there is talk in the air of a report coming out, within the next two to three weeks, from Dr North, and there is talk in the air of a group being formed to give decisions here or decisions there. Now I have got to say to you, as I said to Dr North, Fr Crilly and Dr Dunlop, Solomon is long dead, I do not know who you are going to get to sit on it.

Mr Rodgers: Do you feel that within the Royal Black Preceptory, in view of what happened during the summer of 1996, there has been a loss of confidence in the RUC? And would you agree that the police seem to be making it easier for those who threaten civil disorder rather than police your parades through areas which in many cases you have gone through for many, many years?

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Mr Porter: Again, I think we need to be a bit more precise in our language here. We recognize that the ordinary bobby on the job has a job to do and is bound by his oath to do that job. And any quarrel, if that is the right word to use, that we might have, is with the policy makers in the RUC. But, if we are concentrating on them precisely, my answer is yes. We do feel that the policy that is being adopted by the higher officials in the RUC seems to be to cave in to those who are, even by their own definition, law-breakers and to prevent what has been hitherto always been recognized as a lawful event from taking place. That is our perception, and I do not think there can be any denying of that.

Mr Logan: Also on that I think it is fair to say, and to follow on from what I was saying to Mr McKee, that really the Royal Black Institution, as the Loyal Orange Institution or the Apprentice Boys of Derry, of which I am not a member I should say, are not in the business of setting the RUC up as targets for anybody. That is it.

Sir Oliver Napier: I have two very brief questions. First of all, do you think that demographic changes in the last 15 to 20 years along any of your traditional routes have had an effect? And secondly, if you felt that any procession by your organization was giving offence to the overwhelming majority of people in the area that you were walking through — not deliberately, I am not suggesting for one moment that it would be deliberate — but if it was giving offence, what would you do about it. What steps would you take if any? Presumably, as Christians, you do not want to give offence to anybody, so you would not allow it.

Mr Logan: Way back in 1969 we seemed to be giving offence — we could all have got under the bed and stayed there.

Mr Porter: I see the point you are making, Sir Oliver, and as Christians our first task is to try to avoid giving offence. But equally, as Christians, it is not always possible to avoid giving offence, and the one whose name we bear found that to be the case. I, myself, think that demographic changes should not be taken into account at all as far as the arterial routes of this country are concerned. I was interested in talking, and I will not name the person, because it would not be right to name her, to an SDLP councillor in a grouping such as this, representing my own church, to find that she — and I gather that she is not alone in thinking this — is very much drawing back from this idea that has been much flaunted of consent of the local area. She could see, and I think anyone with much perception can see, that if you follow that to its logical conclusion Northern Ireland is going to be divided up into almost an innumerable number of — if that is not a contradiction in terms — cantons, and nobody would be able to go anywhere no matter what his colour or creed.

So I do not think over-much weight should be given to demographic change. Either way, given that the participants in the procession — and again I would like to back up what Mr Logan has said here we see ourselves as processing, not marching (the word marching has been injected into the debate of late years because it has a pejorative tone to it) those in the procession are not there deliberately to coat-trail, they do not utter by speech or gesture anything that is deliberately offensive to another person's religion, we do not, therefore, think that the complexion of the people who live on or near the route is of significant importance. I think we would have to concede that if you were talking about going into a specific residential

area where you could be waking children in their beds and that sort of thing, you would be in a different ball game. But when we are talking about main roads in the country, I think what we want to search for is a degree of maturity on all sides that will be tolerant of each others' traditions, and just because people going down the road are wearing a different colour from what I would normally wear, there is no reason for me to get annoyed or offended about it.

What we would like to do actually is to get talking, not talking for permission to walk, because we do not reckon that it is the right of anybody to give us or withhold permission, but we would like to get talking to people just to find out what it is that is offensive to them. I think that would be a good exercise, and I hope it is one that will be progressively taken up — in other words an exchange of views, and let us get into the skin of the other guy and get him into our skin. There was that degree of maturity years ago, as we all know, when there was toleration. It is not dead yet. It was seen very clearly in the village of Desertmartin on 15 August last year when the Ancient Order of Hibernians went through the village with the benign approbation, so to speak, of the local Orangemen who absolutely disclaimed any desire to obstruct them in any way.

Now, I think if that were replicated all over our province, this particular kind of problem would not be as evident as it is.

Mr Davis: Following on from Mr Porter's answer to Mr Rodgers on the police, may I ask you if you think that the RUC hierarchy is under political motivation?

Mr Porter: I was stupid enough to write to the Chief Constable shortly after the Twelfth of July last year and I put that point to him in the form of a question. I said that either he did it for purely policing reasons in which case he would have to admit that he made a catastrophic mistake because policing has to do with keeping order, as well as law and order, which broke down as a direct consequence of what the Chief Constable decided or else he was following the behest of his political masters. Personally, I think the second was the answer. I did not get any answer to it, but I think the second was the answer.

Mr Davis: To follow on, may I ask if you have any confidence in the North Committee? Do you feel that what it will actually recommend will be helpful to the situation? We do not know what it is are going to recommend but assuming it —

Mr Logan: That is absolutely right. Who knows what tomorrow will bring because none of us has that proverbial crystal ball. But I am one of those individuals who always believes that the glass is half full. There are so many pessimists in this country who look at the half empty glass, it is not on. You have got to be optimistic otherwise you would have been wiped out long ago.

For far too often people have dispelled and discharged attempts of any description to meet a solution. This was something put forward. We were not entirely enamoured with it, we do not know that it is going to prove anything and, as I said earlier, if it comes up with this idea about some grouping to make decisions, I do not know where it is going to find the men — maybe they are here, I do not know. But we had to go in and make an honest attempt to meet Dr North and his colleagues and give to them, as we are doing to you, a case that we believe to be honest, legitimate and worthwhile telling. Otherwise we could have let the thing

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go by default. And for far too long in this province we have let too much go by default in all sorts of ways.

Mr Davis: Evidence has been given to this Committee by a certain gentleman who said "Increasing the rights of both communities and consolidating them is the way forward rather than seeming to restrict either community's rights". Would you agree with that?

Mr Logan: Sorry give me that again.

Mr Davis: "Increasing the rights of both communities and consolidating them is the way forward rather than seeming to restrict either community's rights".

Mr Logan: If one were to increase a community's rights would that be at the expense of another community?

Mr Davis: I am just saying what this gentleman said.

Mr Logan: Could that be interpreted to mean at the expense of another community? The community from which I come — I was going to say it was Loyalist or Protestant, or whatever you choose to phrase it as. I do not believe that we are looking for any more rights at the expense of anybody. We believe that the Government of this province is done in an even-handed way and should be done in an even-handed way for everybody, and that everybody should be treated as equal. That does not necessitate an enhancement of rights for anyone.

We have a Government which lays down laws which are equally and even-handedly operated. That is my feeling on it and my immediate reaction to what was said. I would be very sceptical and worried about increasing rights for anyone — because that presupposes that someone is going to lose out. We do not want anyone to lose out.

The Chairman: A question from Mrs McCabe and then Mr McBride.

Mrs McCabe: I am aware that the Black Preceptory has a slightly different reputation from the other two organizations.

Mr Logan: Could I perhaps interject here? These sort of things have been said this past hour. I want it to be made very clear that we do not wish to be divorced in any way from our brethren and friends in the Orange Institution. We have an institution which has its own structures and its own leadership at various levels and, as such, we operate in that way. But evidently, and before we ever can become members of the Royal Black Institution, we are members of the loyal Orange Institution and, as such, we stand on that. We do not wish to be divorced from the Orange Institution. We have our own structures and our own method of operating. Sorry for cutting across you on that, but it was to make that clear.

Mrs McCabe: I will just say that, in terms of people who are not involved in any of the organizations, certainly the reputation attached to the Black Preceptory is slightly different. You have highlighted some of the differences in your organization and the different types of marches or processions that you engage in — the different reasons for them. What that sort of

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information is giving to me anyway is a perception that it is quite fragmented. You do some of this and some of that and there is this and that reason to march. On the other side, another thing that I am aware of is that, in the perception of people who have marches coming through their areas, that differentiation is not really made. I know people who live in areas where there are no protests but these people are agitated at how many marches there are.

Now you can engage in talks with those people and say "Well, we only do this number of this type of march and this number of that type of march". But the perception of everybody outside of your organization — it is to me anyway — is that it is a great mass of marching. It seems to me that that is a problem. I do not know whether you have taken that on board, or whether that plays any part in your relations with whom you talk to.

Mr Logan: I suppose if I were be engaged in all of the processions and marches, I would go through about six pairs of shoes every summer. I do not think that that is the case. I am not being frivolous about this. You have perhaps seen the breakdown of the numbers of processions and marches — as issued in the Chief Constable's Report. My understanding is that those are done on the basis that if a group from the Shankill Road walks to a church on the Ballygomartin Road — which is not going through any area at all (and I know that part of the world because I am a Shankill Road man born and bred) — that is one procession. If it goes back to the Orange Hall that is counted as two — so everything is duplicated. Going up the road and then back down is counted as two. So you have got to divide the figures that are provided by the authorities by two.

Mrs McCabe: But on the other hand I am interested in the people who experience the marches. Do you see what I mean?

Mr Logan: Perhaps we should admit to a fault in that — perhaps our PR has not been as good as it might have been. Perhaps we need to make the people aware — if they are prepared to allow themselves to be made aware — of what we are about. We have tried to tell people that we do not just march for the sake of it and that we do not engage in numerous, or ultra numerous, walks about the countryside just for the fun of it.

If you take a group down in Mr Abernethy's part of the country, in Tyrone or Fermanagh or whatever, they are spread right over this province. The Ormeau Road has been referred to frequently, how many processions come down that road? There are six or seven in the year. You have got to take the numbers involved in those as well. You are not talking about 15,000 to 20,000 Orangemen walking down, or even to 10,000 or 12,000 members of the Royal Black Institution. As I said earlier, you are talking about a maximum 70 members — most of whom have got their pension books in their hip-pocket together with perhaps a band or two which would pass any given point in a period of five minutes maximum.

There are people who will set themselves out, and we come back to political causes, political thinking and motivation — which was actually stressed this morning when I heard the news. I have also got to say that the Royal Black Institution is not political and does not have a political input into it. We are not politically motivated as an organization. That is not to say that members do not have political thinking or thoughts — which we are all entitled to have. But this morning we were all reminded of what the end game is — a United Ireland. Now

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should I have to do with a crust of bread and a bowl of soup a day, I will not be in a United Ireland. That is what it is all about.

The Chairman: The suggestion here is that by and large the Black Preceptory walks to church services and parades — it all has a religious basis. Would I be right in thinking — and I think Mr Logan has to some extent dealt with this but I would like you just to confirm this view — that if this were simply a matter of you defending what you consider to be your Protestant faith and heritage, matters might be different?

To give you an indication of where I am coming from, Dr Marie Fitzduff from the Community Relations Council, in giving evidence to this body, suggested that the reason the Drumcree event took place, and why it will continue to feature, is that there is a sense of loss in the Protestant and Unionist community. These members see Republicanism and the Nationalists being appeased, and that this has a greater significance even now. Would you agree that, as members of the Black Preceptory, in addition to defending your right to walk to church as a religious act, you now see this issue on a broader base, that it is actually a defence of the constitutional position of Northern Ireland in the United Kingdom, a fight for civil and religious liberty rather than simply the issue of a tradition of people being able to march along the road? Would you like to comment?

Mr Porter: Yes, I would like to supplement what Mr Logan has said and I totally agree with all that was said. But I do not think you can really divorce certain aspects; we cannot compartmentalize the thing and say it is a sort of sanitized religious organization purely and simply. We all have our views, and the organization as a whole has its view, on the question of loyalty to the Crown — that in itself carries a whole trail of things with it. So, yes I fully accept the suggestion you are making that it is much more than just our religious liberties being infringed. But I want to stress that it is that. That applies also to the Orange Institution, but we are not here to speak for the Orange Order. Its religious rights are being infringed from time to time, but obviously it is in a wider context and linked in with the wider scenario.

The Chairman: Thank you. Mr McBride, you would like to come in again.

Mr McBride: I was very interested in some of the things you said about your codes of conduct and marshals and so on. I think that is a very important area. To repeat again, I acknowledge that in the Ormeau Road which I am familiar with, where I have actually been a witness, your members, to my knowledge, have behaved with dignity and responsibility. But you have also accepted that you have a link with the other organizations. I put it to you that you also do not understand where all this started from. One way in which it very, very clearly started from in that area was the behaviour of certain marchers at the Sean Graham's bookmakers shop three or four years ago — and the quite offensive behaviour on that occasion. And that very definitely was one of the seeds of the difficulties there and, to some extent, elsewhere.

The Chairman referred to supporters, but on that occasion they were marchers — people in regalia. I have certainly seen marchers, people wearing the regalia of loyal organizations — not your own — but, nonetheless, other organizations behaving in a completely criminal fashion. For example, on Easter Monday last year on the Ormeau Road I

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saw people attacking the police — throwing stones, bottles and petrol bombs in their regalia. I just wonder if you have you any comment on this. Do you recognize the offence given by behaviour such as that at Sean Graham's? Do you have any views on how the other institutions are policing their members when people have been seen publicly on TV to behave in that kind of fashion?

Mr Logan: I will take your latter point first. My understanding is that the other organizations have similar type guidelines for the conduct of their members. That is my understanding of it — although I am not at a level such as to be involved in the distribution, or the overseeing of those guidelines.

On your principle point with regard to the offensive happenings at Sean Graham's bookmakers shop, you may or may not have seen an interview which I had with a reporter for the 'Belfast Telegraph'. You may or may not have read that. I am on record as having said that what took place at Sean Graham's was murder. No one can condone that. It is utterly wrong and, as I said to the girl from the 'Telegraph', I repeat the words of Pope John when he came to Ireland. Was it Pope John? Sorry Pope John Paul. Forgive me, I am not familiar with these things. Pope John Paul, when he came to Ireland and spoke in Dundalk or Drogheda said "Murder is murder is murder", I repeat the self same thing with regard to Sean Graham's. I come back to what I said about violence: it is utterly wrong and that justifies no cause.

But the principle thing you are talking about is the offence caused by those who gave gestures as they walked in procession. You may not be aware that within 24 hours those members were expelled from the Orange Institution.

Mr McBride: Right — I was not aware of that.

Mr Logan: It was not generally made known, and perhaps ought to have been, that those members were expelled. I know the man who went to their homes. He did not even wait for a meeting. He went within 24 hours to those homes and hand-delivered an expulsion to them. Some people who had sympathy with those sorts of despicable things that were done on that particular day gave that particular individual a bit of hassle, but those people who did engage in that sort of activity were expelled right away.

Mr Porter: While I have no wish at all to defend that action that was taken, I think it is worthwhile taking on the counter-balancing thing that if the cameras has been turned on the crowd along the footpath they would not have found them all so Christianly or gentlemanly disposed as we are lead to believe sometimes. It was not altogether a one-sided thing. We are not defending our side on that.

Mr McBride: Be that as it may, in a sense it leads me on, because you accept that you are an organization, you have a responsibility for disciplining these situations, you have codes of conduct and so on. I think there is a lot can be done in that by the Orders in terms of being seen to uphold standards. But I wanted to ask you a particular question and it is not irrelevant to the North Commission and some of the ideas that are floating around. Clearly marches, whatever you think of them, are a burden on the police, if only in terms of traffic and things like that. There are more marches here than anywhere else in Britain or, indeed, in Europe.

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Do you have any views on the question of expenses being involved in this, of people perhaps having to put down a deposit for good behaviour or whatever, or do you accept also that there could be some situations where if an organization, any organization, sets up a march and then fails to police it properly that there could be civil penalties of some sort? Fines for example on the organizers?

Mr Logan: So what you are saying is that we ought to pay for getting on the road — like a road tax?

Mr McBride: No, I am asking you on those points. Given that there are police costs, should that be taken into account in the rules? Secondly, is it legitimate to impose a penalty on organizers who fail to conduct themselves responsibly?

The Chairman: Maybe when you are answering that Mr Logan you would consider in that case whether it should be the procession or whether it should be the protesters who block the road that would pay the fine?

Mr Logan: Far be it from you, Mr Wilson, to put words in my mouth but I was going at it from another tack actually. I am just wondering who the bill will go to for the happenings of Monday and Tuesday of this week when the police were so heavily engaged throughout the city and in various other places and who the bill will go to for the police activity around Brownlow House when there were two bombs at it on Tuesday night. But I know what you are saying and I do not want to dodge the issue. But, you know, suddenly the expense has emerged and we are talking about how many millions for July of 1996. How many million are we talking for the last 26 or 27 years. It is a further imposition on the general populace who would be involved in this. It is another way of taxing them. You cannot be responsible for anyone else at the end of the day other than yourself. If you were to do something untoward I could not really expect you, or you could not expect me, to fund something that would protect you in some way.

Mr McBride: Well, let me try to deal with that one specifically. If you organize a parade, you have your membership, you have your codes of discipline and so on, and if you as a parade organizer behave in an irresponsible fashion, if you ignore police instructions, go places where you were told not to go and act in that sort of way, do you not have a responsibility, or do those under your instruction?

Mr Logan: Well, in the first instance we do not do that sort of thing. The second point is that we take reasonable..... What is reasonable in this world? Your perception of reasonable might be different from my perception of reasonable. But we take all reasonable precautions to avoid these situations. If something untoward happens out and beyond what could normally be expected to occur, are we to be held responsible or is an organization, whether it be the Boys' Brigade, the Salvation Army or whatever, to be held responsible?

Mr McBride: Let me deal with a hypothetical case, except it is a fairly direct hypothetical case. Your organization has been re-routed a number of times on the Ormeau Road in recent years. You have accepted those re-routings and you have made your protest, but you have behaved in a dignified way. Other people have gone along, have stopped in the middle of the road, have blocked the road, and have not only made a short protest but have

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continued for a period of time, refused to order their own members even to disperse and as a result of that civil disturbances have occurred. Do you not think there is an element of responsibility on those people who have chosen to defy the law in that position?

Mr Logan: Well now, we have to go back to butts here. It is cause and effect. Which was the cause and which is the effect? I mean do we go to the situation where there is a line of grey vehicles across the road and to prevent a group of people from walking down into the centre of their city and take the people on one side as law breakers and the other side as those who would abide by the law? The people who have set themselves to sit upon the road and to obstruct the road which according to the Public Order Order is breaking the law. So do they have to have a responsibility in this situation?

Mr McBride: On the Ormeau Road, the people who sat on the road were cleared away from the road.

Mr Logan: Not on every occasion.

Mr McBride: The occasions I am talking about there were no counter-protests. There were marches which stopped. I will give you specific details of the sort of conduct that I regard as irresponsible in which people said to the police "We will have a service here, we will stay for half an hour or an hour and then we will disperse." They did not disperse, crowds gathered and the situation became inflamed.

Mr Logan: Things get exacerbated by the situation that arises at the time. It was a strategic move on behalf of some people not to come on to the road at a particular time and allow others to come down and to be seen as the law-breakers. I know exactly what you are getting at. I know where you are trying to put me but I am not going there.

Mr McBride: As I have said your organization behaved responsibly, but I would ask you to accept that there is a responsibility on those who are in those situations.

Mr Logan: We are all responsible citizens. We have all got to act responsibly.

The Chairman: I would like to bring Mr White in at this point, perhaps for the last question. I have to say a number of members have had to leave. It is not through any discourtesy. They had other arrangements made and we are running a bit tight on time.

Mr White: If I put an 'if' in at the beginning of this, gentlemen, you can work with that. You do not have to accept it. If in fact the rights of the Royal Black Preceptory were to be limited in any wee way by any organization, would you find your ability to promote, enhance, deepen or whatever your reformed faith within your organization inhibited by an inability to march quite as much as you do at the minute? Now I am not saying how much you do and how much you do not and how much it would be restricted, but within that context could you promote the reformed faith to the extent that you do without hindrance? Dr Porter, I should not suggest that he is best qualified to answer

Mr Logan: I would suggest that you are probably right, because I am just a simple Church of Ireland member.

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Mr Porter: Well, believing in a Sovereign God, the acts of man can ultimately never confound his plans, so from that point of view no matter what the Government say or do, even it should turn out, God forbid, to be an authoritarian persecuting Government, the truth will ultimately prevail. But, if you are talking about us as citizens of an allegedly democratic state, I would use every atom of whatever energy I have left to resist any attempt to prevent me or any other citizen of this state from exercising fully and demonstrating fully their commitment to their faith — in my case to the reformed faith. But I would equally resist any attempt by any state Government or authority to circumvent or to restrict any religious grouping in this state. That is something which we have lost out on, in a sense because we have not made it plain enough that while we are a very distinctively and definitely Protestant organization, totally committed to the principles and tenets of the Protestant reformation, one of those principles and among those tenets is our firm believe that every man has the right to his own views and to the expression of his own views within the law. If you are a Satanist or something like that, obviously, there are certain things that are absolutely taboo. But talking about the normal formula of religion with which we are conversant in this country, it is part of our reformation ethos that every man and woman has the right to not only practise his religion or her religion in private but to give public expression to it. Therefore, I would greatly deplore and strongly resist any effort in any way to constrict the Royal Black Preceptory in this way. It would not be the death knell of it, but that would not be to say that we would give in tamely to it at all. We would not.

The Chairman: That is maybe a very appropriate note to end on. May I thank you very much indeed for coming along and presenting the case to us and answering the questions in such a forthright manner. It has been very helpful.

You are probably aware that the task of this Committee is now to prepare a report. It will probably not be published before the North report. They are now forecasting, as you have said, that they will have the report out in two or three weeks. We will be making a report to the Northern Ireland Forum and asking them to adopt that as the policy and the views of the elected representatives of Northern Ireland. We are pleased that we do have a Forum which now represents the views of the people of Northern Ireland and their elected representatives. I am sure that we all hope that 1997 will be a better year for democracy and for the rights of all of the citizens of Northern Ireland.

I can recall my grandfather who had a farm just outside Kircubbin telling me that he used to look after his neighbour's farm in August when he went to the Hibernian parade, and he looked after his farm when he went to the 12 July demonstration. Wouldn't it be nice if we got back to a situation where people would respect each other's traditions and that we could get back to what, I believe, is the true nature of the people of Northern Ireland, from both sides of the community. Thank you very much indeed for your time.

Mr Logan: Mr Wilson, may I conclude from our end that we do appreciate the fact that we have had the opportunity to speak to you. One thing which slipped my mind — and I do not wish to extend the meeting — but there was talk about the expense related to processions and all the rest of it. If we could get back to — as you just have said about your grandfather — and what took place at that time. If we could get back to the time when a

procession took place with a policeman walking in front of it or behind it just to control the traffic, a lot of expense would be done away with and we would not be in that situation.

May I conclude again by saying thank you for the time which you have taken and finally, may I express, on behalf of the Institution, our deep concern for Mr Dodds, his wife and family.

The Chairman: Thank you very much indeed. Thank you for attending.

Mr Logan: I do not know if you will have an opportunity to see this cassette.

The Chairman: It would it be very helpful. If you leave it with the secretary, we will ensure that you get it back again.

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MINUTES OF EVIDENCE

GRAND ORANGE LODGE OF IRELAND

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 16 January 1997

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Mr J McCrea, Mr D Watson, Mr G Patton and Mr J Gaston
(Grand Orange Lodge of Ireland)

The Chairman: Welcome, Gentlemen.

I shall outline the normal procedure. As many of you as wish to may address the Committee, and then we will have a question-and-answer session.

Mr McCrea: Thank you very much for the invitation to come here today.

I apologize on behalf of Mr Saulters, our Grand Master. He was to have been here to make a presentation, but unfortunately he has been detained at a business engagement. Mr Patton, Executive Officer of the Grand Orange Lodge, is standing in to make the presentation. After that, we will answer any questions.

Mr Patton: Thank you, Mr Chairman. Like many others, I think I have been stricken by the virus, so you will have to put up with my voice.

In every democratic society, the state has a responsibility to protect certain fundamental rights, including freedom of religious belief, free speech, the right of free association, the right to live in peace and the right of cultural expression. In many countries these rights are enshrined in either the constitution of the country or a bill of rights. The right of free association and the right of assembly underpin the right to parade.

The Loyal Orange Institution was formed in September 1795, and some 10 months later, on 12 July 1796, it held its first Boyne commemoration parade. Parades, therefore, are very much part of the Orange tradition and heritage, as 200 years ago the founding fathers decided that parades were an appropriate medium to witness for their faith and to celebrate their cultural heritage. However, the concept of parades, by the community that gave birth to

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the Orange Institution, was well-established long before 1796, and it is a matter of historical record that parades were a feature of that community for many years prior to the formation of the Orange Institution.

The Protestant community in Northern Ireland is not in any way unique in that respect. People the world over love to parade. In recent years the question of Orange parades has provoked much discussion and debate. Much of the debate has been ill-informed as to the purpose and nature of Orange parades. We have witnessed much media comment and ill-informed comment.

There are a number of inherent factors behind the organizing of Orange parades. Firstly, they are a witness for our faith, and this is evidenced by parades to and from public worship. Orange parades are commemorative. Various events in the history of the people are commemorated by parades that take different forms. These range from the solemn remembrance of the fallen at the Somme to the cultural extravaganza that is the Twelfth of July — the commemoration of the Glorious Revolution which was secured at the Battle of the Boyne. Those who glibly dismiss the Boyne commemorations would do well to think of the benefits that flowed from the Glorious Revolution. Benefits which enrich all our citizens, irrespective of religion or politics. The parades are wonderful displays of pageantry. The colours of the collarette, or sash, the uniforms of the bands and the beautiful paintings on the banners combine to make an Orange parade a kaleidoscope. The flags and banners are full of religious, cultural, socio-economic and political symbolism depicting biblical scenes, famous people, landmarks or events in history and, in themselves, they portray the rich cultural heritage of our people in picture form.

Orange parades generally follow routes which have been used for many years. Parade routes are not picked to cause offence but, by and large, follow the main arterial roads along which successive generations of Orangemen have peacefully paraded.

The Education Committee of the Grand Orange Lodge of Ireland, in its publication 'The Order on Parade', which formed the basis of a written submission already presented to this Committee, provides the Institution's thoughts on parades.

As previously stated, the right to parade is a basic legal right and is recognized as such throughout the democratic world. In the United States of America, the constitution guarantees the right of free expression and peaceful assembly. The Federal Congress has its powers over these issues restricted in that Congress shall make no law abridging the freedom of speech or the right of the people peacefully to assemble. In the Republic of Ireland the constitution, likewise, guarantees the right to peaceful assembly. Interestingly, in the Republic, under the Offences against the State Act 1939, it is unlawful to hold a public meeting or procession in support of an unlawful organization. The Belgium constitution includes the following provision in Article 26:

"The Belgians have the right to gather peaceably and without arms."

The constitution of the Republic of Italy has a provisional Article 17 which reads as follows:

"Citizens are entitled to hold meetings peaceably and unarmed. No previous notice is required for meetings in places to which the public has access. For meetings in public thoroughfares previous notice must be

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communicated to the authorities, who may forbid them only for well-established reasons of security or public safety."

The basic law for the Federal Republic of Germany 1994 contains the following provision in Article 8:

"All Germans have the right to assemble peacefully and unarmed, without prior notification or permission. In the case of outdoor assemblies this is pursuant to law."

The constitution of the Republic of South Africa 1996 contains a bill of rights. Article 17 states

"Everyone has the right peacefully and unarmed to assemble, to demonstrate, to picket and to present petitions."

Article 18 states

"Everyone has the right to freedom of association."

Article 36 deals with the limitations of rights and states as follows:

"The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom."

The European Convention on Human Rights was signed in November 1950 and came into force in September 1953. It has been ratified by the United Kingdom. Article II, in Section 1 of the Convention, guarantees freedom of peaceful assembly and association:

"No restrictions shall be placed on the exercise of these rights, other than such as are prescribed by law, and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedom of others."

The United Nations International Covenant on Civil and Political Rights expresses similar views in Article 21:

"The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with law, and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others."

The concept of placing restrictions on the right of free assembly in the interests of public order is obviously directed at those whose intention it is to create disorder.

Whilst it is our opinion that the Public Order (Northern Ireland) Order 1987 is flawed legislation, in that it imposes undue restrictions on freedom of assembly and departs from the Public Order legislation in Great Britain, we, however, note that, in tenor, it recognizes the basic principle of the right to parade.

It is further noted that courts in the various countries have generally upheld the right to parade. The Supreme Court in the United States of America has frequently upheld the right of free expression and free assembly. Indeed, both Federal Courts and the Supreme

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Court have protected the rights of free expression and peaceful assembly against any attempt to have them banned or altered in some measure by those who are opposed to the views expressed or the principles of the organization involved. The suggestion that parades be interfered with because they may cause offence has been totally rejected. On occasions, the police have protected the marchers from a hostile crowd. An example of this policy, involving an Orange parade, occurred in New York in 1871. However, the most famous case in America is the Skokie case.

These are basic examples, and the use of such an illustration obviously does not imply recognition that Orange parades are in some way offensive. That is obviously the interpretation that some so-called residents' groups wish to portray. The question of "offence" is an interesting one. If some of the people who live in the vicinity of the North-West 200 are offended by the noise and inconvenience of the annual race, should the race be cancelled?

Despite the terminology they employ, the known history and political affiliation of some of the leaders of these groups convince us that they have no interest in parity of esteem or in the recognition of others' traditions and heritage. Careful attention to the utterances of the majority of the spokespersons for such groups will show why this is so. They are clearly of the opinion that the way to appreciate a different tradition or culture is to remove it. As Eilis O'Hanlon put it in 'The Times' on Thursday 11 July 1996,

"Republicans have now embarked on a crusade to suppress all the symbols of a Protestant stage whose days, they believe, are numbered."

In a statement in July 1995, the Grand Orange Lodge of Ireland said

"The way to improve community relations cannot be achieved through repression of a legitimate expression of culture. In this context, it is correct to allow all traditional routes, and all the more so if these involve the use of a main thoroughfare."

It is a matter of deepest regret that the threat of violence by residents living along or near a route has prompted the Royal Ulster Constabulary to take action against those seeking to remain within the law.

In an August 1992 application for judicial review, counsel for Mrs Armstrong on the Ormeau Road said that the restraint shown by residents could not last much longer. Surely it is curious to use the threat of a calculated breach of the law, while seeking the protection of the law?

The principle of consent is a major stumbling-block. Several questions arise in the mind of the law-abiding Protestant. What consent was sought for the Anglo-Irish Agreement? Who gave consent for La Mon, Enniskillen or Canary Wharf? The theory of consent, as portrayed by the residents' groups, is an extremely dangerous concept. Not only is it contrary to the principles of free expression and peaceful assembly, which are vital in a democracy, but it has far-reaching and very dangerous implications outwith the issue of parades. Pushed to its logical conclusion, that could lead to a Bosnia-style of cantonization.

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The point that residents' groups tend to ignore is that Orange Parades are generally along main arterial routes and through commercial areas. They do not go through housing estates or streets leading off the main roads. Residents' groups have also been willing to use illegal and intimidatory methods. Tactics used include the flying and waving of the Eire tricolour, the illegal blocking of the highway, the brandishing of hurley sticks, the arranging of local all-night festivals at extremely short notice and a spurious prayer vigil.

They also choose to ignore the fact that Orange parades are organized locally by members of the Orange Institution living in the general area. When an attempt is made by residents to prevent a peaceful parade, it therefore follows that it is not just an attack on the legitimate traditions and culture of a people and a denial of basic civil liberties, but an offence against local people in the community. In our judgement, it is also a breach of the Public Order (Northern Ireland) Order 1987, under which no one has been charged or made amenable before the courts.

It is a regrettable fact that the authorities, in so many instances, have chosen to take action against the legal parade, rather than the illegal activities of those opposing parades, and our perception is that the influence of the Maryfield secretariat has not been helpful.

Action taken against law-abiding people is contrary to the basic principles of human rights, but unfortunately it has been a feature which parade organizers have had to cope with over the past few years. There is a widely held perception that this is politically motivated to keep Sinn Fein/IRA happy and that it is deemed to be more expedient to take action against the ordinary, law-abiding citizen, and curtail his or her civil liberties, than to stand up to the source of threatened violence. In essence, this has resulted in the Public Order (Northern Ireland) Order becoming a law-breaker's charter. There is evidence to suggest that promises have been made to *ad hoc* groups concerning the future of legal parades.

A side issue, though nevertheless important, is the authorities' failure to act impartially, insofar as they have failed to press charges against those involved in illegally blocking lawful parades, as opposed to their attitude to those involved in protests after a parade has been blocked.

Obviously, in any democratic society, one must recognize all legitimate political aspirations. However, in the climate of Ulster, those Nationalists who demand that their aspirations be recognized must also recognize, in their turn, that the right to process peacefully is a basic civil liberty which is accepted as such across the democratic world. Specifically, they must recognize that their neighbours' aspirations are at least as valid as their own, and therefore they must be prepared to tolerate the expression of those aspirations.

As an organization, we are aware of our rights and responsibilities whilst on parade. That is why we seldom introduce new routes. We organize our own marshals or stewards for parades, and there are countless parades at which the need for a police presence is minimal. Indeed, it is matter of record that there have been very successful legal parades at which there was no police presence at all. Our members are aware of the standards they are expected to meet on parade and know that they will be subject to internal discipline if they fail to meet them. This applies equally to bands that are engaged for Orange parades, but whose members

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are not necessarily members of the Orange Institution. A code of conduct must be signed before a band is engaged.

Ultimately, the police are the only people equipped to make a reasoned judgement on parades. No other body would be more acceptable. Indeed, another body would probably be less acceptable. The police, however, must be given clear and unambiguous guidelines, and these should also be made clear to the general public.

Those organizing parades should be responsible for the provision of marshals or stewards and should take precautions to ensure the good conduct of the participants. The police, however, are ultimately responsible for ensuring that good behaviour, in general, is maintained, and this should remain so. The police are also responsible for ensuring the free flow of traffic or necessary diversions.

Problems can be posed by parades which are politically motivated, especially when the organization concerned has not been engaged in processing along the route before. In such circumstances, questions of acceptability and public order should be of greater importance than in respect of long-established processions, and those parades should be permitted only when it has been determined that the proposed event has not been deliberately designed to provoke resentment or disorder. If such parades were allowed, they would need to fulfil very strict conditions. Flags, banners or placards carried should not be such as to cause offence and, as far as possible, the parade should be restricted to arterial routes and/or commercial districts. Disorder and misbehaviour by persons participating should necessitate further careful consideration by the police as to whether the procession could be repeated. So far as possible, they should not pass through residential areas unless the overwhelming majority of the inhabitants are known to support those processing. No new parade or demonstration should be permitted at a time or place where it is intended to or may clash with a traditional event.

The basic principle should be that law-abiding citizens should be allowed to parade on their normal routes, and not be diverted simply because a body of persons threaten violence.

When assessing whether a procession should be allowed on future occasions, it should be the behaviour of those processing that is taken into account, and this is of particular importance in the case of new routes, or new bodies, holding demonstrations and parades. Strictly speaking, anything outwith this should be irrelevant.

When there is a measure of acceptance that in a free society men and women may protest, demonstrate and/or parade in a peaceful fashion, and receive police protection while so doing, then much of the problem will vanish. If our desire is to live in a multicultural society with mutual respect and toleration, we must uphold the basic rights of free expression and free assembly.

It is our opinion that the RUC has incorrectly interpreted Section 4 of the Public Order (Northern Ireland) Order, and we query the role of the Anglo-Irish secretariat in influencing this interpretation. As a result, peaceful activity has been prevented by the threat of violence from another group. Down that road lies anarchy.

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The motto of the Orange Institution is "Civil and Religious Liberty". Our concern is for all law-abiding citizens. We are on the side of tolerance and are upholders of peace. However, to surrender basic rights would not make for peace but would, in the long run, result in greater disorder.

The Chairman: Thank you very much indeed, Mr Patton. That was very helpful, illuminating and, I am sure, thought-provoking. If nobody else from your team wishes to make any further comment at this stage, I will open the floor for questions from members.

Ms McCabe: Thanks for coming. I was interested to hear that you started off talking about a democratic society and fundamental rights and finished by talking about civil and religious liberties. You also talked about groups who are traditional or have traditional marches or traditional routes. You mentioned that they should be treated differently from groups having new marches or types of procession. Is there not a contradiction there?

Mr Patton: I do not think so. We are saying that we have to look at the reasons for new groups, and why they want to parade in a certain area.

Ms McCabe: Does that not go against its being a fundamental right?

Mr Patton: It is really a question of law and order. If a new group decides to parade through an area to create a problem, that is a different issue from the question of traditional routes.

Mr McBride: I find the distinction between your attitude to traditional routes and the quite substantial restrictions you would impose on new parades, as you call them, quite startling. I agree with many of the restrictions, and they apply to all parades. In giving the weight that you do to traditional parades and traditional routes, do you acknowledge that change in the areas, for example, through which those pass over the years, has any implication for the appropriateness of those routes and parades?

Mr Patton: We go back to the point that in a democratic society, there is the right to process peacefully, and we expect law-abiding processions to proceed.

Mr McBride: But that does not apply to new processions?

Mr Patton: We are not saying that. What we said in our presentation was that we should be looking at the reason for those new processions and why people want to introduce a route. The concern that we are expressing, I suppose, is that people would want to start a new parade and go into an area with the sole intention of creating a problem.

Mr McBride: If people going into an area clearly does create a problem, in the situation that exists, is that not something that we have to take account of?

Mr Patton: The question really is the area that you are talking about. If we are talking about Orange parades, which is what I can deal with, we go along arterial roads. We do not go into specific areas to cause offence.

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Mr McCrea: It also has to be said that over the last 20 years we have taken into consideration where routes have had to be changed in certain areas such as the Grosvenor Road, where, at a time, you would have had three Orange parades in a year, and the Crumlin Road. Those are two instances where changes have taken place in this city. Changes have taken place in other parts of the province as well.

Mr McBride: Do you accept that all these parades and protest activities must take place within the law, and must follow the instructions of the law?

Mr Patton: Which parades are we talking about now?

Mr McBride: Any parades.

Mr Patton: Yes. I hope they would, and I hope that the law is such that it would uphold and meet the right to parade.

Mr McBride: But if it does not, do you accept that proper courses have to be gone through and that there is an obligation on people to obey the ruling of the courts, the police or the proper authorities?

Mr Patton: I believe that people have the right to protest where bad law is implemented.

Mr McBride: Protest within the law. Do you believe that there is a right to ignore rulings from the police, for example?

Mr Patton: Going back to the basic point, I believe that people have civil liberties and that they have the right to protest against bad law. That is very basic and fundamental. It is actually enshrined in the democratic system. The Labour Party has frequently objected to legislation.

Mr McBride: But one can protest within the law. I am drawing a distinction between that and occasions when people ignore rulings and instructions from the police.

Mr McCrea: If Mr McBride has a specific instance in mind, perhaps he could say so.

The Chairman: I have to be fair and try to bring in as many members as possible. We do not have unlimited time. Mr McBride, you have raised your point, and Mr Patton has given you his view.

Mr McBride: I reserve the right to come back.

The Chairman: Yes, absolutely.

Mr Browne: I should like to say, first of all, that I thoroughly agree with what you said concerning — It seems sometimes that the RUC has been used to help the protesters break the law. We have seen, this week, that the Mayor of Londonderry, Mr Dallas, is being summonsed for the part he played in a protest in Londonderry. Have you tried to find out any

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figures showing how many protesters have been prosecuted, or taken to the courts, for causing the trouble?

Mr Patton: We are not aware of any people who illegally blocked legal parades having been brought before the courts.

Mr McKee: I should like to thank you for your presentation. It has given me much food for thought, and given me a clear understanding of your thinking. You talked about traditional parades having gone ahead for years, trouble-free. But within the past couple of years we have seen this flare-up of trouble and this agitation. Does it not make you wonder how they could go ahead for so many years without any bother, and then, all of a sudden, we have bother? Do you see agitation in this? Do you see an organization whipping up feelings in the community? Is it organized, and who do you think is behind it? I have thought a lot about this, and there is much speculation. You people, being closer to the ground, may know a bit more. Can you let us know your thinking on this question of agitation?

Mr McCrea: From our examination of the situation, there is no doubt that there is, and has been, for several years now, an orchestrated campaign against parades. The fact that certain people, with a background related to a particular political party — I might as well be blunt about it: relating to Sinn Fein/IRA — crop up in various places whenever protesters come up bears this out. On one occasion in Belfast when a protest against a legal parade was made, there was one individual who travelled 45 miles to be there. From our point of view, our investigations show that there is an orchestrated campaign and that certain areas will be selected in which to campaign against parades.

Mr Rodgers: Thank you for coming along today. We know that you are all very busy people and we appreciate your taking the time and trouble, especially since the Orange Institution has more parades than any other organization.

Mr Patton referred to the Maryfield secretariat. Do you believe that it has played a major role in influencing the RUC with regard to taking decisions on whether parades should be allowed to go ahead, or be re-routed?

Mr Patton: That is certainly our perception. It is a matter of parliamentary record that senior RUC officers were at the secretariat, and no explanation was given for what they were doing there in the run-up to July this year. It is also a matter of record that the Government of the Irish Republic have issued press releases to the effect that they have been involved.

A Witness: The short answer is that we have yet to be convinced that the Maryfield secretariat has not had a hand in this matter.

Mr Dodds: May I add my words of welcome to the deputation.

Coming back to this question of the consent principle, which Mr Patton dealt with, I must say that the point that he made is something that is coming. More and more people are latching on to the fact that it is a very dangerous principle if taken to its logical conclusion. The other day I read somewhere that some people were marching in support of what is called

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Pro-life — the abortion issue. There are a lot of people who would be offended either way, and you could end up banning all sorts of parades and marches on that basis. But this is an issue and a principle that is put forward by "residents' groups" — the inverted commas are mine.

What is your attitude generally to talks and discussions with such residents' groups, and have you any examples of discussions or dealings with any of these groups that would back up your view of them or your approach to them?

Mr McCrea: Basically, we have taken the position that we are not prepared to talk to residents' groups that are simply acting as a front for Sinn Fein/IRA. That is our basic situation. I cannot elaborate on it today because discussions are taking place in various parts of the province relating to local situations, and we would not want to prejudice those in any way. The basic position of the Grand Orange Lodge of Ireland is that we are not prepared to talk to residents' groups that are acting as a front for Sinn Fein/IRA.

Mr English: First of all, I would like to be associated with those remarks and to thank you for coming along. Sorry I was late and did not hear the start.

I observed two of your major parades last year. One was the Whiterock parade, and the other was the Tour of the North. Both, in my opinion, had the potential for widespread disruption. The way they were marshalled and the way they were managed could give an indication to any other parades, with such potential, of the way things should be done. It was done in a very professional manner. The organization and the marshalling were second to none and avoided an awful lot of potential trouble. A lot of — for want of a better word — hangers-on with a lot of alcohol were stopped by your marshals and by your organizers. The two parades, in my opinion, went off very well, with a minimum amount of trouble. An example should be taken from both the Whiterock and the Tour of the North for other potential parades, and I would just like to commend you on them.

Mr McCrea: Thank you very much for your comments, which raise in my mind the question of the North Belfast parade. It should be noted how and why that parade came into existence. It was always the tradition for private lodges to, what they call, move their banner from the home of the Worshipful Master outgoing to that of the Worshipful Master incoming, so that on 12 July morning they left the new Master's house in Belfast. This is different from rural Ulster. They meet at their local Orange Hall. So in the early 1970s, at the height of the troubles in 1973-75, you had numerous lodges on Friday nights, Saturday afternoons and Saturday nights, around Belfast, moving their banners. In order to help reduce the number of smaller parades, that Friday night was set aside in June for North Belfast lodges, from Clifton Street especially, to parade and move their banners all in one night. That reduced the number of smaller parades.

The Chairman: Mr English made a comment about the excellent manner in which the parades and the occasions he referred to were marshalled. We heard last week of the very quick reaction by the Loyal Institutions to misbehaviour by members during a demonstration some years ago on the Ormeau Road. Members were expelled, I think, the following day after action which would have caused, or was deemed likely to cause a breach of the peace by those participating in the parade. Do you think that from the public perception point of view

it might be a good idea if that type of action were made more widely known, so that in the event of a member of the Orange Institution behaving in a fashion which would bring the Order into disrepute, it would be known that the Orange Institution would act very quickly? It would give an indication of the very serious manner in which you deal with those who step outside the very high standards you expect from members of the Orange Institution.

Mr Patton: It is a moot point. In the past we have always adopted the principle that discipline is an internal matter. We have not broadcast it, and we have never sought plaudits for doing what we have to do. There is no doubt that if we were to tell people that we had disciplined people, it probably would be helpful in the public relations field. But, as I say, we have always treated it as a matter between the organization and the individual member.

Mr McBride: You have spoken about your own discipline over marches and your concern, and the Chairman has asked about that. I want to ask, very directly, a follow-up to the Chairman's question. Last year, and to some extent the previous year, we saw people in Orange regalia, clearly members of your organization, blocking the Queen's highway, obstructing people going about their lawful business. This was a criminal act — never mind the breach of discipline — for which Mr Dallas is now apparently facing prosecution, amongst others. We have also seen members wearing regalia assaulting the police and clearly engaging in disorderly and violent conduct. Can you give us any indication of how many of those people have been disciplined by your own internal procedures?

Mr Patton: Off the top of my head, I have no idea of the figures. It is an interesting concept that Mr McBride has raised. I trust that he is doing everything he can to ensure that those who illegally blocked the likes of the Garvaghy Road and the Ormeau Road are also being brought up before the courts.

Mr McBride: I am asking you what you have done about your own people.

Mr Patton: As I said to the Chairman, anyone who breaks our rules and regulations will be dealt with.

Mr McBride: Can anybody who breaks the law be dealt with?

Mr Patton: If they are breaking the laws of the land, yes.

Mr McBride: Can you give us any indication of how many people —

The Chairman: I think we can all agree that that is a matter for the RUC. Mr Patton has said that they will deal internally with those who are in breach of the rules.

Mr McBride: I am asking him to indicate how many have been dealt with over discipline breaches last summer.

Mr McCrea: This is interference with the internal affairs of the Orange Institution. I am not aware that there have been any successful prosecutions by the authorities of such people. If Mr McBride is asking, as I take it he is, whether our laws specifically relate to people who have been found guilty of criminal offences, then the answer is that they do.

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With regard to any internal discipline that has been applied in relation to members of the institution, that is within the Institution.

Mr McBride: Do you regard the conduct of some of your members, perhaps the small minority that we saw last year blocking the Queen's highway and acting in a disorderly fashion — to put it no stronger — on some occasions, as satisfactory from the point of view of your internal rules and discipline?

Mr Patton: We believe in peaceful protest. We condemn violence, from whatever source it may be. That is the bottom line. Regrettably, Orange sashes are not the hardest thing to come by. I recall a well-publicized occasion when a group of people were outside the gates of Stormont. They were certainly not members of the Institution, but they were wearing Orange collarettes.

Mr Carrick: Gentlemen, can you confirm that the Orange Order does not accept that confrontation is inevitable, that every effort, short of seeking consent from the enemies of Ulster, should be made to avoid community confrontational strife, that such attempts should not be interpreted as weakness and that, in the event of no acceptable solution being found, the Orange Order is determined to stand fast, to defend and uphold the basic principles on which the Protestant faith, heritage and culture is founded?

Mr Patton: The answer to the first part is yes. No one wants confrontation of any sort. But we happen to believe that we are not simply standing for the right of Orangemen. We are standing for basic civil liberties for all people.

Mr Casey: One of the questions I was going to ask has been partly answered. First of all, may I welcome you to our meeting here this morning, which I hope will bear fruit. You stand for free speech, right of association, free association, right of assembly for all — not just for one side of the community, but for all the community.

Mr Patton: Indeed — civil and religious liberty for all people.

Mr Casey: Do you agree that the people who were on the Garvaghy Road had the right of free assembly as long as they were not indulging in any sort of violence?

Mr Patton: I believe that they have the right of free assembly. I do not believe that they have the right illegally to block the road.

Mr Casey: Well, two sides were blocking the roads.

Mr Patton: The Orange Institution did not block Garvaghy Road.

Mr Casey: I am not saying it blocked Garvaghy Road. I am saying that the Orange Institution blocked other roads. So if it was illegal for the people to assemble on the Garvaghy Road, it was illegal for members of the Orange Order to block roads at airports, roads in and out of towns, et cetera. Do you agree with that analysis?

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Mr Patton: I believe that if the illegal road-block on the Garvaghy Road had been dealt with, you would not have had a problem.

Mr Casey: Well, I do not think that is the answer to my question.

The Chairman: I take it Mr Patton has answered in the fashion he wishes to, Mr Casey. Have you a supplementary question or another question from that?

Mr Casey: I note from a publication here that in 1995 there were 3,500 parades, of which 2,581 were Loyalist. Is this not an extraordinary number of parades? I can appreciate that it has been traditional for the Orange Order to parade on the Twelfth of July, the Apprentice Boys on the last Saturday in August, I think, and the Black Preceptory on another date. I have never known anybody actually to object to those parades. When my children were younger I used to take them to watch them coming into Lurgan. The variety of bands that they had made it worthwhile to stand for a couple of hours listening to them. Unfortunately, the variety of bands that we have now certainly do not do anything to enhance either the Orange Order or any other institution which uses them either for parading or for processing, as the Orange Order prefers to call it. You are looking at the thing from one perspective. This publication also said

"We have already suggested some of the reasons why parading is so prominent within the Ulster-Loyalist community — the historical background to Loyalist parades, the connections to the Stormont state and the importance of local parades in reasserting the idea of Northern Ireland as a Protestant state."

Now, rightly or wrongly, the Orange Order and the other Orange Institutions are viewed in this like by quite a sizeable tranche of the population in Northern Ireland. You have to admit that, apart from your statement that you are a totally religious organization, you have secular connotations because of your association with a political party. I do not think that this enhances your image with quite a sizeable part of that community.

The Chairman: Perhaps you would let Mr Patton or Mr McCrea answer that.

Mr McCrea: It might take the two of us because that was quite lengthy.

Regarding your question about the institution's being a religious institution, it is Bible-based and a religious institution. It was formed to protect all law-abiding citizens and to work for peace and harmony at the time. With regard to the comment about a political party, it has to be said that the Orange Institution, over the last 25 years, has had an umbrella effect because not only have we had members from all Protestant denominations within our ranks, but we have also had members from practically every political party believing in the maintenance of the Union.

Mr Patton: Mr Casey raised some other points. The first one that I should like to address is the question of the bands. We have on parade some of the best bands in the world. We have numerous world-championship bands in various categories, whether they be pipe, accordion, flute, what have you. So, it is really very wrong to generalize about bands in that sense. I am also rather puzzled by the figures that you have quoted. I should welcome clarification on your understanding of those figures.

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Mr Casey: You will find them in 'Parade and Protest' by Jarman and Bryan, which was published last year.

Mr Patton: I am familiar with that publication. I have to say that it does, of course, apply to Loyalist parades. It does not subdivide into Orange, Black and Apprentice Boys. It also fails to take account of the way the parades are counted. Many hundreds are actually held on one day — the Twelfth.

Mr Davis: Thank you for coming along.

May I say that, for better or worse, I get a mention in this publication. I can recall sitting on an independent committee to look into the troubles in Portadown in 1986. On that occasion, without doubt, the evidence that we took from academics right across the board painted the RUC in a very poor light, and, indeed, the then Chief Constable came out of it in a very poor light, because it was very evident that the Orangemen were blattered into the ground on occasions then. In saying this, one could ask what we are doing today, discussing something dating back to 1986. It seems as if it has got worse since the signing of the Anglo-Irish Agreement. There was less trouble and less money spent pre-1985.

Do you believe that there are any genuine residents' groups, or do you believe them all to be infiltrated by Sinn Fein? In trying to resolve this problem, do you have any confidence in the North Committee, which will be publishing its report very soon? Thirdly, do you believe that the RUC is politically motivated?

Mr Patton: There may be genuine residents' groups. I happen to believe that the ones that I am specifically aware of are fronts for Sinn Fein/IRA. On the question of the North Committee, I think that it is a question of wait and see. I hope that it will come up with something sensible, but we will wait and see exactly what.

Mr Davis: On the subject of the North Committee, did you make any representation. for example, on the personnel on that committee, or have you any reservations about some of the members?

Mr Patton: A good many of our members had reservations on the formation of the North Review body. We have been, as a deputation from Grand Lodge, to the body and expressed our position and our suggestions. The Body having been established, any representations or comments that we might have made about its composition would not have been helpful. But we did make our position absolutely clear to Dr North and his two colleagues.

Mr Davis: Was the RUC politically motivated? Or do you believe that it is?

Mr McCrea: The position as we find it with the RUC is that it varies, depending on the circumstances. There are times when decisions are made which we believe are political, as we said earlier when we talked about the Maryfield secretariat. Then there are other occasions when one wonders just what is going on. Looking at the Londonderry situation in August when the Secretary of State intervened, in a television interview he was asked by the

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reporter why he had not intervened in the case of the Garvaghy Road. His answer was that he had not been requested by the Chief Constable to intervene and take a decision. So sometimes it is very difficult to understand exactly who is making the decisions. It would be much more helpful if we knew.

Coming back to Mr Davis's first point about the residents' groups, there are some genuine residents, but, unfortunately, their opinion is not always allowed to be expressed.

Mr Davis: Going back to the North Committee, may I ask if you were aware that, for example, one member of that committee had negotiated IRA funerals?

The Chairman: For the record, Mr Davis, will you explain that more fully to Committee members?

Mr Davis: I have photographs which show a certain member of that committee negotiating with the police for the family of an IRA commander at an IRA funeral. Were you aware of that?

Mr Patton: No. I have to say that the Orange Order has had a healthy cynicism of all such review bodies since the 1849 Berwick inquiry.

Mrs Robinson: May I place on record — I think I have to be up front — that I joined the women's Orange Order following Drumcree. One, as I saw my Protestantism being subjected to the worst kind of treatment in the way that the Government have been dealing with the Orangemen. Do you agree that there is an orchestrated propaganda war going on to demonize the Orange Order by playing up the events before and after Drumcree, with the sole purpose of putting the strait-jacket on future parades, and that this, in turn, is part and parcel of the overall plan, stemming from the Anglo-Irish Agreement, for joint authority initially, and a United Ireland ultimately?

Mr Patton: Thank you, Mrs Robinson. The short answer is yes. I believe that there is a determined effort being made to break the Orange Order and to face it down in the belief that doing that will weaken considerably the position of this country within the United Kingdom.

Mrs Robinson: Do you also agree that pre-November 1985 there was a deliberate political policy enacted in Portadown? Portadown was picked, particularly because it was 99.9% Unionist, to show the Irish Government that down the road, when the Agreement was signed, the police would deal with Loyalists, and deal with them hard and heavy.

Mr Patton: I believe that Portadown 1985 was the attempt to lance the Unionist boil.

Mr Dodds: I am sure, Gentlemen, you will wish to comment on what, I am sure, is widespread resentment within Orange ranks — indeed, within general Unionist ranks — about the continuing concentration on the consequences of the Garvaghy Road situation rather than on what actually led to what was an inevitable situation which anybody with any sense could have seen coming. I refer to the illegal threats and the illegal activity which took place prior to the police being forced — as they say, being forced — into taking the decision

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they took. I am sure there is a great deal of resentment within Orange ranks which makes the situation even more difficult in terms of the forthcoming year.

May I also ask a more direct question on the issue of what might come out of the North Committee? It has been suggested that some sort of independent commission, a permanent body, might be established which would deliberate and decide on the question of parades. What would your view be if the North Committee came up with this sort of suggestion? I know that, in many circles, it is regarded as a disastrous suggestion and there would be support for your view that this is really a policing matter that should be left with the police.

Mr McCrea: You mentioned the resentment that has built up within the Orange and the Unionist community because the majority of media reporters and a large number of other people, including Government people, keep referring to the events at Garvaghy Road. All the troubles and ills in this province point back to the Garvaghy Road. Unfortunately, they are pointed back only part of the way, and that is to this institution — the Orange Institution. The failure is that the commentators, the reporters — call them what you like — are not looking at what actually gave rise to the Orangemen being at Drumcree Road prior to coming back to Portadown, and the fact that the decision was taken — by whom we do not know — to prevent the parade going any further. But the order was signed, and that parade did not go ahead. I think that Mr Dodds is absolutely right. There is resentment, quite a feeling abroad in the community, with regard to the fact that comments are continuing to be made blaming all our troubles on what happened after Garvaghy.

Mr Patton: I should like to enlarge on that very briefly. It appears that there is a deliberate attempt to blame everything on those events. It seems to me that even the flu that I am suffering from probably is a direct result of it! An attempt has been made to change the calendar in that AD no longer stands for "Anno Domini", but for "After Drumcree".

We have grave reservations about the independent tribunal. It would be extremely difficult for it to be independent as long as you have the Maryfield secretariat, the Anglo-Irish Agreement and a foreign Government having the right to appoint people to it. We have tremendous concerns about that, and we believe that the police are the only people, ultimately, who can deal with this issue.

Mr Casey: I want to make it clear that I do not have any animosity towards the Orange Order, or any other Order, but, having knowledge of the so-called Nationalist community, or Catholic community, do you think that Drumcree could have been avoided?

Mr McCrea: In a word, yes.

Mr Casey: If the Orange Order had agreed to go down the road it came up, would the situation have been avoided?

Mr McCrea: No. It could have been avoided had the correct decision been taken.

Mr Casey: You are speaking from the position of one of the protagonists — let us say — in the situation. I have heard these attempts to minimize the impact of Drumcree

before, but we cannot run away from the fact that Northern Ireland was almost on the brink of anarchy, and that Drumcree had far-reaching consequences, not only for the Orange Order but for the entire population of Northern Ireland. We have to be honest about these things. We have to sit down and ask ourselves if tradition is more important.

Mr McCrea: As Mr Casey says, if tradition were to enter into the whole matter, there would be 11 parades on the Garvaghy Road. The Orangemen in Portadown are only asking for the right to parade from their place of worship on one Sunday out of 365 days. Mr Patton made the comment earlier in his submission that it was very pointed that all of a sudden, on that particular Sunday, out of the 365 days in the year, there was going to be a community carnival on the Garvaghy Road housing estate.

Mr Browne: In 1985, when the first problems started in Garvaghy Road, I walked that parade and after that it was re-routed. Would I be right in saying that it was actually re-routed to where it is now? Was there a different route at that time?

Mr Watson: I am the County Grand Master of County Armagh. Yes, the original parade used to go down Woodhouse Street, down through the Tunnel and out at Obin Street. It then went up and passed St John's Chapel at Drumcree and on out the road and back by the return route that they still use.

Incidentally, I would like it put on record that the shortest route to and from Drumcree Church is the Garvaghy Road. I have to reply to Mr Casey and say that Sir Hugh Annesley must bear a fair amount of responsibility for the so-called £40 million that has been thrown at the Orange Order's door.

Mr Casey: I do not accept that.

The Chairman: Are there any final questions?

Mr Rodgers: Can you confirm that the Orange Order has a code of conduct for bands and, in fact, that a number of Orangemen have actually been expelled over the years because they have not met the code? Also, have you been engaged in any talks with constitutional politicians about this year's processions?

Mr McCrea: On the first question — the code of conduct for bands — yes, there is an agreement drawn up by the Grand Lodge, and each band that takes part in a parade has to sign that agreement. There have been occasions when bands have not lived up to what they agreed to do, and they have been disciplined. A number of bands are now out of existence simply because the Orange Institution put a blanket ban on its lodges engaging them.

There are also reciprocal arrangements in that if a band from Northern Ireland goes to Scotland or England any misbehaviour there is dealt with by us on behalf of the Grand Lodges in England and Scotland. So there is no question that they get a boat ticket and that is a licence for them to do what they like; they are still obliged to fulfil the undertakings in their agreement. On the question of talks, as I said earlier, there are discussions taking place at various levels in various places, and I do not wish to prejudice anything that is going on at the

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present time. But the Institution will certainly talk to any of the constitutional parties regarding events in 1997 which are looked upon as parades coming forward.

Mr McBride: Mr Patton referred to the inquiry of, I think, 1845. By doing so he reminded us that this is a problem which has existed, in one way or another, for at least 150 years, and has recurred regularly. Now, I have to put my remarks in context: I fully acknowledge the Orange Order's right to exist, its right to carry out its practices, its right to assert its heritage — it is a perfectly legitimate part of our society. But I have to say also that here today you have given us a very inflexible response. I do not think you have shown any sensitivity to the legitimate concerns of others about this entire situation. Now, this is a very serious question: do you accept that you too have to move if we are going to resolve this problem?

Mr Patton: As Mr McCrea said earlier, taking, for example, the situation in Portadown, where there is now one parade when there were once 11 — that, in anyone's language is movement.

Mr McCrea: In Mr McBride's own constituency there has been considerable movement over the last five or six years in the number of parades using the main route, the Ormeau Road, into the city centre, but I have to say that there has been no movement on the part of the protesters on that particular stretch of road.

Mr Watson: I would also reiterate, as one who was part of the talks delegation at the Ulster Carpet Mills on 11 July, that the Garvaghy Road residents deliberately sent a delegation whom they knew we could not deal with, and the Orange Order was not the culprit.

The Chairman: There is one final point that I do not think it has been touched on. It was mentioned by others who have made representation to us, and it may be helpful for the record, to ask for your opinion about an idea that is being floated — that organizations such as the Orange Institution and others who arrange demonstrations and parades should put down some form of bond and make some sort of financial commitment. Is that something that you have been asked to comment on, particularly in relation to the North Commission? How do you feel about that type of proposal — that organizations should actually have to put down some sort of bond to cover the financial costs of policing, et cetera?

Mr McCrea: I think we already do that ourselves: we pay our taxes and pay our way in the country. There may be others who do not do that, but certainly the majority of our members are tax-paying people. I think Mr Patton can also comment on that.

Mr Patton: On the other side of the coin, probably in every other country in the world, grant-aid is given for the sort of colourful cultural display that we put on.

The Chairman: I think that has fully covered the subject. May I thank you very much indeed, Gentlemen, for coming along. This will form part of a report which will be presented to the Forum some time, perhaps during the month of February. We will, in due course, send you a copy of the report. May I wish you all the best in your continued

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negotiations with the constitutional parties and hope that they will bear fruit. You are talking to people who represent the genuine people of Northern Ireland, whose longing is for peace, stability and reconciliation. Thank you very much indeed.

Mr McCrea: Thank you for having us here. We look forward to receiving a copy of your report. Perhaps when it is being discussed and debated in the Forum we could be given the opportunity to be in the public gallery.

The Chairman: We would be delighted to invite you.

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MINUTES OF EVIDENCE

PORTADOWN LOL

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 23 January 1997

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Mr D Burrows, Mr D Jones, Mr S Thompson and Mr J Carrick
(Portadown LOL District Number One)

The Chairman: Could I welcome you along, Gentlemen, the members of Portadown LOL District Number One to Committee A of the Northern Ireland Forum for Political Dialogue. We are the Committee dealing with Public Order matters and, in particular, charged with looking at boycotting and the issues commonly known as parades.

We welcome you along this afternoon. We are very keen to hear at firsthand your views on the ongoing questions surrounding the whole parades issue. The procedure we adopt here is that you will have a period of time to make your presentation — that can be from one or more members. Following that, if you are happy, members of the Committee will then ask you questions. We are working to a fairly tight timetable — we have another group coming at 3.00 pm — so would you like to make your comments?

We have already verified, but just for the record, that there are some people attending with Mr Donaldson in the capacity of observers. They are involved with research work and, with the agreement of the Committee and yourselves, those people have been asked to stay. Thank you very much.

Mr Burrows: Thank you very much for giving us this chance. On my right hand is John Carrick. He is a member of the district committee and he is also on the Vestry of Drumcree Church. Also on my right here is Stanley Thompson who is the district treasurer. He has been in the Portadown District for a good number of years. On my left is David Jones who is also on our committee. He is also the chairman of the Culture and Heritage Committee which we have within the Committee.

I am the newly elected Deputy District Master of Portadown. Mr Jones and I are hoping to give a short presentation lasting about 10 minutes. Mr Jones will go through the

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institution and the role of the Portadown district in it. He will also explain why it is so prominent. Then I am going to speak for five minutes about the parade over the last couple of years.

Mr Jones: I just want briefly to go over some of the issues and the reasons that Portadown district and Orangism have such an influence upon Portadown in this particular matter. I will take you back to the year 1641 and the rebellion at that time. Portadown was significant because of the drowning of the Protestants in the River Bann there. It is mentioned in affidavits that no fewer than 200 people were massacred at that time. In 1690, although the Williamite Army, prior to the Battle of the Boyne, did not actually pass through Portadown, it passed through the outskirts of it.

By 1795 there was the Battle of the Diamond and that really marks the formation of the Orange Order itself. A group of Protestants came together to protect their faith against the struggle that was going on at that time of the Whiteboys who later became known as the Defenders. Now, when the Orange Order was initially set up it was obviously very fragile and unorganized, and although initial warrants were issued, at James Sloan's in Loughgall, those warrants were probably more like promissory notes. But even then many of the first warrants, due to its position, went to Portadown itself. For that reason the Portadown Orange District has just celebrated its 200th anniversary for its formation followed very quickly after the Battle of the Diamond.

Another reason for the significance of Portadown is that it was the centre of the Linen triangle between Dungannon, Lisburn and South Armagh, and the Newry Canal also meant that it was quite a centre of commerce in the 1700s. The initial response amongst the Orange Order, as I say, was a union amongst Protestants. Portadown played its part in deciding the form of ritual, and those engaged in the Orange Order would naturally have met in Portadown where much of the ritual was taken from parts of the Masonic Order.

George Templeton who was a Freemason, James Sloan who was a Freemason and James Wilson from the Dia also met together, and later on the landed gentry became involved with William Blacker. William Blacker, who lived in the Carrickblacker Estate just outside Portadown, became involved with the Vernors of Churchill at a later date. The first Orange demonstration which took place was on 12 July 1796 but, perhaps more importantly as far as Portadown district is concerned, the formation of Portadown district took place on 21 August 1796, and at this time the gathering together of the individual lodges set about the basic rules which would govern the Orange Order itself.

Moving on from that on 12 July 1797 — this year will celebrate its 200th year — the formation of the Grand Lodge took place. Now this again took place in Portadown, and many of the rules that had been set up by the Portadown District Lodge went on to form the actual basis of the Grand Lodge, and Woolsy Atkinson, an active Portadown individual, became the acting general secretary of the Grand Lodge.

Then came the 1798 Rebellion and yeomanry units were set up in various parts of the country, one of the most notable being the Seagoe yeomanry in Portadown itself. Now it consisted quite largely of Orangemen, and part of the credit for the fact that the 1798

Rebellion had little effect in the Armagh district was given to the fact that the Orange Order was involved in it then.

I would like to move on now to one of the issues which we are probably more concerned with here today. The first service to Drumcree Church by the Orange Order took place in 1807. It must be borne in mind that when Portadown was little more than a hamlet with a couple of hundred people, the two mother churches in and around Portadown were Drumcree Church and Seagoe Church. As I say, the first service to Drumcree Church by the Orange Order took place in 1807, and the Rev Stewart Blacker, a relative, obviously, of the original Blacker, preached at that service. Since 1807 Orange services have continued to take place at Drumcree Church. Even during the time of the Unlawful Associations Act between 1825 and 1845 — and this Act was actually designed to weaken the effects of the Orange Order — these services still took place although the parades to the Church were reduced somewhat.

That just gives a basic background explaining why Orangism is very, very important in the cultural history of the people living in and around Portadown. There are many who would argue that it has quite a significance for people living in other areas of the province as well. But, because Portadown paid such attention to the actual formation, setting up and governing of the Orange Order itself, it has actually formed quite a part of the culture of the Portadown area.

Throughout the 1970s the parade to Drumcree did experience some problems with the Obin Street outward journey to Drumcree Church, particularly in the 1970s and 1980s at the time of the hunger strikes — there was some disruption at that time. But even then the parade still managed to make its way out of Drumcree and along Garvaghy Road on its return journey. There was never any problem, there were no concerns then. It was not until the real re-routing controversy of 1985/1986 that this main problem arose.

The Obin Street area became difficult for the Orange Order, and the security forces actually succeeded in preventing the Orange Order from make its proper outward traditional journey through Obin Street to Drumcree. At around the same time Sir John Herman, then Chief Constable, inspected the route going through Obin Street and back through Garvaghy Road. He considered that Obin Street itself could be termed a Roman Catholic/Nationalist/ Republican enclave and, therefore, maybe not suitable for an Orange parade to go through. But, when inspecting Garvaghy Road, he considered it to be a main, arterial route into Portadown from the Moy/Dungannon side. Also, as there were fewer houses actually facing directly onto that road itself, he considered that it could not be described as being an enclave of any sort of religious grouping and, being an arterial route, was a route that was suitable for Orangemen to parade along.

Reluctantly then the Orange Order accepted going to Drumcree Church via Northway which takes them out to the Dungannon Road, onto the bottom of Obin Street and out to the Mother Church at Drumcree, and our return journey continued to be via Garvaghy Road. And that is still the situation now.

As I say, although we have accepted, up to a point, that we do not go down Obin Street, we would still defend our right to take our traditional route down Obin Street. But, in

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the interests of coming to terms with people from a culture different from our own in Portadown, the Orange Order decided that it would make a move and take the Northway route on its outward journey to Drumcree. However, we still continue to maintain that it is our right to parade along the Queen's highway on the main arterial route from Drumcree through Garvaghy Road back into Portadown, as it does not actually go through any particular, single estate.

One of the problems we experienced during 1995 and 1996 was that many of the newspaper reports inadvertently but specifically stated that the Orangemen were parading through the Garvaghy estate. That is untrue. Anyone who knows the geography of that area knows that there is a Garvaghy estate, a Ballyoran estate, and a Churchill estate which all border the Garvaghy Road, but the parade does not go through any of those estates. It goes straight along the main road.

If people find that satisfactory by way of background, I will turn to Mr Burrows and he will give you a bit more information about the latest situation.

Mr Burrows: Thank you very much. This walk is the only one left out of a total of 10 which involved walking through areas where people claimed to be offended. In fact a decision was made by the Portadown Lodges in 1995, after the first parade at Drumcree was stopped, that they would re-route themselves on the 12 July morning, walk away from the Garvaghy Road area and actually go on to Northway. We, therefore, believe that we have given enough and have no more left to give.

Last year we spoke to a number of different interested parties, for example the local church leaders, the head of the Church of Ireland, Dr Eames and our own MP, and at one of the meetings that we had with him it was decided that he would write to the local Roman Catholic priest asking for a meeting with him, and that request was turned down. We also met with SDLP representatives for the area and with the Deputy Chief Constable in the run-up to the walk to Drumcree Church.

The Orange District arranges its own marshalls and stewards for the parades. Our members are aware of the standards that they are expected to adhere to even under the provocation that we do come up against. We have never been involved in any form of indiscipline whilst walking along Garvaghy Road, as has been seen by impartial observers over a number of years who have observed this church service. They have always reported that the Orangemen have never stepped out of line. The district has imposed its own restrictions on the parade, and three of these are that bands are only permitted to play hymns or other suitable music. Bands do not play at all while passing the Roman Catholic church on our way to our worship, and, as I said earlier, we have marshalls for that parade.

During our time at Drumcree there were a lot of meetings once the parade was stopped from returning to the town centre. Different people were arriving and the officers went and met with different people including the police and others. The Orange actually asked for the barriers to be put in place on the road, and that was one of the things I came across on the news. When the police came forward to put these barriers up, when they went into the graveyard, that was because we had already asked for these barriers to be put in place to help our marshalls at that line and to keep away contact from the RUC. But, unfortunately,

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while a couple of our officers plus our MP were away to look at suitable barriers, they went ahead and put this on and forced us in. But it was our idea, and we thought we would help the situation.

The large numbers who turned up at the church over the week stretched our marshalls. We could not believe how many people did turn up, and on the Tuesday and Wednesday evenings we had over 200 marshalls from our own district plus about 60 or 70 from another district, which kept the crowds under control — the new Chief Constable, Ronnie Flanagan, commented on the good job which the marshalls actually did at Drumcree keeping the crowd under control. Considering the crowd at Drumcree, it was estimated at up to 50,000, there was little or no trouble despite what the press tried to portray. It was unfortunate that all this hype and trouble has been caused by a group of people who cannot bear to see us uphold our Protestant tradition of walking peacefully and respectfully from our place of worship on one Sunday morning in July. The road in question after all is a main route into Portadown with the houses set well back — it is mostly gable walls that face onto the road.

That finishes our presentation. I hope that gives you an insight.

The Chairman: Thank you Mr Burrows. That was very comprehensive. Members of the Committee now have the floor to raise questions.

Mr Rodgers: Thank you very much for coming along today. We do appreciate it and I am sure we will find it very useful when we are deliberating. This parade to Drumcree Parish Church, could you explain exactly what it is for? Is it the Battle of the Somme or is it a pre-Twelfth parade to commemorate the Battle of the Boyne? I think this has never really come out. Why do you go to Drumcree Parish Church and what is the background to it?

Mr Jones: Well, from the formation of the Orange Order in Portadown itself prior to 12 July we have had a number of 12 July anniversary services. Others take place to Seagoe Church, also to the Dobbin on the Armagh side of town and to Drumcree. They did not originally start out to be Battle of the Somme commemoration parades because the Battle of the Somme had not happened then. The initial parades were pre-Twelfth church parades. That is what that parade has ostensibly been since then — a pre-Twelfth church parade.

Mr McKee: I welcome the group to the Committee. The information it has given us will certainly give us a good understanding and a good insight into the position of the Orange Order in the Portadown area. Do you think that there is a political force at work to agitate and to hype the situation up, and do you think that there is a deliberate attempt being made by a political party or terrorist organization that has a vested interested in getting this situation hyped up to try to discredit them? Do you think it is another tactic of that organization, another ploy that it has had over the years of bombing and murder?

Mr Thompson: Yes, it is politically motivated. It is Sinn Fein/IRA — known terrorists. They do not want the Protestant people to walk that road, let alone the Orange Order. They talk about parity of esteem, consent. We have to ask their consent. Are they going to come and ask for our consent to go into the town centre, to go to their work through Protestant areas? No way. You cannot have consent. Concessions — we have nothing to give them. There is nothing left to give them. It is the only parade left, and it is a very

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dignified parade. We are a Christian organization and never in all the years — and I am in my 56th year as a member of the organization — have I known a member to step out of line or to be disciplined. It only takes eight to 10 minutes to pass a given point. They talk about parity of esteem and they cannot bear to see or allow or let 1,000 men accompanied by two or three accordion bands playing hymn tunes walk down that road without causing disruption, rioting and mayhem, costing millions of pounds. In no other part of the country would that be permitted. There is something radically wrong, and it is politically motivated.

Mr English: I would like to welcome you and thank you very much for the report that you have put forward here today. Since 1807, when the first service was conducted by Mr Blacker, was the service always held on a Sunday?

Mr Jones: That has always been a Sunday church parade. It it known significantly as the Sunday before the Twelfth in the local area. Now, although it is the Sunday before the Twelfth, that is not strictly true. For example if 12 July were to fall on a Monday, the church parade would not take place on the Sunday before which would be 11 July. But it is locally known as the Sunday before the Twelfth parade and it has always been traditionally on a Sunday to Drumcree. In fact we have two parades in Portadown on that day. In the morning we have the parade which takes us to the First Mother Church of Drumcree, and then in the evening we have a second church parade which goes to Seagoe, the Second Mother Church in the town. So there are those two parades which take place on that Sunday, as we term it, before the Twelfth.

Mr English: Mr Burrows, you stated that there is only one walk that is celebrated now after re-routing. Was that re-routing done by yourselves and, indeed, were those nine parades that you stopped religious parades as well?

Mr Burrows: The only one which I mentioned earlier on was on 12 July which we did voluntarily after the first year that we were stopped at Drumcree. The eight lodges from that area instead of walking along the road which they were put along, Garvaghy Road, decided to go via the Northway on that occasion. It actually goes back to the early 1970s when the junior lodge from Corcrain was walking along Obin Street. It was the first one to be stopped by the RUC. Then in the 1980s there was a parade on the Twelfth morning when those eight lodges would have come into Obin Street. Also there were other sister organizations, the Black and that, and it all added up. But there was only the one which the eight lodges did voluntarily after the first year at Drumcree.

Mr English: But, in essence, you voluntarily dropped nine.

Mr Burrows: No, the other ones were stopped.

Mr Casey: Gentlemen, you are very welcome. How do you think that the Orange Order is perceived by the Catholic/Nationalist population *viz-à-viz* how you started and the reasons you started and the reasons you have perpetuated the Orange Order since 1641?

Mr Jones: Perhaps the best people to address that question to are Nationalist/ Republicans, Roman Catholics themselves. One perception from an Orange point of view is that a number of people — and I do not say all the people down there — in the Garvaghy area

have extreme resentment for the fact that we are an order which is formally a Christian/Protestant Order, that we have a British ethos, that we represent a group with a cultural identity in a part of the island of Ireland that they do not subscribe to. As to whether 1641 has much bearing upon them or not, I am not honestly sure. I think the main problem that those people have is that we are from a British/Protestant cultural tradition and identity. They seem to have some sort of difficulty in accepting the fact that there are fellow citizens in the same town as they who have a different cultural and religious outlook than they have and in sharing with them.

Mr Casey: I have a supplementary question. You will appreciate that the reason all of us are here today is the conflict that arose as a consequence of the march. Now in 1996 quite a variety of people, personally and from organizations, sought a meeting with the representatives of the Orange Order in Portadown. As far as I am aware the Order refused actually to meet with any of those individuals or organizations to have talks or conversations about the potential conflict that people saw at that time.

Mr Jones: What particular individuals or organizations are you referring to?

Mr Casey: Well, myself as Mayor of Craigavon, for a start, Craigavon's Police Liaison Committee for a second and the police for a third.

Mr Thompson: Mr Casey, you were Mayor of Craigavon. Did your colleagues in the SDLP not inform you of meetings with senior officers of the Portadown District Lodge?

Mr Casey: Well, I do not have any colleagues in the SDLP.

The Chairman: Mr Casey represents the Labour Group, as they are known, in the Forum on this Committee.

Mr Casey: We do not have any SDLP members on the Police Liaison Committee either.

The Chairman: Maybe you could move on to the main thrust of the question, Mr Thompson.

Mr Thompson: The senior officers of the Portadown District met Cllr Fox and Cllr McCavanagh and I think you, as Mayor, would have been aware of what took place.

Mr Casey: Was that prior to the impasse or during the impasse?

Mr Thompson: Prior to the parade's taking place. They met in the town hall.

The Chairman: In relation, Mr Thompson, to the other points that Mr Casey raised — the Police Liaison Committee or the police themselves. Did you also have negotiations or discussions with those other bodies that he mentioned?

Mr Burrows: We had discussions with the police but not with the Police Liaison Committee. We thought the police would be more beneficial to us. We spoke to the two

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councillors. It was actually Cllr Fox who was from that area and we thought that he would be the one to speak to — and then we did speak to the police themselves.

Mr Davis: Gentlemen, do you believe that the present situation can be traced back to decisions taken in 1985 to ban the Orange and the Royal Black Preceptory from their traditional route at that time? Secondly, do you believe that since that time that relationships between the Orange Brethren and the population of certain sections of Portadown and the RUC have deteriorated? And could we have a view — I understand you have a member from Drumcree Parish Church, and I know you are not speaking for the church — about what the church thinks about the present situation.

Mr Burrows: I think the best person to answer your questions is Mr Carrick.

Mr John Carrick: I will go to your last one first, regarding Drumcree. We have since had a meeting with Archbishop Eames. It was purely on church matters and he is one hundred per cent behind our rector, John Pickering. He had his concerns, but he has absolutely no problems, He will stand by us. Drumcree is a country parish. It is a hardworking Christian Protestant church. It is out in the country. It is not in a village as has been bandied about. Once every year an invitation goes out to the Portadown District to have this parade — just once every year. Everybody, the congregation, the vestry, our rector and the archbishop are one hundred per cent behind this parade.

What were the other points?

Mr Davis: Do you think relationships between the RUC and the Orange sections of Portadown have deteriorated since 1985?

Mr John Carrick: Some of the things that we have seen and witnessed them doing leaves a lot to be answered for. They have cooled down a bit, but they certainly have a long way to go yet before they get back to normal. Even before 1985 — 1985 was all part of the Anglo-Irish Agreement and, even in 1995/96 we were still seeing an input from Dublin. We have no doubts that John Bruton, Dick Spring and the Maryfield Secretariat have an input into this. Let there be no doubts about that. We have information to prove that they had an input. The attitude is, if you stop the Orangemen at Portadown, you will stop them all over. We have no doubts whatsoever that they have a big input into this, and we will not be giving into them.

Mr Jones: With regard to the 1985/86 position, relationships between a large section of the community and the RUC in Portadown reached a very low ebb, as they did in 1995 as well. But following that — and it was due to quite an extent to the Orange Order, in a quiet way, having contact with people within their own community — attempts were made to try to help relationships between the RUC and, if I may use the term, the Protestant community within the town as well.

Relationships were very low, but attempts were made with people within their local communities to try to help those relationships. Obviously, those relationships were not helped any further in the early 1990s when a massive 2000 pound bomb was set in the centre of Portadown. The events of 1995/96 again caused problems with relationships between

Protestants and the RUC in Portadown. I have to say that the problem has not always been between the local community and the local police. There has been great difficulty between the local community and the police who were brought in from outside. Quite often the local police and the local community have worked very well together but difficulties arose, particularly in 1995/96, when police were brought in from outside, and situations developed in a certain way.

Ms Quinn: Thank you, Gentlemen, for coming. I am substituting for my colleague, Barbara McCabe, and we both represent the Northern Ireland Women's Coalition. I am glad that I have the chance to be here. I have too many questions and I am not going to be able to ask them all so I am hoping to sneak in two.

The first refers to the history that Mr Jones gave us very quickly — too quickly. I made some notes and then I gave up. I come in as someone who is less informed than Miss McCabe who is normally here, but I want you to give me a feel of what the Orange Order stands for and what you do. What do you do apart from what you do on the Twelfth or in the marching season? What does the Orange Order represent? How do you get together in other situations?

Mr Jones: From its initial formation in 1795, the Orange Order was an organization which bound together Protestants who were at the time under fierce attack from other individuals in and around the country areas. The organization grew because it was a self-protective type of group. That refers back to the very early origins. Once the system was set up in itself, it set up its own particular structure whereby we have our own private lodges to which we elect our own particular officers. From those officers we then have our district lodge which comprises a number of private lodges. We then go on to our county lodges, and to our grand lodge.

Within our own communities, as well as, you say, the 12th of July and church parades, we have our regular meetings at which we look at our own particular business — we need funding to run our organizations, et cetera. It should also be borne in mind — and this is something that people tend to overlook quite often — that a lot of Orange Lodges raise money for charitable purposes. They donate money to hospitals, to ante-natal care, to kidney research and the like. The Orange Order is quite often accused of being sectarian, but when we carry out those type of fund-raising operations we do not go to the hospital and say "This kidney dialysis machine is only to be used for Protestants". It is for the good of the community as a whole and, in that way, we attempt to assist the community. We are a brotherhood — a fraternity — who meet together and enjoy the fellowship of one another. We seek to advance the cause of Protestantism and to defend one of our basic principles of civil and religious liberty, not just for Orangemen, not just for Protestants, but for everyone.

The Chairman: You had a supplementary question, Ms Quinn.

Ms Quinn: It is not a supplementary question it is another one. I am sure that you will agree with me that more of that should be disseminated among the general public out there.

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My second question is this. You talked about 1985/86 when the RUC wanted you to re-route your march in order to avoid the Obin Street area. At that time it deemed that the Garvaghy Road was a main arterial route and that therefore, there was no problem with that. Has the structure of Garvaghy Road or the demographics of Garvaghy Road changed since 1985?

Mr Jones: It has not changed substantially since then. We are only talking about a period of 10 years. Demographic change took place in Garvaghy Road in the 1960s and early 1970s when there was a lot of intimidation. You may have heard of Churchill Park — Cllr Casey will certainly have heard of it. When Churchill Park was originally built it housed quite a large number of Protestants, but during the time when intimidation was widespread throughout the province, a lot of Protestants were intimidated out of Ballyoran, Garvaghy Park and Churchill Park, with the result that the town polarized and a divide came between what you would call the Catholic and the Protestant sides of the town.

But since the mid-1980s up to the present time, there has been no substantial demographic change in that particular area. There may be a change because there is private development going on in the area. What the make-up of those particular houses will be, time alone will tell. This on-going development is at the perimeter further away from this main arterial route which still goes into Portadown and which I, and many others, travel up and down every day to go to our places of work. Although the population may be further on out, it will be increasing but the main arterial route is there as the main thoroughfare into the centre of Portadown.

Mr Dodds: May I add my words of welcome to the delegation? Thank you for coming.

The information about the number of parades being reduced; the fact that the parade takes eight to 10 minutes to pass any given point along the Garvaghy Road and the fact that this is the shortest route back from the church into the centre of town should all be brought to the attention of the public, as my colleague was saying.

But I move on to the issue of consent. We hear a lot about this so-called principle of consent. Many of us have grave reservations and see the dangers and implications of that so-called principle. Would any of you care to comment on what you think of that principle, as enunciated by certain so-called residents' groups and some of their prominent spokesmen?

Mr Burrows: We have found that over the years this Gavarghy Road residents' coalition has changed its name. They used to be called "Drumcree Faith and Justice" but the names and the faces have changed. At the end of the day, we know that they do not want us walking. We can see this in other parts of the country; it is widespread now. We are sure that it is a political thing because the same faces seem to be showing up in all areas, whether it is Garvaghy Road or Dunloy. There are certain main players. We do not think that we need consent. People should not be saying who walks or who goes where. That is the last thing that we, as an Order, as an institution want to see. It goes against civil and religious liberties that people are having a say in who goes where.

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We put out a statement to our local press at the weekend and at the end of it we mentioned what is actually happening up in Harryville at the minute. That is the kind of thing that we do not want to see happening, and I think that is part of this consent issue. If you have people saying who goes where, who goes along what road, that takes away from policing and also from the Government. You will get groups starting up in all these different areas if people are allowed to say that other people cannot go there.

Mr Mervyn Carrick: First of all, I welcome my fellow citizens. To make my position clear. I live within the Parish of Drumcree and I am a councillor for the area as well, so I am very familiar with the types of problems that we have experienced down in Portadown. I have two questions. Can you confirm for the Committee that, at the same time as the church parade would be returning home along the Garvaghy Road on 51 Sundays out of 52 that main arterial route is substantially deserted?

Mr John Carrick: Yes, Mr Carrick. Every Sunday morning I attend Drumcree, and as I return home people are either leaving for or are on their way home from Mass. They are returning to their homes and a few go down into Portadown town centre. If you drive down that road on 51 Sundays at one o'clock if you can count half a dozen people, that would be the height of it. They are all away in for their dinner. But for one Sunday in the year we do not know why they have to come out onto the roadside.

Mr Mervyn Carrick: Do you as an organization feel that there has been inconsistency and insensitivity on the part of the RUC in its operational approach? I mention this because just last Saturday a Protestant area of Portadown was sealed off for three or four hours so that supporters of Cliftonville Football Club could have a safe passage to Shamrock Park. It was sealed off for three to four hours, and yet the RUC do not seem prepared to grant the same treatment to Orangemen — to give them safe passage coming from a church service.

Mr Thompson: You are quite right. On that particular Saturday afternoon there was a large area cordoned off and people were confined to their homes. There were protests. The so-called Cliftonville supporters were riotous and came prepared for a riot — that we very clear to be seen. The RUC seemed to be impartial, I am sorry to say, and I thought that it over-reacted. The action it took against those who were trying to make a peaceful demonstration was totally unfair and uncalled-for, and to confine people to their homes is just not on.

Mr Mervyn Carrick: Mr Chairman, on a point of clarification, I was referring to last Saturday when there was no protest. Mr Thompson is obviously referring to an earlier time.

The Chairman: Perhaps you would clarify that.

Mr Burrows: Mr Thompson was talking about the earlier one. At the match on Saturday it was unbelievable. When I went down there on the main road, the Brownstown Road, police had barriers right across it. People were not even allowed to walk down to the match and get in that way. They had to go right around the ground. People were saying that the police were there from early morning. They might not have had it closed off, but they were around that area from early morning. They saw that that was necessary —I do not know if it was. What I would like to put over is that provisions were made for 60 people coming

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along — that is actually what the supporters had reckoned — to that match to support their team, which they have the right to do. It had been said that there was not going to be a protest. The people who must have organized it before said that they were not going to protest. Really, the RUC proved that it was able to allow these people who were coming to watch the match get in by closing the place off with barriers by actually closing main roads.

Mr McBride: Do you take any satisfaction in the events of last summer and if you do not, and I do not know how anybody could, what are you prepared to do to avoid those events being repeated this summer?

Mr Jones: I certainly do not get any satisfaction from it and I would say that the vast majority of individuals do not get any satisfaction from it. However, one of the problems that there is is that, as I said before, we stand up for the principle of civil and religious liberty. We were concerned that we were not allowed to exercise the civil and religious liberty of being able to parade along the Queen's highway. We hope, and it is our desire, that there will not be a repeat of 1995 and 1996 in the coming year, 1997, but we are only one set of players in the overall game. Already we have seen press reports coming through the media from the Garvaghy Road residents' group of some of the things which they intend to do. It seems that already, in January they are attempting to hype up the situation to make it more liable to some sort of action taking place.

All that we desire is to be able to parade to our place of worship and return home from our place of worship along the highway, not giving offence to anyone. There would be no one more pleased than the Portadown District Orange Order if on that particular Sunday before the Twelfth this year, we were back sitting in our homes at about 3.30 in the afternoon with our families, getting ready for our Sunday evening parade to Seagoe. But we are only one set of players in the overall game. It will also depend on the reaction of the people from Garvaghy Road, from whatever groups that they belong to, whether that is able to happen or not.

Mr McBride: But we have already heard comments, not only from Garvaghy Road residents but also from yourselves, I understand, saying that you are not prepared to meet them. Given the situation there — and let me say that while I respect your right to demonstrate your culture, I also recognize that other people have rights and that we all have a duty to obey the law — do you not think there is a burden on you to see what compromises you could put forward, what alternatives, or to meet with the residents to discuss the situation?

Mr Burrows: Our main problem with the Garvaghy Road residents is their spokesperson. This is the person whom they have put forward and because of what he has done time for, something which actually happened in the town, we find it impossible to speak to him. We have no problem about speaking to representatives, church representatives, council representatives, but this person, and even this coalition, has in this last couple of weeks said that they do not even recognize our own council and they will not speak.

The Chairman: Mr McBride, have you another short question you would like to ask?

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Mr Jones: If I could just maybe add something. With regard to the Garvaghy residents' coalition, the particular individual who seems to lead that coalition actually does not even live on the Garvaghy Road. A few days ago he and a number of others went to meet with the Secretary of State, Sir Patrick Mayhew. One was an MP who actually comes from Londonderry, the other one was an SDLP representative who represents some part of Portadown but lives in Lurgan and originally came from Donegal. So when you look at a group of people like that, you start to question how representative they are of the residents of Garvaghy Road.

Mr McBride: I am not a spokesman for the Garvaghy Road residents' association, and I want to make that clear. But do you accept that there are many residents there who would prefer it if you did not parade?

The Chairman: Could you keep it brief please, Mr Burrows. I want just a few final questions.

Mr Burrows: I would say there is a good few, but also we have residents in that area who actually come up to us and say "For the sake of 10 minutes for this parade, all of this nonsense." And they actually do not blame the Orange Order for being stuck in there and not being able to move. But with the letters that they are getting into their houses about leaving their homes available, they are under stress from these people as well.

Mr McBride: Mr Chairman, if I may be allowed to finish off.

The Chairman: If it is just very brief because —

Mr Rodgers: Mr Chairman, hold on a moment please. You decided at the beginning that it would be one question each. Let us be fair. If you are going to let members get four questions, I am going to leave this Committee now. One question. The member you are speaking to has had three questions. I propose that the member is not allowed to ask any more questions.

The Chairman: Just a moment, Mr Rodgers. May I draw your attention to the fact. and members will bear me out on this, Mr English actually asked four questions. They were very short and very brief. I cannot allow someone to do that and then discriminate against others. It was my intention that everyone would try to limit himself. There were other members here who asked more than one question. I attempted to be fair. We can deal with this very quickly. We can get through it and everyone will be happy. It has been an interesting debate. I hope members do not spoil it for the sake of a few extra minutes. It is an important issue. Mr McBride, could you keep it very brief.

Mr McBride: You say "For the sake of 10 minutes why can't....." A contrary view. For the sake of all the damage that Northern Ireland suffered last year, why cannot you meet with whomever the Garvaghy Road residents nominate?

Mr Burrows: Going back to one of the earlier questions, that is a matter of going back and asking for their consent. As a Portadown District we have given that much. We have nothing more to give. We have put limitations on our own parade.

Ms Robinson: I have just one question and I will stick to what was agreed initially when we all came in to the meeting. One of your panel said in his opening remarks that the press inadvertently said that your parade goes through Catholic estates or the Nationalist estate of Garvaghy. Do you not see — because it is still going on — that this perception that you are parading through a Nationalist estate is deliberate misinformation to make the Orange Order look unreasonable and indeed to demonize it in the eyes of the wider world

Mr Burrows: This is a problem. It is one of the problems that we have. We have come here this afternoon and when UTV heard about it it was looking to hype the thing up. This is genuine. It is all being hyped up. Last year we kept out of it, we kept out of the press. We wanted to stay well away because really it is the press that is hyping this all up. Somebody said earlier that we should get these points over. We tried to put these points over to the press but it is not interested. It is not interested in all the other church services that we go to. It is only interested because it sells papers or gets viewers. At 12 noon on Radio Ulster during the week all the time is spent on Drumcree because it gets listeners. We want to try to stay out of this.

The Chairman: We have reached 3.10 pm, and we have another group waiting. Mr Dodds, could you be brief.

Mr Dodds: As Mr Rodgers rightly pointed out we had agreed a self-denying ordinance, so since that was taken advantage of may I just ask a question that I wanted to ask about the resentment that I am sure is felt about the conflict. There was a comment made here earlier, which I was going to pick up on the time but I did not, about conflict being a result of the march. I would like your comments on feelings that are abroad that everything is being blamed on a parade, whereas in fact a large number of people, even objective people who have nothing whatsoever to do with it or take no side, say that for years you marched and paraded peacefully with no difficulty at all, and the problems have arisen because of a large number of people who come out and illegally block the highway. What degree of resentment is there among Orangemen and Unionists generally in the area about that sort of coverage?

Mr John Carrick: I think we have got a raw deal out of it. Going back to the media. if you listen to 'Talkback' every single day we hear David Dunseith and Drumcree. Drumcree, Drumcree. Why? There was never a problem with Drumcree. It was peaceful We marshalled it. The problem was when everything was turned around. It was not we who caused £1 million of damage. In 1995 it was not the Orangemen who caused £10 million worth of damage after Lee Clegg was let out. Everything was blamed on Drumcree, but it was the ensuing violence that happened from the Nationalists, not from the Orangemen's stand at Drumcree. We were told yesterday that 6,000 baton rounds were fired. I think over the five days, Gentlemen, there were 12 or 14 maybe fired at Drumcree. Where were the other 5,980-odd fired?

The Chairman: Mr Dodds, you are happy enough?

Mr Dodds: Yes, I was happy to get asking the question. *[Interruption]*

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The Chairman: Mr English, in the light of Mr Rodgers's objection to the fact that you have already asked four questions —

Mr English: Two.

The Chairman: I noted them. With the exception of Mrs Robinson, everyone asked more than one question. May I now draw this to a conclusion? It is up to the Committee. Is everyone happy that Mr English has the extra question?

Mr English: Do you as a district of the Orange Order support the courageous stance, in my opinion, of your Master in relation to the Harryville situation, where he stands for freedom of civil and religious liberties? I think it was a courageous stance on his part. Do you as a district support your Grand Master?.

Mr Jones: Yes, we undoubtedly do. In fact there was a press statement which was released to the 'Portadown' Times' last weekend which, if I may, I will read the last part of it:

"The Orange Order has always stood by a principle of civil and religious liberty for all as recently demonstrated by the presence of the Grand Master of Ireland, Brother Robert Saulters, in support of Roman Catholic worshippers at Harryville, Ballymena. We, the Portadown District, do not believe that a small self-appointed grouping can be allowed to prevent the lawful and free passage of worshippers returning from a church. It remains the intention of Portadown District Orange Lodge to uphold its right to civil and religious liberty."

Now that appeared in the 'Portadown Times' just last weekend from our own press release. Yes, we do support that.

The Chairman: Thank you very much indeed for coming along and for the very straightforward manner in which you presented your case and answered questions from the Committee.

It is our remit to consider all of the evidence produced. We will be reporting to the main body of the Forum, and you will also, in due course, receive a copy of that. May I say that I am sure that it is our wish — and I am sure that is your wish as well — that this summer there will not be a repeat of the previous problems we have experienced across the province. Thank you very much indeed for attending.

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MINUTES OF EVIDENCE

BALLYNAFEIGH LOL

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 23 January 1997

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Mr N Liggett, Mr P McCullough, Mr B Edgar,
Mr B Hoey and Mr W Carter
(Ballynafeigh District LOL)

The Chairman: Good afternoon, Gentlemen, on behalf of the Committee A on Public Order of the Northern Ireland Forum for Political Dialogue. May I welcome you, the members of the Ballynafeigh District LOL. If I may just explain the procedure: there will be an opportunity for you, at the outset, to outline your views on the matter before us, and following that the Committee will wish to ask you a few questions. It is entirely up to yourselves whether you want to have one speaker or more. If individual members of your panel want to come in and speak on their specialized subjects, they can feel free to do so. Would you like to lead off, Mr Liggett?

Mr Liggett: First of all I would like to thank you for your invitation; it is a pleasure to be here.

Ballynafeigh LOL has been on the Ormeau Road for 100 years. Obviously, a lot of us would say that the traditional aspect is our only argument but I feel that is wrong. I think that another argument is that there is a Loyalist community on the Ormeau Road. Over the last 25 years there are certain parts of the Ormeau Road where a change in population has taken place. Over those 25 years there has been a mounting campaign against Orange parades and also Black parades on the Ormeau Road. In the early days that took the form of bottles and bricks being thrown at us; in 1990 it changed into a much more organized campaign against us. It is our belief that that campaign has been politically motivated by Sinn Fein, and it deliberately put up spokesmen who would be difficult for us to meet.

There was of course a parade in 1992 which, from our point of view, was a disaster in terms of how it passed over. But I think there were special circumstances with that parade in that Sinn Fein members took the district to court a few days beforehand which threw the

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tension through the roof, and then they ran a very effective media campaign against us. At that time there were actions by certain Orange brethren which were disappointing to say the least, and disciplinary action was taken against them and also against the Orangewomen. In light of that a number of changes were made to try to defuse the situation. We re-routed certain parades coming home again in the evening, and church parades went with bands which were of a suitable standard.

Our main parade goes down the Ormeau Road at 9.00 am when the community has not really come to life; but it seems that the committee on the Ormeau Road that opposes us deliberately brings people in from various parts of Northern Ireland to be offended at that time in the morning.

In view of the deteriorating situation we took the responsible view that within Belfast there is always a chance that our parades could lead to public disorder. In 1995 we decided that we would have to go ahead and meet with the Lower Ormeau Concerned Community to try to resolve the situation. For three months Mr McCullough and I met with the Lower Ormeau Concerned Community to try to move the situation on and come to a resolution. That nearly resulted in an agreement in 1995 but that was thrown out by the Lower Ormeau Concerned Community on 11th July. The reports we have from the meeting that took place was that because the agreement gave respectability to the RUC, Sinn Fein decided that that was unacceptable. So, obviously, that proved to us that the Lower Ormeau Concerned Community is not a locally-based community group; it is working to a wider political agenda, and since that date we have taken the decision that we will no longer meet with them.

The Chairman: Any other member of the group like to make a comment at this point, or are you happy just to field some questions and maybe develop some of the points arising?

Mr English: I would like to address the same question which I addressed to your colleagues from the Portadown District. Do you, as a district, support the courageous stance, in my opinion, that your Grand Master made in going to Ballymena to support civil and religious liberties for all? Do you as a district support him in that?

Mr Liggett: Certainly, we support Robert Saulters on the decision he has taken. We have actually campaigned for it over the last five years. There have been elements on the Ormeau Road who decided to try to blockade the Church of the Good Shepherd, and we have worked effectively to stop that taking place.

Mr White: I would like Mr Liggett to clarify for me what he meant when he said "To give respectability to the RUC." Maybe I did not get it in the right context.

Mr Liggett: The agreement of 1995 was to defuse the tension over the 12th of July parade and the parade on the last Saturday in August. It was drawn up by the Quakers and the RUC was mentioned in one of the paragraphs. Apparently exception was taken to this within the Nationalist/Republican community on the Ormeau Road.

Mr McBride: I appreciate your comments today which display a breadth of awareness of the situation. I am personally, as you know, aware of the efforts that you have

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made over the last couple of years; and I am also very aware that you and your people have acted quite responsibly in difficult situations on the Ormeau Road.

There is one question that I would like to ask you about what you said. You said you felt that the agreement in 1995 — which I think was an important step forward — was rejected because it gave credibility to the police. Do you accept that one of the factors in the Ormeau Road was the situation as it then existed in Drumcree and the impression that was being given of triumphalism when the Drumcree march went through in 1995? I think that that was the day after your agreement.

Mr Liggett: I actually do not think that that is valid, because the first meeting when we discussed the agreement was actually before the final consequences of Drumcree and the police putting the parade down the road. A meeting was held after that and the final decision was taken. But they could not reach an agreement because it looked as if a third, or maybe more, of the people wanted to accept the agreement, and that was not suitable to the committee on the Ormeau Road. Consequently, we have heard, people were brought in; they stood across the back of the room —, various hard characters who were not going to be prepared to accept any agreement — and that is when the decision was taken to throw the agreement out.

The Chairman: Sorry, Mr McBride, if you do not mind what I am going to do is go round and give every member an opportunity to ask a question and then come back for a second one, if you will all accept that.

Mr Rodgers: May I say that we are very pleased that you have been able to come today, and we have no doubt that this will be very useful when we come to make our deliberations. On the cases that the lower Ormeau Road group has taken for judicial review is it true that it has used people who are on income support so that it does not cost that person any money and that in your case your members have had to pay the legal costs for solicitors and barristers?

Mr Liggett: Yes, that is the case; it has used the legal-aid system to back up its campaign. It has nominated unemployed people. It has so far cost Ballynafeigh District, the two districts — the Black and the Orange — in the region of £7,000 to defend the cases.

Ms Quinn: Thank you, it is nice to meet you. It is too brief though; I need more time to understand what went on about something that I only saw on television. But I will limit myself to one question since we are limited. In order to ask the question, I would like, Mr Liggett, just to clarify something that you said toward the end of your talk and that was about no longer meeting them. Does "them" refer to representatives of the Ormeau Road?

Mr Liggett: To the membership of the LOCC — the Lower Ormeau Concerned Community.

Ms Quinn: Were you meeting them at one stage?

Mr Liggett: Yes, we met them during 1995.

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Ms Quinn: So here is the question: what are we going to do if you will not talk to them? A naïve question perhaps and perhaps a rhetorical question. I will not be pedantic and cite situations all around the world where people have had, eventually, to talk. What are we going to do?

Mr Liggett: The reasons we do not meet them at the moment is that from 1992 to 1995 issue of parades was very much a local issue confined to the Ormeau Road. There were other contentious areas, but they were not of the same magnitude. While there was a chance that it remained local, we could have resolved it, yes. But at the end of the day you have to understand that we are only one district lodge here, there are numerous other district lodges in the Orange Order, and we were being pushed into a position where we were having to take decisions that were affecting the whole institution. Now obviously we feel we are up against a campaign which is organized by Sinn Fein — and I think that is quite clearly the case. When they were in position to get a final agreement, they rejected that and went back to their old stance of attacking us in the media. But the situation is that we are not in that position; we cannot solve this issue now as an individual district lodge.

The Chairman: Any other member of the panel like to comment on that?

Mr McCullough: I would like to comment on the question about meeting the people from the lower Ormeau Road. I was brought up on the lower Ormeau Road in Hatfield Street, and I remember happy times down there when all the community could come out and watch the Orange procession without any trouble whatsoever. I was involved with Mr Liggett in meeting with the Lower Ormeau Concerned Community, and for three months we had intensive negotiations with these people in order to thrash out some sort of an agreement which would be acceptable to all the people of the Ormeau Road. At the end of the day we went down to the RUC station and Mr Liggett signed the agreement — and, may I say, at great personal risk to himself because the hard-line element on the Loyalist side would not have been too pleased about it. But he took the risk and signed it and, at the end of the day, Mr Rice from the Lower Ormeau Concerned Community turned round and signed it as well. Then on the evening of 11th of July, they reneged. How can we sit down and meet with people who do that to us at the last minute? When we think everything is OK, at the last minute they turn round, renege and throw the agreement out.

Mr Davis: Gentlemen, we have heard from different organizations the effect that Sinn Fein is having on these various areas. Do you believe that, for example, the Government or the RUC, to that matter, are actually caving in to Sinn Fein representatives?

Mr Liggett: I do not believe that the RUC is upholding the law; I think it is caving in

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Mr Hoey: I believe that is a big part of the problem. It seems to be giving way to the Republican element and at the threat of violence. It goes for the soft option — it is part of our ethic to be law-abiding and live within the law — and it feels that we will not attack back, so it stops a parade rather than have confrontation.

Mr Casey: How do you see the impasse in the relationship between yourselves and the Ormeau Road residents, and other relations like those with the Garvaghy Road residents actually being resolved, or do you see them being resolved?

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Mr Carter: Can you clarify what you mean by the Ormeau Road residents?

Mr Casey: The Lower Ormeau Road Concerned residents — the people who are opposing your march down the road.

Mr Carter: You see there is a difference, you have got the LOCC, the Lower Ormeau Concerned Community and you have the ordinary law-abiding residents who are in the Ormeau Road. They are two entirely different things as far as I am concerned.

Mr Casey: But I am asking can we continue on with this arising time after time. And again, there seems to be a tendency to blame the police. But the police are in a no-win situation. Irrespective of what decision it makes, it will not be accepted by either one side or the other, and it will be seen to be partisan. Can we allow that to continue?

Mr Liggett: From a personal point of view I simply do not know how it is going to be resolved. I have thought about how to try to move this on for nearly two years and at the moment I cannot see an outcome, and that is being honest with you.

The Chairman: Does any other member wish to ask a question?

Mrs Robinson: Do you think that the Public Order Order was a deliberate attempt to stymie traditional parades in a long-term plan?

Mr Liggett: That is the thing that we have actually missed in all of this. We turn around and say that the RUC is working to a Dublin agenda. That agenda was brought in when that law was framed. I do not know whether it is actually involved in the decision-making process in respect of each individual parade, but Dublin had its influence there, and it is a crafty piece of legislation.

Mr English: I would just like to clarify a point for my own benefit. Is there such a postal address as the lower Ormeau Road. I thought the Ormeau Road was just the Ormeau Road. I did not know there was such an address. You gentlemen come from there.

Mr Liggett: No.

The Chairman: Has anyone not had a chance to ask a first question at this stage?

Mr Mervyn Carrick: I am sorry, I missed the presentation and I do not think it would be fair to the gentlemen.

The Chairman: Mr McBride would you like to ask a second question?

Mr McBride: I refer to your view that the police are not upholding the law. Do you accept that we all have a duty to co-operate with the police in these circumstances even if we do not necessarily agree with their decisions and that those who organize parades have to take some responsibility for what happens at them?

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Mr Liggett: The first point I would make, is that No 10 District has taken full responsibility. Secondly, we are in a situation where the impression we are given is that our side constantly has to back down and at the end of the day there is going to be a time when we will no longer back down.

Ms Quinn: Mr Carter, you made a distinction between members of the Lower Ormeau Road Concerned Community Group and the ordinary law-abiding citizens of, presumably, the Ormeau Road. Am I right in saying that the law-abiding citizens would include some residents who may be perceived to be Nationalist or Catholic, if you want to use that term.

Mr Carter: Among the ordinary residents you have Protestants, Roman Catholics, you have all sorts of shades of religion below the Ormeau Bridge. The Ormeau Road stretches from the Markets up to the roundabout where it meets with the Ravenhill Road. This is the major problem. We look at LOCC as being Sinn Fein orientated.

Ms Quinn: Ok, so within the Ormeau Road community can you tell me if there are any initiatives such as cross-community initiatives that you might be aware of or involved in? Those kinds of things going on on a day-to-day basis build communities. Mr Liggett says he is puzzled as to how to resolve this situation. I am wondering if there is work going on that you know of to bring the communities together.

Mr Liggett: Over the last two years since 1995 we have followed a policy of meeting whatever group wishes to meet us on the Ormeau Road, bar Sinn Fein and the LOCC. We have met all the local clergy and councillors. When we did start to meet the people — the ordinary Roman Catholics or Nationalists, or whatever you want to term them — they were threatened the next day. Somebody saw us meeting with them in the local community house on the Ormeau Road and the LOCC went round and threatened them and said that the issue concerning parades was solely its initiative and that they had to stay out of it. So in that situation how can we move the situation forward and meet people to build bridges — that is the predicament we have found ourselves in.

Mr Carter: Does that clarify the point when I said that the people of the lower Ormeau Road are under the LOCC?

Ms Quinn: I was just wondering what else was going on, and not just what you are doing, but the kind of community things that are going on in the various other areas of Belfast.

The Chairman: That clarifies that point. Mr Rodgers.

Mr Rodgers: The Ballynafeigh District of the Orange Order in Belfast has paraded up and down the Ormeau Road for many years. Why do you think this has all happened now. We know that people blame the Sean Graham Bookmakers shooting — which the Orange Order rightly and roundly condemned. I was on the Ormeau Road that night and saw that there was a handful of people, people, admittedly within the ranks, who unfortunately did things which were not in keeping with the principles of the Orange Order. Unfortunately the press seemed to be only there to zoom in on the Orange parade and not on the protesters. Do

you feel that this has been inspired by Sinn Fein/IRA? Has it decided it is now time to stop the Loyal Order from walking on the Ormeau Road, the Garvaghy Road, in Dunloy, or wherever? Why has this just arisen? I do not feel it had anything to do with the Sean Graham's Bookmaker shop incident. I would like to hear your views on this.

Mr Liggett: There is a distinction with the Ormeau in the sense that the likes of my family has lived on the Ormeau Road for 100 years. There was a time when Protestants and Roman Catholics met together, and we all still know each other in that area. Over the last 25 years people have moved into three or four streets from outside the area — from the likes of the Ardoyne — and they have hardline Republican views. It was interesting to hear those whom we met, say that there is a silent majority within their community. About 20% of the community is active in Republicanism or whatever, 10% to 15% is active in the SDLP and the rest they termed the silent majority. They turned round and said that those people had no rights because they did not get involved — that is the sort of people you are having to deal with.

That is the situation we have found ourselves in. These people are pushing their own political agenda, which is Sinn Fein, and it is part of their overall strategy to cause trouble on the Ormeau Road. Unfortunately we are the guinea pigs in the middle that get caught up in it.

Mr Rodgers: On the opposite side of the Ormeau Road is it right that there is a number of different religions?

Mr Liggett: In the Ballynafeigh area it is now 50/50 between the religions.

Mr Rodgers: Yes, but lower down the road we are talking about.

Mr Liggett: Protestants live in the Holy Land area and also in the Donegall Pass area..

Mr Rodgers: But there are other religions too.

Mr Liggett: It is interesting that when they do their surveys of that area they do not include that side of the road; they just select their five streets to survey.

Mr English: We drew attention to the magnificent way the Tour of the North and Whiterock parades were organized and marshalled. Potential trouble spots were overcome by the good management of the Orange Order. It told us that over the years it used to be that the individual lodges floated their banners. Then the Order in the districts made a decision that rather than having all these small floatings of banners at parades they would combine them all in one. Is that the same in the Ballynafeigh District? Have you reduced your floatings of banners into one particular procession?

Mr Liggett: Yes. Within No 10 District, if we go back to the 1970s and 1960s, nearly every individual lodge floated its banner — which would involve a parade around various parts of the Ormeau Road. No lodge now does that on the Ormeau Road. Individual lodges only parade if they get a new banner and wish to unfurl it on parade. Other parades have also been curtailed. We combined the main district parades into one district parade.

When that parade became difficult to manage, we actually took it away from the contentious area.

Mr Mervyn Carrick: First of all apologies for missing the presentation, Gentlemen. I had some business to attend to following the earlier one. Picking up on one of the replies, when reference was made to the intimidation of some of the Nationalist population and the acts of coercion, I am wondering what level of acceptance the RUC has amongst those people in that particular area. Are those acts of coercion and incidents of intimidation reported to the RUC and is there any record or documentation of those acts?

Mr Liggett: It would be difficult for me to answer that one. I do not know the community that well. I would go back to the position when I talked about the silent majority. Those people may have reservations about the RUC, but it does police that area and there is a level of acceptance there. There is that hardline element which will have no dealings with the RUC. Those people intimidate the rest of the people and it is very much as in our own areas — if somebody intimidates you, you do not go to the RUC.

Mr Casey: Following my last question and the fact that Mr Liggett said he did not know what the solution was —there have been suggestions that an independent body should be set up which would adjudicate on marches and particularly on contentious ones. Do you think that that would be a good idea?

Mr Liggett: I would have problems with that idea in the sense that our culture and traditions are actually being put on trial. I seem to remember that when the GAA wanted to have pitches put down in Lisburn the law defended its right to do that and actually condemned a number of councillors for opposing it. But yet we have to take our culture and tradition to trial to gain acceptance for that.

Mr Casey: You will appreciate that there are great fears in the community of a repeat of the happenings of last year — post-Drumcree. People are very concerned. Does the concern, or the view, or the needs of the greater community not transcend the views, or things, that any organization wants to do? The Orange Order is reputed to have something like 75,000 members in Northern Ireland. Now this out of one and a half million is a very low percentage, so why does any organization — and I am not only referring to the Orange Order — claim that Divine right, so to speak?

Mr Liggett: First of all I disagree with your point in the sense that you are saying that this is a purely organizational thing. You have to accept that there is within the Protestant community wide support for the Orange tradition, and it is now very much a community issue. You cannot just turn round and say that this is an institution dictating to the rest of the community. Even if people are not in it they actually give widespread support to the Orange by attending the parades and various functions. And we are now down to the situation where legally there is a lot of statutory bodies defending the right of the Gaelic culture as a Nationalist tradition, yet there is nothing on the Unionist side.

The Chairman: Is there any member who has not had an opportunity to ask a first, or a second question?

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Mr Davis: If I could just correct Mr Liggett to keep the record straight. As a member of Lisburn Borough Council, I think you should have been referring to Craigavon Borough Council. My question is: do you believe that all traditional parades should be allowed to go unhindered?

Mr Liggett: By traditional do you mean political parades or traditional Orange or Hibernian parades?

Mr Davis: Orange parades.

Mr Liggett: I think that all Orange and Hibernian Orders should have the right to parade.

The Chairman: I think everyone is happy that they have had two rounds. Mr McBride has indicated that he would like to ask a further question which means that all members will be entitled to another question if they feel we have not already covered the subject, being mindful that we are one minute from 4.00 pm.

Mr McBride: I have just asked two questions. May I be forgiven for asking two little ones here. One is an answer to what you have just said in answer to the previous question about there being a right to march. Do you accept that there are any limitations on a right to march or do you think there is absolute right to march?

Mr Liggett: There is a right to march in a responsible manner. You have to look at the face that the Orange Order has acted in a responsible manner across the wide community and on the Ormeau Road. We have, when parades have become totally contentious, taken decisions to re-route them.

Mr McBride: Well I will accept that that is a very fair answer. May I say, since this will be my last intervention, that I fully accept that you have in your organization, Number 10, tried to resolve the situation honestly. I must say that if some of your colleagues had shown the same spirit of trying to solve problems, maybe some things would not look as bad as they do. But you referred to your problems with the LOCC and I accept, and I think, it was important, that you did actually meet them at one stage. Would you still at this stage, short of meeting the LOCC, be prepared to look at compromises and to explore mechanisms for resolving the situation positively in advance of this summer?

Mr Liggett: You have to be careful of what words you use here. I think maybe there is a basis for an understanding or settlement. But there has to be goodwill and there has to be proper community representation, and that is not there at the moment.

The Chairman: Gentlemen, we have just got a few minutes, if you feel it might help to expand on a particular issue, or if there is a final comment you would like to make.

Mr Hoey: I feel that this goes beyond parades and that Sinn Fein/IRA is orchestrating a campaign. I see it as having been nurtured on a diet of sedition against the state, a hatred of all things Protestant and British. Therefore, it has have got the bit between its teeth now, it has got a fair number of people behind it and it is doing all it can to ensure

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not only that parades will be stopped in certain areas but that Protestant people generally will be faced down. This is the big problem and this is why I feel that the Government, through the security forces, should take a stronger line with that Republican element that is bent on trouble and confrontation and violence.

Mrs Robinson: Would you not agree though that the unfortunate scenario is that the British Government are part and parcel of the wider plan of disengaging from Northern Ireland and lend their weight to the betrayal of the Unionist population in Northern Ireland?

Mr Hoey: Absolutely and totally.

The Chairman: Mr Carter, would you like to make any final observations or comments on things which, on the way home, you may wish you had said?

Mr Carter: I have been involved in this over the past five years. Since 1992 I have been involved in the problems and in trying to get them resolved. Quite simply, it is absolutely ridiculous that we are being stopped from going to church. We have had good bands. We have never been in any way provocative to any of the people down there and it seems to be a hardy annual. If you go back a few years, to the Halloween night when we came up in the dark from our services 15 minutes later than normal because we were worried about problems down there, and we even had the children running around and actually speaking to people as they walked past. That was the way that things were in the past in all the years that I have been in the Orange Institution, and I do not see any reason for it not be like that again.

The Chairman: Thank you very much indeed. I will go to Mr McCullough and I will come back to you, Mr Liggett.

Mr McCullough: I would just like you to realize that we do work extremely hard in trying to keep the more hardline element at bay when we go down to the Ormeau Bridge to have our protest service. It is hard sometimes to keep things peaceful. Only for the work of Mr Liggett and the district officers things could be a lot worse on the Ormeau Bridge where people turn up intoxicated with alcohol, even on a Sunday, and try to come across as though they are great Protestants and all the rest of it, which is not really the point. We do try hard to keep the ball on the ground, so to speak, and we will continue to do that. We will continue to have some sort of an understanding with the decent Roman Catholic people who live in the lower part of the Ormeau Road.

The Chairman: Mr Edgar, would you like to say a few words?

Mr Edgar: Ms Quinn asked about community relations on the Ormeau Road. Nobody else took it up and it is a point that I feel quite strongly about. The relations on the Ormeau Road from the bridge to the top of the Ormeau Road are excellent. We have very little trouble on the Ormeau Road. The Ballynafeigh Clergy Fellowship has done great work and there is a different atmosphere on the upper Ormeau Road from what people say is the lower Ormeau Road. We have friendly relations with all the people of the Ormeau Road from the bridge up.

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The Chairman: Thank you very much indeed, Mr Edgar. Mr Liggett, maybe you would like to make a few final points.

Mr Liggett: I think it is a wider based issue now and it has to go into the hands of the politicians and the Government and such like. It is significant to note that whereas at Harryville the Protestant churches and the Orange Order have condemned the picketing of that church, when we have been stopped going to church on the Ormeau Road the attitude of the Roman Catholic church has left a lot to be desired.

The Chairman: Thank you very much indeed, Mr Liggett. May I thank you all very much for coming along and for the very straightforward and forthright manner in which you have placed the evidence before us. We will consider the matters that you have raised with us. They will form part of our overall report to the Forum and you will, in due course, receive a copy of that report. Thank you very much once again.

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MINUTES OF EVIDENCE

MEDIATION NETWORK OF NORTHERN IRELAND

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 30 January 1997

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Mr B McAllister and Mr J Campbell
(Mediation Network for Northern Ireland)

The Chairman: May I welcome Mr McAllister and Mr Campbell from the Mediation Network for Northern Ireland to this Committee, Standing Committee A of the Northern Ireland Forum for Political Dialogue. We are the Committee that has been charged by the Forum to look at the issue of boycotting and parades, and we are very pleased to have you along this afternoon.

The normal procedure is that if you would like to make an opening statement or comments to us, then the members will follow that, if you are happy, with some questions on the points you have raised. Thank you very much.

Mr McAllister: Thank you for your invitation along here today. I am Brendan McAllister and this is Joe Campbell. I am the director of the Mediation Network, and Joe is our senior development officer. We are very glad of an opportunity to spend a little time with you. I will present a short paper, give you copies of it and then chat about it.

Firstly, I will tell you about the Mediation Network. Our function is to promote the use of third party intervention in disputes and support creative responses to conflict in the community. We are a registered charity and receive most of our funding from the Community Relations Council. The network has developed a variety of meditative initiatives in fields such as family life, neighbourhoods, the churches, the police, the prison service with prisoners and in cross-community dialogue.

So, marching parades are only one of our areas of interest if you like, and we are interested in that problem because it is a communal problem and, perhaps, from a public

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order point of view, the biggest communal problem that we have at this time, so we feel a professional duty to be interested in it. We have been addressing the parades conflict since being invited into Portadown in May 1995, and since then, apart from involvement in Portadown, we have had involvement on the Ormeau Road, the Springfield Road, the Cliftonville Road and in Londonderry and Newry.

I will make a few comments about the parades problem from our point of view, that after more than 25 years of bitter conflict, our society has been traumatized and wounded in many different ways. Recent years have shown that against such an unstable background, parade situations can become focal points at which the unresolved hostilities and continuing uncertainties of our society become manifest. The parades problem goes to the heart of our problem in Northern Ireland: how to accommodate the two main traditions in our society.

Many Protestants view the parades issue as symbolic of the need to defend civil and religious liberty; on the other hand, many Catholics view the issue as a symptom of domination and privilege. However, in our experience there is in our society a degree of decency and communal spirit to which other societies can only aspire. And the mediation network believes that disputes over parades can either worsen, under the weight of our hurts and fears, or gradually move forward on the strength of our people's common decency. So we look back at much of the conflict that has happened so far in the parades dispute as times when the communities acted out their worst fears about each other. And we believe that it is important to work with this problem in a way that acknowledges those fears and is sensitive to them, yet encourages people to communicate their best intentions to each other, because we believe, in all sides, that there are good intentions as well, if people would only get a chance to express them.

Now we need to say a few words about conflict intervention as a concept. Situations where conflicts develop around a parade or parades may be amenable to third-party intervention, and that is because the two parties involved, principally two parties, either cannot communicate with each other or do not want to communicate with each other. Third-party intervention can take a number of forms — negotiation is one. In our society negotiation is viewed with deep suspicion all around, because it appears to involve inevitable compromise, and on the parades matter people view the parades issue as being about fundamental principles on which you cannot compromise. There is, therefore, a reluctance to get involved in anything that looks like negotiation.

Mediation is quite different. Most people, unfortunately for us, confuse mediation with negotiation. In negotiation compromise is an inevitability, in mediation it is merely an option. And negotiation emphasizes positions, whereas mediation gives primacy to people's needs, and often people's needs are different, and, therefore, accommodations can develop when people's differing needs are accommodated or managed. Mediation also pays attention to the human relationships involved in conflict A basic principle of mediation is that progress is more likely to be built upon a foundation of greater trust, mutual respect and sensitivity between the disputants.

Now, significant features of mediation practice should include three main aspects that will be of interest to this Committee. The first we call authoritative engagement, which means that both sides should feel confident that they speak with authority and can reasonably

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hope to deliver on any arrangements which might ultimately be agreed. Another one is the principle of reciprocity — reciprocal things happening on both sides. Both sides should simultaneously engage in actions or undertakings which take the conflict positively forward. The third is credible communication — both sides should feel that communication, once established, is beneficial and of value. They should also feel that their integrity is protected. And we believe that one can look back on the difficulties of the parades conflict and see situations where some of these factors were not present or were undermined, and that is when attempts at resolution or intervention break down.

There is a constant need for third-party intervention in the conflict and we feel already, from our experience, that each time we get involved in a conflict scenario we are refining what we do, and learning from our experience.

Again, a few words about conflict resolution and conflict management. Some parade conflicts are solvable and are, therefore, open to a process of conflict resolution; but some are not. In the other, more intractable, situations it may be more realistic to design strategies simply to manage the conflict. Conflict management enables both sides to remain at odds with each other while simultaneously agreeing that it is in both their interests to prevent the conflict from getting out of control. Looking into 1997, it is our view that there are some situations where one can anticipate conflict about parades and the indications are that some of those situations are solvable; therefore, conflict resolution is appropriate. There are other situations — and some of the better known ones are less likely to be solved — which it may be more realistic to start by trying to manage.

One of the great issues of the parades conflict has been the quest for the dialogue. However, in deeply divided situations where the parties may feel embittered fearful or betrayed, it can be unrealistic to expect dialogue to take place. The essential thing is that communication takes place within a broader concept. There is a wider range of methods including the ultimate option of dialogue. Dialogue is one example of communication, but there are other ways for people to communicate with each other, and our belief is that in some situations that is more realistic.

Mutual language — much of the terminology of the parades conflict has been shaped by the resident's side. Joining the debate, therefore, can be off-putting for members of the marching Orders who may feel that accepting the language of the parades dispute effectively confers legitimacy on the concepts within that language: the concepts proffered by their opponents. Therefore, third-party intervenors need to assist the development of neutral language.

Consensus is an important principle for us. An example of a more neutral term is the principle of consensus which means general agreement or a collective opinion, rather than consent which implies permission or approval. Parades will normally be free from major difficulty where there is sufficient consensus between marchers and local communities and, in most situations in Northern Ireland, that is the case: the vast majority of parades take place against a background of effective consensus between marchers and the communities affected by them. Consensus though can only be built on a foundation of mutually respectful relations. It is our belief that difficulties have largely developed at local levels where

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respectful relations have either broken down — or do not exist. The search for consensus, therefore, should be a primary goal of any new procedures for the parades problem.

Now a few comments about the police. The RUC has played a central role in the history of the parades conflict in Northern Ireland. It has received criticism from all sections, and has invariably disappointed one side or the other. Problems have occurred when police commanders have tried to show empathy, but have conveyed an impression of sympathy in their dealings with both sides. Empathy is being able to show that you can understand the feelings of someone, whereas sympathy is giving the person the impression that you share those feelings — and this has lead to unfulfilled expectations on both sides in their dealings with the police, and even a sense of betrayal on both sides.

In addition, on both sides there are those who question the quality of policing decisions, some of which have been of historic proportions. However, the police cannot solve this communal problem, they can only police it. The community itself must address this problem. Therefore, the role of the police should be clarified and refined. Clearer operational guidelines should be established, and these should preclude the police from engaging in mediative roles, or facilitating negotiations, in situations where mediators have become involved. The role of the police should be either to uphold consensual arrangements or to enforce rulings made by other authorities. Otherwise the RUC will continue to fall victim to parades controversies, further tarnishing its image and exacerbating its problems with community relations.

As regards arbitration, in situations where informal discussions, negotiation, or mediation fail satisfactorily to resolve a parades dispute, there should be ultimate recourse to a tribunal which would have the power to arbitrate on the matter and, ultimately, to instruct the police to enforce its ruling.

The future of parades should be overseen by a commission appointed by the Secretary of State. The commission should be staffed by a secretariat and have the power to decide which parades lacked sufficient consensus. In such instances where there was — in the view of the commission — insufficient consensus, the commission could appoint a mediator or, if necessary, ultimately convene a tribunal for arbitration.

The failure of the peace process needs to be thought about here as well. It has contributed to a widespread problem of disillusionment, and we would identify this as a phenomenon of our times — this disillusionment in Northern Ireland. Across the community people are disappointed by our inability to reach political agreement. There is a growing sense of cynicism, and this has been exacerbated by the experience of Drumcree *et al*.

In addition, the problems of boycotts and church protests have contributed to a combustibility in the community — making it more likely for ordinary people to become involved in communal unrest. As 1997 progresses and the so-called marching season commences, it is against this background of disillusionment and combustibility that there are greater dangers from unmanaged conflicts around parades.

Therefore, the mediation network remains committed to the task of assisting the community by developing systems of communication which can become creditable and

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enduring to all sides. Now at the end of our paper we have a flow chart, or a decision tree, which sums up the kind of process I have been speaking about here. We will hand you that round now. Thanks for listening.

Mr Campbell: In all of our work, not just in the parades issue, we work as a team comprising of both Protestants and Catholics. When we are training people we go to the community and do other work as a team. We feel that is very important in the mediation work we do.

Another thing is about the nature of our community, where there is a real desire for some sort of accommodation. In our job we meet with people on both sides of these disputes, and we often come out of those meetings thinking that those are really fine people. That is our experience in our work — that there are fine people on both sides of these lines.

For me one of the big things is the difference between mediation and negotiation. In negotiation you are seeking to win and to screw from the other side as much as you can for yourself. Whereas, in mediation you are working harder because you are not only seeking a solution for yourself, but also one that the other side can live with. That to me is one of the big differences.

The Chairman: Thank you very much indeed, Mr McAllister and Mr Campbell. That was very interesting and illuminating with some interesting concepts and ideas. No doubt it is going to produce some interesting questions from our members, and I will start with you, Mr Paisley.

Mr Paisley: I must admit I have met Mr McAllister before in some very strange circumstances and also in more friendly circumstances. I have to be absolutely honest and say that I regard the idea of accommodation in the way in which you interpreted it as sentimental gush — I am genuine about that. I think that disturbance of the peace is not the consequence of parading. We find in Northern Ireland that disturbance of the peace is the consequence of the activities of those antagonistic to those on parade.

I have got two questions to try deal with that. First of all, what genuine success have you had in hostile circumstances where you have been involved, where there has been a parade and where you were asked to mediate? Perhaps you could outline to us the genuine success that you have had. And secondly — this is about the proposal you outlined towards the end of your submission — you say there should be a tribunal, or a commission, of some form. Why do you propose this when there is nothing of the sort anywhere else in the world?

Can we not accept that international law — whether it is the European Convention on Human Rights or the American Constitution, which most would accept as being a democratic country under democratic control — supports the freedom to express your identity and beliefs and regards counter-protests to be of secondary consideration? There is much case-law to prove this. The First Amendment of the American Constitution does not allow anyone, or any government, federal or state, to restrict the expression of belief, or message, irrespective of what that message, or the ideas and tones of that message, actually is. There are the same difficulties which we have in other countries and states throughout the world.

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Mr McAllister: To take your first question, we are in some difficulty here not because we do not have a sense of our own successes, but because many of the situations we have been in are still too recent, ongoing and sensitive to get into any kind of semi-public analysis of them at this point. The other difficulty is that were we to do that, we would need the rest of the afternoon to enable a number of the members here to give, if not contradictory views, views in agreement with us.

Mr Paisley: Let me make it easy for you. Say you have a scale from 0 to 10, 10 being ultimate success, whatever that is — I do not know how you measure success — and 0 being disaster. Where are you at present on average with your cases?

Mr McAllister: I could not answer that question without considered thought. We do not measure success in the way that you suggest. For a start, we are now working out of a concept about community-relations practice in this society which views peace as something that is built and conflict as something that takes generations to address. Therefore, we have more of a sense of ourselves as assisting our community to inch its way forward, knowing that with each inch there comes a slap in the face and that if one were to draw conclusions prematurely, it would be a bit like half reading a book and deciding that the book was no good without reading the other chapters. We believe that there are other chapters yet to come, and we can see signs of progress. We have not always been involved in trying to resolve situations, this is why we made the point to you today that in some situations we are simply trying to help the parties in dispute to remain there, but move on in some way. There are many signs that that is happening even though overall we are still looking at a bleak 1997. I am generalizing because we would rather not talk about particular instances.

To take your second question, what we are talking about reflects two things. We are not human-rights lawyers, we do not have a legalistic perspective, we are community-relations practitioners who, as Mr Campbell says, come from the two main traditions in Northern Ireland. Therefore, we like to think that we balance each other out in many ways and that we are sensitive to the kind of issues and concerns that people have expressed to us in our dealings with them and in our work with the community — with all sides daily.

Mr Paisley: The law is there to regulate.

The Chairman: I do not want you to engage in a one-to-one. Both questions have now been answered.

Mr McAllister: It certainly is the case internationally that where there are significant communal disputes infrastructures are developed to enable societies to cope with them, and that applies to ordinary disputes about planning and housing applications.

Mr Paisley: But, Mr Chairman ...

The Chairman: I have to be fair to other members of the Committee. If you wish you can develop that theme next time around. I would like to bring Mr McKee in now for his question.

Mr McKee: I was enjoying the question that Mr Paisley asked. I appreciate your being here and certainly it has been interesting. I, like many, believe you are sincere — many would believe you are sincerely wrong, others might believe differently. The question that I want to put to you — maybe you will not want to answer it — is one that comes strongly across to me and it is about the distrust you find when you go into a room full of people. Do you not find that there is a great reluctance to trust others. I am talking about those who organize the marches. Do you think there is a great reluctance to get involved in meetings with the other side because of that distrust? I know you will not give your own opinion. The reason they do not want to meet is that they see the situation being whipped up and organized by a particular party — say Sinn Fein, whom they see as those who have murdered their kith and kin for 25 years — and the thing hyped up. Do you not find that if this issue were removed — and that element were removed — the organizers themselves would have no difficulty in meeting with the ordinary members of the Nationalist community, the Roman Catholic people themselves? Do you find that that is one of the greatest obstacles, and do you see it as insurmountable?

Mr Campbell: Whenever we move into these situations we are not asking both sides to meet because we recognize what you have just said — that the history of hurt is so great and the wounds are so raw — that that is unrealistic. We are not asking them to meet at all.

The second thing is about the marching, the Loyal Orders and their difficulty in communicating with the other side in any shape or form. What we are finding is that the Loyal Orders were not formed to get into dialogue, mediation or negotiation with other groups. As an organization they are formed very similar to the church that I belong to, the Presbyterian church, in that they are very democratic, very grass roots up rather than top down. And they are having to come to terms and work with a new situation, and it is not easy. I recognize the difficulty.

Mr English: I would like to welcome you along and thank you very much for your presentation. I notice that you talk about the principle of consensus. Is it your view that the principle of consensus should override the principle of expression?

Mr McAllister: I am not sure I understand your question sufficiently, Mr English.

Mr English: The principle of consensus in terms of getting people to agree to this and agree to that, rather than ask for consent. The other principle is that of freedom of expression: people have the right to go and express their views, should they be contrary to what everybody else feels in a particular area. The right and freedom for them to express that, is that overridden by the freedom of consensus?

Mr McAllister: All that we can present to you are the conclusions we have drawn from our experience, and our experience of spending time with members of the Orange Order has reinforced to us that the average Orangeman in Northern Ireland has not joined the Orange Order to engage in an annual gauntlet of protest and stand-off. That is not why people are in the Orange Order. The tradition of the Orange Order carries with it an expectation that each year people can celebrate their history and culture and religious beliefs unhindered and, for the most part, that is the case and has been the case historically. But we simply know that in situations where that has broken down it is because the unofficial

consensus that exists normally in every society has broken down, and that is the point we are concerned about there, the one we are simply trying to address.

Mr Kerr: We have had the North Commission report published today and it, in principle, recommends the setting up of quite complex machinery for dealing with the parades issue. I know your organization does not deal specifically with parades as you have outlined. Would you agree that the setting up of a commission with very complex machinery to deal with the actual issue of contentious parades would be more likely lead to an increase in the incidence of contentious parades across Northern Ireland or is it likely, in your opinion, to lead to an actual reduction in the problem and perhaps an easing of the tension surrounding such parades?

Mr McAllister: Well, we have not had time to study the North Report and therefore, I do not know how complex the procedures are. But in terms of what one can expect this year in 1997, it is my view that we will see an increase in conflictual situations around parades. But that is not simply because of the establishment of governmental or quasi-governmental procedures, it is part of the growing problem around parades.

Mr Kerr: In light of that do you feel that where situations arise where there is tension between various respective groupings in areas around parades, they are better dealt with locally with a network such as your own on an informal basis as opposed to being settled on a formal basis with a quasi-government agency?

Mr McAllister: Our preference is for informality first, in fact for non-involvement of third parties first. Third parties should only become involved when the people concerned cannot sort it themselves.

Mr Rodgers: May I welcome you today. We do appreciate your coming along, and I think it is going to be very useful. Over the past 27 years and during the height of the troubles in the mid-1970s, Orange parades, and Black and Apprentice Boys and others, took place relatively unhindered. There were no difficulties whatsoever. We have only been witnessing this over the last three years. Why do you think this is happening? Do you feel it is because it is part of Sinn Fein/IRA's unarmed strategy?

Mr Campbell: It is a fair question, Mr Rodgers. The way some members of residents groups interpret or answer that question to me is that they understand it to be a bit like the civil rights in the United States where blacks were held down and then, by the 1960s, they were not taking any more. They understand that over the years they have tolerated parades in certain areas. That is how they understand it and interpret it — they have tolerated it — they are coming to a point now were they want and desire equal treatment and are unwilling to tolerate it any more — and they want to express that in some way. That is how they would answer your question.

Mr Donaldson: You are very welcome, Gentlemen. Knowing something of your work, I feel that there is a role for mediation in certain circumstances. I know you have not had the chance to study fully the North Report, but one of the main issues that it tackles is the actual decision-making process in terms of determining whether or not a parade should proceed, whether it should have conditions imposed upon it. Setting aside mediation for a

moment, do you have a view as to the determination of such decisions and the role in that determination for the police and a third party?

Mr McAllister: When I was presenting our paper before your arrival, I was pointing out that in our experience the police have been damaged by the role they have had to play in the parades conflict so far. A concern that we have for the future is that this matter could move forward in a way which would continue to damage the police, law and order and the whole fabric of our society. Therefore we feel it important that the police role be clarified and refined, that it should either be to uphold consensual arrangements made by the community with itself, or, in the event of there being insufficient consensus, to enforce the ruling or the determination at the end of an arbitration process. I do not know if I am answering all of your questions.

Mr Donaldson: No. I think what you are saying is that there ought to be an arbitration process and that someone other than the police should take the decision about whether or not a parade should proceed or whether or not there should be conditions imposed upon it, and that the police's role should be confined, as it were, to dealing with the situation on the ground — in other words the pure law-and-order or public order issues which arise from the situation on the ground. Is that correct?

Mr Campbell: I think the police will have an input into the arbitration process. They will not be sitting outside waiting for the decision but actually contributing to that process.

Mr McAllister: But in most situations the police would remain a primary agency dealing with this matter and in most situations there will not be a need for negotiation. In some situations where there is a need for negotiation and they do not work out, then one thinks about involving mediation and, where mediation does not work out, ultimately, at the end of the day, it comes to arbitration. Our understanding is that that is really the thrust of the North Report itself.

Mr McBride: Gentlemen, I am aware of your work and very much appreciate it. I think it is quite difficult for you coming here today on the day that the North Report is published — thank you all the more for giving us a helpful presentation. I agree with you very much when you say that mediation is best. As you have said that seems to be the way that North is pointing — mediation and arbitration only if that fails. Would you agree, in the light of the animosities of last year and the perception that push and shove succeeded, that mediation this year has become very much more difficult and that really a statutory framework is necessary, if we are to direct people back towards seeking a resolved mediated solution?

Mr McAllister: Yes, and I think actually there is in your question, Mr McBride, echoes of what Mr Paisley was referring to at the start. It is certainly the case that our experience of the parades conflict so far has had a lot of negativity. It is easier to look at the failures of the conflict so far and, at the end of the day, the likes of us cannot force ourselves on people in conflict in the community. We can simply try constantly to make them aware of what we are about. We have found from our own experience that one of the things we have constantly to cope with is the suspicion abroad in the community towards third parties like ourselves. Both sides will always wonder of we are working for the other side. It is nearly a

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cultural shift that our society has to make to understand that people can behave impartially in these situations and that impartiality is a matter of professional integrity.

Mr Campbell: I want to respond that mediation is hard work. For the parties it is hard work. In some ways it is actually easier to go to arbitration or go to the law because you do not have to do very much. You just have to present your case and that is that. But mediation actually requires hard legwork on both sides, and there can only be agreement if both sides want it.

Mr McAllister: The other thing is that people will only go into mediation if it serves their self-interest. If our society develops an infrastructure or process that is an important signal to the community that it has to find other ways to try to address its conflict, self-interest will encourage people to use mediated processes.

Ms McCabe: You talked about the difference between negotiation and mediation. I was wondering if you could describe for us what a mediation process actually consists of to give us a realistic idea of what it is.

Mr McAllister: One phase that is common to all mediation cases is the phase we call case development. It is really a period of enquiry when mediators investigate a conflict and try to decide whether this conflict is amenable to mediation, and many conflict situations are not. But where there are signs that a conflict is, our approach to it is to agree the design of the process with the parties in the conflict. So that is a design phase. After all that work is done, the process proper begins. That can take any number of forms from face to face, sit-down dialogue to what we call inter-mediation, where the mediators behave as intermediaries going between the parties. So far in the parades conflict when we have been active, it has been to work in an intermediative role without formal sit-down arrangements. But there is an infinite variety of styles and methods to be used for mediation.

Mr Campbell: It is a formal process. It is not a spit in your hand and handshake and stuff like that, and it does take time. That is why it is difficult, in a crisis situation, for mediation to work properly.

Mr Casey: I very much enjoyed your presentation. We have talked about the two sides in a dispute, but I would claim there are three sides. There are the two protagonists and there is the general public. Who enunciates their concerns, who enters into the field of arbitration on their side, if there are only the two protagonists actually involved? Who puts their feelings across.

Mr McAllister: Well, what you are talking about is multi-party disputes, Mr Casey. Again where a number of parties are identified or identifiable, one arranges a process that enables each to have its voice. But the reality of it is that in the parades conflict so far that is not the dynamic that is at work. It is more to say that, in a sense, a minority of people engage in the conflict on behalf of the greater number of the community. For instance the majority of Protestant people or people from the Protestant tradition are not members of the Loyal Orders, but they care how members of the Loyal Orders are treated. The majority of people from the Catholic tradition are not engaged in protests on the roads, but they care how those protesters are treated. Therefore often when you are dealing with people who are

actually opposing each other, you are indirectly dealing with the concerns of the wider community.

Mr Casey: Would that be a true perception that they are enunciating the views of the wider community? There are quite a lot of people on the Protestant side who are not really in favour of parades if they are leading to confrontation. The majority of people on the Catholic side have the same view. If a protest is actually going to lead to serious confrontation, they certainly would not favour the protests. If the wider community only becomes concerned after there is confrontation of some sort and alienation and as the thing evolves, the longer it evolves the more it is like the rolling stone — it will gather more sympathy from either one side or the other.

Mr McAllister: You are quite right and we have not come here today to proffer mediation as the be-all and end-all that is going to answer all the problems around parades. We are simply here to explain what it is we do and the contribution which we seek to make, but it is in itself insufficient. There are many levels on which to address this problem, including the political one. I think that you are talking about wider societal issues, but again they are not manageable from our point of view. We can only deal with the people who are presenting the problem to us.

Mr Carrick: Reference was made to the fact that the communities were acting out their worst fears about each other. Taking that in the context of parades it is a definition that I would reject, because those who that have been parading and giving expression to their cultural tradition have not had that intention or that objective whatsoever. There will be those who will put that construction upon it. We must remind ourselves that the great phenomenon has really just risen in the past two or three years in any substantial measure, and that bears out my criticism of that particular definition.

However, my question relates to the statement in your presentation regarding the RUC, that the police should be precluded from engaging in meditative roles or facilitating negotiations in situations where mediators have become involved. While I can understand that, I am wondering if your statement is in any way coloured by the fact that following your assistance in 1995 in Portadown, and leading up to the 1996 situation, you felt constrained to go public to defend your position and, in so doing, actually dented your own organization's credibility, standing and independence. As a result of having to go public to defend your position *viz-à-viz* the RUC statement that was made at the time, you have an even more difficult role now in convincing some in the community of your complete impartiality and independence.

Mr McAllister: You are absolutely right, Mr Carrick, but it is important to explain that we did not go public to defend our position. We have been in many contentious situations in the community where we have made a commitment to the people that, if the situation required it, we would bear public witness to the agreements that were privately arranged, and to heck with the consequences. So we were very aware that we were damaging ourselves in standing up to do that. We can only hope that what people will learn about us from that is that our integrity is such that if we make a commitment to people privately, we will honour it. But again, it was about explaining from our point of view what needed to be explained.

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May I also say that that reference to the police, the extract that you refer to in the report, was not born out of the experience of the police in Drumcree in 1995; it came more from observing the police and having close contact with them in a number of parades disputes over the last couple of years where the police were honestly doing their job. But what can happen in a situation is that you can have too many cooks in a kitchen sometimes, and that can actually confuse the parties to the conflict. It can actually make it more difficult for them to understand. When they are being pulled hither and thither, when their door is being knocked by helpers every ten minutes, it can get very difficult for people. It is more that kind of thing that we are referring to there.

Mr Campbell: It is not only to do with the police, it is to do with church leaders and so forth. In a sense in a dispute you can really only have one set of mediators, because disputants will then pick and choose who they want.

Mr Davis: Gentlemen, at the start of your address about the activity of Mediation Network, you mentioned neighbourhoods and churches, et cetera. Going back to your experience, you said that you just came in to being in 1995.

Mr McAllister: No, we got involved in parades in 1995.

Mr Davis: Say you were asked to mediate, for example, at a paramilitary funeral for the RUC, would you do that?

Mr McAllister: Yes, we were engaged in a paramilitary funeral in February 1996.

Mr Davis: What I am trying to refer to, coming back to this report that has come out today, and what I take issue with is that the committee has a person on it who has negotiated with IRA funerals, et cetera. I take issue with that. I do not think that that person is actually suitable for the committee that we are referring to, with regard to parades. You do not see any fault in that?

Mr McAllister: I think that when people engage in bad practice, when they do things badly, it impugns their credibility. In every trade there are people who practise the trade well and there are those who make mistakes — there are cowboy builders and there are good builders. I do not know who you are talking to, and I would not want to comment on that.

But I know that the difficulty that we have with many of the conflicts in our society that are of communal significance is that people take very strong views on the outcomes and those they associate with those outcomes. Very often, therefore, we can be in the unfortunate situation of being messengers blamed for the messages. For instance, in the particular funeral that I was engaged in, between the police and the Irish Republican Socialist Party — it was the funeral of Gino Gallagher — I was acting there with the trust of the RUC commanders and with the trust of representatives of the Irish Republican Socialist Party. Our work means that we are in touch with people across the spectrum of our society. Therefore, we like to think that we can talk to everyone, and people generally know that about us. There are situations when people need those who have access everywhere.

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The Chairman: Thank you very much, Mr McAllister. I am going to go back around the members of the Committee. Please indicate if you would like to have a further question.

Mr Paisley: I think that everyone recognizes that mediation in a casual, informed and, I suppose, an informal manner is beneficial. I do not think anyone could pick any bones with that. But I think we need assurances from your organization that you are not working towards a situation where you are trying to place mediation on a par with the law, or mediation above the law. You identified in your verbal submission that the problem in Northern Ireland is a problem of accommodation. The problem in Northern Ireland with regard to parades, with all respects, is the failure to implement the law. That is the actual problem. Mediation must be informed mediation, and it should therefore be informing people — and really you should be directing your energies to those groups — that there must be an acceptance of the legal standard, and that there must be acceptance of the law.

The fact is that parades in Northern Ireland, and indeed anywhere else with regard to freedom of expression, are a fundamental right, and any counter-protest, although it can be carried out within the law, cannot prevent or stop the expression of a belief or stop the expression of an identity. Do you accept that what we have in Northern Ireland is a Republican community — and indeed an extreme community — who has set itself the task of deliberately counter-protesting the rights of people to march in various places in Northern Ireland and that it does so with the intention of destroying the peace? The parades are not intended to destroy the peace, it is the counter-protest that is intended to do that.

Mr McAllister: What is significant for us, professionally speaking, is that you hold that view. We have to hear that view and respect it and recognize that it is a representative one, that there are many people whose perspective you share and, therefore, we cannot move forward around conflicts like these unless that kind of view is respectfully addressed.

Mr Rodgers: It would be helpful if you could give us more information about Mediation Network. I am not just a Member of the Forum: I am on Belfast City Council. The first time that I ever heard of your group was early last year. I would like to know whose idea it was to set it up, who is behind it and what is the make-up of the board or management committee. I have heard people describing you as Republican sympathizers, and I must admit I do not know very much about you. I have read about you trying to mediate during the Dunloy stand-off and so forth. I am sure there are other members here who do not know much about you. You told us a little bit about yourselves, but if you could make it brief and maybe just give us a wee bit more background.

Mr McAllister: Our strategy historically has been to take quite a number of years to do our homework about what the concept of mediation should mean in Northern Ireland. Therefore, we deliberately kept a low profile, if you like, in the community until such times as we were clear about what we were about, when we had developed a sense of place and could go to the public with some clarity.

My own background is that I am a probation officer by trade and a social worker by qualification. I was drawn into the work because of my involvement in the peace movement, previously in Pax Christi, a Catholic peace movement. I am also a member of the

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Corrymeela Community. I wanted to work directly at the troubles in a reconciliatory role in the community. I learned the mediation skills as a mediator when I was working as a probation officer and previously used that in dealing with clients and their families. It was just a matter of extending that, seeing the potential of mediation in the community itself.

Our interest has been primarily in how the troubles in Northern Ireland express themselves in the light of the community. Our committee has its origins in 1985 when Mr Campbell through his contact with the Pacifist church in America arranged for a workshop to take place in Belfast, and from that a group of people got very enthused about the potential of mediation.

It is what I would call applied peacemaking. In other words, people like us have in the past held vigils for peace and various responses to acts of violence where we have distributed the candles and laid the flowers in the dark. Some of us have been trying to develop a more refined role for people in the community, acting outside the party political structure, who still want to assist the community. So we generally share that kind of vision.

Mr Campbell: Mr Rodgers, I am a former teacher from the Shankill area actually. I trained the community relations workers whom the council had three years ago — we ran workshops for some of the community workers whom the council involves in Belfast. The environmental health officers and their staff in Belfast were trained by our organization just about a year ago. But on the parades issue you would not have heard of us at all, that is OK because in many ways mediators are low-profile people. If people reach agreements and accommodations, then the praise should go to them.

We have done extensive work in mediation and conflict skills over the last 18 months with area managers and also desk clerks at Housing Executive offices because they face a lot of problems. We have done work with the RUC going back about six years, with various branches of the RUC in community-relations skills, and we run workshops for the Prison Service — we have two or three workshops with prison staff and how they interact with prisoners. We have a long history, but in a sense I am not surprised that you have not heard of us, and in one way that is good thing.

Mr McKee: There are some things that have puzzled me from what I read in the press et cetera, and like my friend Mr Rodgers, I know very little of mediation — only what I have read in the press. But sometimes I say to myself when I hear about mediation that this is just giving encouragement to some people — all this talk about mediation and for commissions to be set up. Do you not find that it is giving encouragement to those in so-called residents' groups who are agitating and who want to see conflict — the more they agitate the more they get people such as yourselves involved et cetera, and that suits.

I keep looking in the press and there are still confrontation areas: Portadown, Garvaghy Road, Dunloy and the Ormeau Road. They are still in dispute and there has never been a resolution to those areas and there has never been a resolution to the problem. So I am saying to myself: what importance has mediation been to all that? What success has it had? To let me see that you are a serious organization, that you do have clout, that you are able to mediate and that you are able to get through to people by your mediation, can you flag up to

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me any success such as Garvaghy Road, Dunloy, Ormeau Road, whatever? I would be very interested to hear your response to those two points that I have put to you.

Mr McAllister: On the first point, you are quite right. There is a danger, Mr McKee, that people like us can become colonized or manipulated by one side or another in conflicts such as the parades controversy. We are aware of that and we like to think that we are experienced enough to be careful about it. But you are quite right there is that danger.

On the second point you present us with some difficulty in tabling in a Forum like this, instances where we have worked because it is a wee bit like asking a doctor to produce a patient and to start going through his insides. The problem we have here is that in a whole series of situations we know from the people who have been involved that we have helped them move forward, but we know that those people would not want us to —

Mr McKee: I do not doubt your own ability to mediate but what I am saying is that the trouble is still there, the protagonists are still there, they are still at each other's throats et cetera, and that is the point. The problems at Dunloy and Portadown et cetera are still there and they have the potential this year to be flashpoints which could send Northern Ireland over the brink.

Mr McAllister: But people will only sort out their conflicts when they are ready to. If a mediator tries to push people to a conclusion before they are ready, then that mediator has an agenda, and when people —

Mr McKee: Well, have you not?

Mr McAllister: I will tell you what out agenda is, quite simply. It is to serve a pluralist future in Northern Ireland; one where people can tolerate each other's differences and diversities. It is as wide as that.

Ms McCabe: You talked about a third party and, certainly, the Women's Coalition supports the idea of a third party in principle, very much so. I was just wondering what you thought about a fourth party. And what I mean by that is whenever you are trying to deal with local situations how much of a complication, or a difficulty, is it that both sides have a line that it is the greater conflict? Does that make things more difficult or does it mean that you have to look at it on a bigger scale?

Mr Campbell: Certainly, Ms McCabe, parties to a dispute need to be at the table. You cannot have people outside dealing with those who are at the table — those people also to be in on the inside. Obviously, on the parades issue, you cannot just slice it off from the rest of what is happening in our community, and that is what makes it difficult and complicated, no question about that. But it is solvable, it is solvable. The reality is that all the other methods have also been tried and without a lot of success. And I believe that we need as a community and, perhaps, as activists in the community, to affirm mediation more; then I think we will begin to see things moving.

Mr Casey: It is unfortunate that we have the syndrome that he who is not with us is against us. It is a bit unfortunate to look at the thing from that particular angle. Do you feel

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that quite a lot of the problem is caused by each side not really understanding the psyche or the traditions of the other side? How much of it is down to complete ignorance? The reason I am asking you that question that we have spoken to various Orange delegations and, certainly, I heard things that I had not known and I had not understood and in my opinion quite a lot of the problem is down to the failure actually to understand the psyche or tradition of the other.

Mr McAllister: You are quite right. When we go into conflict situations we set an objective, and the one that we use most is to improve understandings, with a deliberate "s" on the end of understanding, because there is more than one understanding. Very often if that is all the mediator does that is sufficient, because our belief is that everybody has a perspective on the truth and, if that is shared, the truth gets bigger and does its own work, and it is as simple as that. We see ourselves as simply trying to serve the development of truth.

Mr Carrick: May I come back on Ms McCabe's question and your response? Surely the reality is that there is a fourth party to a dispute, and that Sinn Fein/IRA, from the outside, has been orchestrating many of these protests and upping the ante. And it is on record that local community groups, if left to themselves, could through their public representatives deliver the answer to the problem. I had that experience in Portadown, but, unfortunately, the local communities are not allowed to deliver on what they know they could deliver because of the agitation from outside. So I contend that there is a fourth party always there.

On this point of conflict resolution or conflict management, surely given the cultural diversity and acknowledging that we are diametrically opposed politically, there will in the parades issue probably be no resolution of the conflict, there will just be the management of it. Can you confirm that that will be the thrust of your mediation role? Have you yet come to the point in the general parades issue where it becomes evident, because they are so fundamentally opposed to each other, that it will be conflict management as opposed to conflict resolution?

Mr McAllister: Well, we cannot generalize about that because the truth of the matter is that some local disputes are resolvable. In fact, the resolution of such disputes will begin to present our community with pointers for the way forward elsewhere. But, generally speaking, I agree with you that one has to stabilize conflict before one can address it, and process it. So I totally agree with what you are saying.

The Chairman: I think everyone has had an opportunity now for a second question; anybody like to come in with a further question?

Mr Paisley: I have had a chance to read your decision tree on the commission and I am just looking at a situation that could arise where you had an application and the commission said no. You had the negotiation process and again it was no, and the same with the mediation process. Then at the arbitration process you get a binding decision from the arbitration tribunal which effectively says that there will be no parade on that particular application and you are left with the enforcement, and the police are instructed to ensure that the ruling of the tribunal is upheld. Without naming any names, places, or localities, you have a situation where 3,000 Orangemen, or 3,000 people from a particular tradition, gather

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in a particular field beside a particular church and that crowd grows to 30,000 individuals. How can the police ensure the ruling of the tribunal when, at the end of the day, your proposal of a commission does not actually solve the problem, it just leaves the problem as it was originally?

Mr McAllister: In that scenario I believe that it would be up to the police then to say to the Government that they could not police this — then it would become a matter for the Government to address.

Mr Paisley: The police can never say that. Let us be realistic: the police can never walk away from a situation which they have to police.

Mr McAllister: What I mean they would say that they could not police this in the manner expected of them; they could not take this as a policing brief.

Mr Paisley: Does that imply that the police would be instructed by the ruling tribunal to ensure that the ruling was upheld and then that the police on the ground could overturn the decision of the ruling tribunal because they could not police it?

Mr McAllister: I think to do that would be injurious to the police, but it is up to the police again. The community understands that the police cannot solve any of these problems; they can only police them. And some situations may not be amenable to normal policing and the police, therefore, can only say that to the powers that be.

Mr Paisley: You accept that at the end of the day the police could overturn the tribunal's decision?

Mr McAllister: One thing I believe is that in each of the parades controversies the police were making one section of the community unhappy by having to do their job. They are in a no-win situation and that is having a very debilitating effect on the fabric of our society because it is leaving people unhappy on all sides everywhere.

Mr Paisley: Those people's expectations have been increased to a height where they are told that if they break the law they will get their own way. If the law had been upheld in the first place, that expectation would not be there?

Mr McAllister: I totally agree with you about the primacy of the law. But at the end of the day our perspective is not legalistic. We are simply community-relations practitioners who know that one way this conflict can move forward is if we, as a society, as a community of people, can utilize the common decency which we think is there. In that common decency, there is a wisdom — we believe that it is impossible to come through 25 years of the kind of conflict that we have had and not know things about conflict — and we trust in that in the community and all we are trying to do is release that and believe in its power. It is only common sense at the end of day.

The Chairman: Mr McAllister, I am trying to get an overview about your role in trying to resolve conflicts. When you are asked to consider a situation do you initially look to see whether this to some extent is a manufactured difficulty, that in fact there is not any real

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genuine basis for it? Mr Casey at a previous meeting said how he remembered families in Portadown going from the Catholic tradition to watch the twelfth of July demonstration and other demonstrations — they did not cause any offence.

What sort of weight do you put on a group that is, perhaps, involved in manufacturing a conflict? Do you give it equal credence? In your mediation role you obviously have to listen to both sides. Someone mentioned that, for instance, the Garvaghy Road thing was part of the unarmed strategy and that Sinn Fein had a large role in actually causing the intolerance on the part of a lot of the residents; that many of them, whilst they would not have had any interest in the Orange parades by choice, they certainly would not have gone out on to the road to oppose, or to stop, the protest. I am just wondering how you deal with that aspect. If you are given a call to go somewhere, do you initially measure the true nature of the problem? Do you immediately take it that both sides have the same degree of legitimacy?

Mr McAllister: Well we ask ourselves basic questions every time. What is this conflict about? Who are the parties to it? What are the characteristics of each party? It certainly is the case that there are a variety of residents groups in Northern Ireland. It would be wrong to assume that there is only kind of residents group. Therefore, one has to make assessments about each local situation. But invariably, one side will find the other obnoxious for one reason or another. One side will find the other totally illegitimate and will not want to engage with it. That is the very reason a third-party intervention becomes something to be considered. If people could engage with each other, if they did accept each other's creditability, then very often they could just engage. It is not up to us to make value judgements about what each side says about the other but simply to work with the reality of who the significant parties are in the conflict, and then to consider if these parties are amenable to a mediative process.

The Chairman: How do you determine whether they are relevant and whether they are representative? If I took say 100 people and created a situation, would I be given the same creditability as, for instance, an entire organization that perhaps has a structure, is organized and is structured within the law? I wonder at what point you determine that it is a legitimate body with which you are going to do business and that the people are relevant. It is a genuine question to ask. It is something that puzzles me.

Mr McAllister: In the situations that have been presented to us so far, we have not had any difficulty in figuring that kind of thing out. There are clear sides to it. But I want to say that in the decision tree that we have outlined at the back of our report, we envisage the secretariat of a marches commission advising the commission about whether parties were authentic or not. Obviously, a commission would not want to be in a situation of requiring, say, an Orange Lodge to engage with people whose organization was totally spurious.

The Chairman: I appreciate the point you made that you can only have one body mediating if it is going to be effective. How successful have you been? I am aware, as are other members, that church leaders and political party leaders have played a role in mediation at various times. They are called in perhaps when it gets closer to the wire. Are you having any degree of success in terms of being accepted as the central mediation body by a wide range of people? Is this going to be a difficulty for you in the future, in that other people will feel that they want to be involved in mediation?

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Mr Campbell: We seem to be acceptable to both sides, broadly speaking. That is true of the various marching Orders and the residents groups. We seem to be able to have a rapport with them individually and to be able to cultivate relationships, openness and honesty.

Mr McAllister: It is, however, important to add that we have had experience of extreme suspicion from both sides, some of it enduring. There are people who, to this day, as Mr Kerr mentioned, at us with a question mark. Our difficulty with that is that people do not hear about successes. It is when things go wrong that they start to look around to see who is responsible. Another difficulty is that we need to have an opportunity to speak for ourselves and to explain processes, but we cannot often do that without breaking confidences or causing further conflict. Mr Rodgers mentioned the public's awareness of us. This is our dilemma. On the one hand we want to promote an awareness of the concept of third-party intervention in communal conflict, but even if we were to try to do that — to engage in a mission to explain — people would conclude that we were microphone-happy and just a bit too fond of the public gaze. That, in itself, would put a question mark over us. We can only rely, each time, on the particular relationships we make with those engaged in conflict and leave it up to those people to make decisions about our integrity or otherwise.

We can expect to see more and more people in the community wishing to perform meditative roles and we think that is a good thing. We believe that mediation is a part of nature anyway. In any family in Northern Ireland there is always an Auntie Aggie or an Uncle Cedric who is seen by the family as the one whom people go to about conflict. So we do not think that there is a need to create a new professional class of practitioner mediator in Northern Ireland. We think that there is a need for a core of professional mediators, and it is our ambition to create that. But, by and large, our vision is that most conflicts should be informally sorted out by people who are naturally mediative in their local settlements.

The Chairman: Does any member have any final comment?

I thank both of you very much indeed. Would you like to make any final observations or comments, or do you feel that we have fully exhausted the topic?

Mr McAllister: The point that still rankles with me is Mr Paisley's first question and I would be unhappy to go away with him feeling that I disagreed totally with what he is saying. Our difficulty is the difficulty of this society with the parades problem, in that it is noted more by its failures and darkness than by its lightness and progress. But we can only say that we take a long view of it. We know that sometimes you can be sitting in a situation which, in the immediate term, is an obvious failure, but we have found, from our experience, that even within failures like 1996, certain seeds get planted that people want to return to later. We have a conviction about that. Our choice, as a society in the future, is very stark. We either rely on our old ways of dealing with conflict, which is to fight about it or struggle with each other, or we find new ways of trying to engage with each other that leave each side feeling respected and heard. That is really what we are trying to serve.

The Chairman: Thank you very much indeed, Gentlemen.

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We will be preparing a report for the full meeting of the Northern Ireland Forum for Political Dialogue and your submission will form part of that documentation. In due course, we will let you have a copy. No doubt you are aware that we are debating the North Report tomorrow in the Forum. You are more than welcome to come along and hear that.

We welcome the very forthright and very illuminating manner in which you presented the facts to us today. I am sure that the one thing we can all agree on is that we look forward, as you have said, Mr McAllister, to moving towards a pluralist society in which everyone can appreciate each other's cultures and traditions. I seem to remember that it seemed to be like that some years ago, and if we can get back to that, we will all be very pleased.

Thank you very much for coming.

The National Archives reference PREM 49/114/2

MINUTES OF EVIDENCE

THE APPRENTICE BOYS OF DERRY

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 6 February 1997
(Londonderry)

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Mr Simpson, Mr Moore, Mr Brown and Mr Gordon
(Apprentice Boys Association)

The Chairman: Good afternoon, Gentlemen. It seems rather strange for me to be sitting at this end of the table, I feel that the other way around would have been more appropriate. May I thank you very much indeed, Mr Simpson and members of your committee, for the very warm welcome we have had here this afternoon. You may well be familiar with the format that we adopt in hearings of the Public Order Committee and that is that the first session will be with your body making representations and expressing your views on the general issue of the parades — whether on the local or wider aspects of it is entirely a matter for yourselves. And we are always very keen to hear a wide range of views within any body.

Then following that, if you are happy, the Committee Members will ask questions arising from the points you have raised in your presentation. May I just confirm that the normal procedure is that the evidence that is being taken will form part of a report from Standing Committee A to the Northern Ireland Forum which, in due course, if adopted by the Forum will be published as the views of the Forum. We are recording the session today although it is being taken in camera. I am not quite sure if we have actually checked with you whether you are happy that the transcript of this is used in its entirety?

Mr Simpson: Whatever we say will stand.

The Chairman: May I thank you very much again for the welcome you have given to us. Perhaps you would like to start.

Mr Simpson: May I say that it is our privilege and our pleasure to have you here today, and I must thank you for taking the time to come down here and see us today. Over the last two years we have done quite a lot of travelling over Northern Ireland and we felt that

if the Forum was coming to see us, it would be better down here in the Memorial Hall where we would not have to travel for at least once. I appreciate you all taking the time today to come down.

As you know I am Governor of the Apprentice Boys. The Apprentice Boys Association is an historical organization which commemorates the siege of Londonderry from 1688 to 1689 which lasted for 105 days. We feel as an association that we are part and parcel of the history of this city. The main income in the city is from tourism and quite a lot of money brought into the city through tourism each year. We as an Apprentice Boys Association feel that tourists from all over the world can come and walk through the city and walk over the walls.

During the last few years there has been contention over the Apprentice Boys walking the walls on 12 August or 10 August, as it was last year. And we feel that anyone, no matter who they are, no matter what religion they are, no matter what nationality they are, be they American, Australian, Swedish, Italian, French or whoever, can come and walk on the walls. Then as an historical organization we also have a right to commemorate what our forefathers did in the siege, gave up their lives so that the people of this province would have a right to live. We feel that a certain section of the Nationalist community would like to dictate to us what to do.

Last year we talked to every section of the community, that included businessmen, ordinary people, churchmen, anybody who wanted to speak to us, we spoke to them. But the bone of contention was with a certain section of the Bogside Residents' Group who at all times said that no matter what we did we must first of all have their permission to do it. I, as Governor of the Apprentice Boys, feel that no one has the right to dictate where a person should go or what a person should do in Northern Ireland provided that person acts within the law of the land and consequently after four meetings with the Bogside Residents' Group, we pulled out of the meetings. We still kept in contact with John Hume who is the MP for Londonderry and all the businessmen and all the churchmen — now that included Protestant denominations and the Roman Catholic denomination. In fact there was one stage when we had a meeting with five Roman Catholic priests to try to educate them about what our organization stands for. We firmly believe that because we did that, it helped to alleviate the problem and the nasty situation that was in this city not only in July but also in August.

May I say that the Fountain Estate which is a small Protestant enclave near this hall was petrol-bombed by subversive elements on 11 July night and we felt then that the situation had arrived where they were being dictatorial. No society can survive under dictatorship, and that is the reason, at the end of the day, after four meetings with the Bogside Residents' Group that we had to pull out.

But we proved, I hope, not only to the people of Northern Ireland, not only to the people of the United Kingdom but to the people of America and the rest of the world that we are not an organization trying to dominate the Roman Catholic population of Northern Ireland. I also feel that as Apprentice Boys we can march in the city with dignity and respect and that anything we do we will do within the law.

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The Chairman: Thank you very much indeed, Mr Simpson. Would any of the other members like to pick up on any points or would you like me to go straight over to the questions from the Committee?

Mr Moore: May I point out to the Members of the Committee that the area of contention for our 12 August parade is the area directly outside our hall which you, the Members of this Committee, were standing on today. It is directly outside the headquarters of the Apprentice Boys Association, a matter of a couple of yards away. The Bogside — as I am sure you noticed — is several hundred yards away. May I also point out that we as an Apprentice Boys Association do not walk or parade or march through the Bogside, we parade on the walls of the City of Londonderry which is nowhere near the Bogside, we do not march through any of their areas.

To fill you in with a bit of the background, prior to the commencement of the troubles in our relief of Londonderry celebrations which are held on 12 August, or on the nearest Saturday, all the members of our association formed up on the walls. All the branch clubs, irrespective of where they came from, and their bands, were marshalled on the walls of the city. We now realize that that is not feasible, we now realize that that is not possible, and all we were looking for on 12 August — and I must emphasize this point — was for 200 members of the parent clubs, that is the eight parent clubs who sit in this particular hall, who come from Londonderry, who reside in Londonderry, who work in Londonderry, members of the parent clubs — all we were looking for was for 200 of those members to parade with one band on the City walls. Given some of the remarks that were being made by the media, you may have thought that the entire Association, 20,000 members, were going to parade on the walls. This was completely untrue, it was 200 local members, and I think that is a point that has to be remembered and emphasized at all times.

Mr Brown: Our officers here speak for the organization as a whole. However, within that whole you have various political affiliations and religious affiliations. Now I take a very strong line on the religious affiliation. I do not get involved too deeply with any political party because as a county officer I think it is better for me to not align with one party as the organization covers all parties. Protestants as you know take their faith from the Word of God and the Word of God is very insistent that we have to remember, remember, remember. It is one of the most oft repeated commands in the Bible, to remember. Now God does not set down any particular way for remembering. In the Old Testament He introduced a feast, which is still held 3,500 years later — the feast of the Passover. Another time a pile of stones was a memorial and another time the memorial was an altar built on top of a hill, where people probably went to once a year to remember that battle or victory. So, to me, it is more important to parade on 12 July and 12 August than it is to go to church on Sunday, because I have a direct command from God to remember.

It is like the festivals the children of Israel had; they were more important, perhaps, than the weekly Sabbath. They had the weekly Sabbath to keep, but there were festivals they also had to keep. And this remembering is part of our faith, part of the way, we would say that God has delivered us, and this is what I emphasize. Now that is only representative of a group within the Apprentice Boys, but there are a number of people who hold that point of view.

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The Chairman: Anyone else like to make any points?

Mr Gordon: I would like to make the point that on the parades issue itself we are an association and we speak for our members from all over the province and everywhere else. The issue of parades in general is one that concerns us greatly where we have people that are being contentious towards our parades. I do not believe that they can be contentious for any reason about where we parade, because everywhere we parade that has been contentious has been a main thoroughfare road and whilst they assert their authority over that road, they try to tell us that we cannot walk on that road.

Now if you look at Portadown and if you look at the walls here, if you look at Dunloy and other places: they are all main roads. They are owned by no one and therefore everyone has the democratic right to walk along them. Therefore, we feel very strongly that we should be able to carry out our tradition and our culture and recognize our own faith, because what we are there to do is to remember and give thanks to God.

Every time we go on parade, whether it be 12th of July, a church service, or the unfolding of a bannerette or anything like that, there is always a religious service. So each and every time we go to parade we are giving thanks to God for what we have as an association by tradition and by our culture. I believe very strongly that we should be allowed to maintain and continue that right, no matter where it is in Northern Ireland. We are not walking through Roman Catholic estates, so we do not believe we are causing contention in those specific areas. There is probably no one living on most of the roads we walk on yet they say we are being contentious. I feel very strongly that we should be able to maintain the right to carry out our tradition and our culture in that way.

The Chairman: Before I bring in the members of the Committee maybe you, Mr Simpson, or some of your colleagues would give us an overview of what the difficulties have been over the previous years. This, obviously, has become a feature of the parades issue in the province over the last couple of years. Most lay people have become aware that this is linked to the Garvaghy Road and the Ormeau Road. Could you give us a brief overview of when the parade had particular difficulty from your point of view? Over the last 25 years of the troubles, there have been difficult periods, but I am talking particularly in relation to this major problem now where you have concerned residents groups saying that marches cannot take place. Can you put that into perspective for those of us who are unaware of what the situation has been, say, over the last 25 years?

Mr Simpson: Up to 1968, which was the year that the civil rights march took place here in Londonderry on 5 October, the Apprentice Boys Association used to march on both sides of the river. One year they would march on the Waterside and the next year they would march on the City side. The City side takes you down the Strand Road and up the North Road and down the Rock Road, which are now very much Nationalist areas. Because of that and because of the troubles in 1968, the Apprentice Boys took the decision that they would not parade in those areas in future because there were a lot of people who thought that such a parade would be contentious. Since 1969, the year when the parade was banned, and when they had a memorial service in St Columb's Park, the main parade has been in the Waterside area, which is mainly Protestant. We felt that because of that and to keep the situation right in this city, we would not walk through the Nationalist areas. The Apprentice Boys have

been the forerunners in trying to keep the lid on the whole situation. People have accused the Apprentice Boys of purposely going out to create bother. Over the last 25 years, if you look at the history of the Apprentice Boys, you will see that we have done everything in our power to keep the situation right in this city. In fact there are a lot of Apprentice Boys who take part in various groups such as the Londonderry Chamber of Commerce. Quite a lot of Protestants take part in that.

I, as Governor over the last four years, have been very much aware, because I live on the west bank, of what the contentious areas are. Over the July and August period last year, Mr Moore, the general secretary, and I did what we possibly could, without giving up our heritage and without giving up our Protestant ethos. We felt that we had gone as far as we could to try to alleviate the problems between the Protestant and the Roman Catholic populations in this city. A lot of people have spoken to me but very few have turned round and said to me "You purposely went out to bring this city down." We, purposely, last year, went out of our way to stop this city from going up in flames, and we have the proof of it.

The Chairman: It would be very helpful, Mr Simpson, if you could tell me, from 1969 when you made this gesture of reducing the route or the parade, of any other periods when there has been a problem. Is there anything that stands out in that period as being a period of difficulty, that may be linked to the sort of cycle that has now developed where there is a particular raising of the temperature, if I can put it that way?

Mr Simpson: Prior to 1968, up to 1970 the walls were open and the Apprentice Boys paraded. We used to parade on the walls twice a year, on 12 August and 18 December. Because of the situation we decided that we would only parade on the walls once a year, and that would be on 12 August, which would be the main parade day.

The Chairman: Once again that was self-imposed?

Mr Simpson: Yes, that was self-imposed. Over the period sections of the walls have been sealed off for security reasons because members of the security forces were killed on the walls. Also, the IRA was using the walls over the gates to target the security forces when they were passing through the gates. The Apprentice Boys decided that we would go on the walls that were not sealed off. To us, if they were not sealed off, they were not a bone of contention to the security forces. It was because of that and because our association thinks so much of the security forces and what they have gone through over the last 25 years, that we have tried our best to help them. For those reasons we did not walk on the walls each year or try to enforce the rule. In 1995 when the walls were opened we thought that because the walls were open and there was a so-called cease-fire there would be no contention because we were not walking through any Nationalist area. But it was from then on that the Sinn Fein group of the Nationalist people started to say that it was a bone of contention. To me that was imposed on us through them and not by the majority of the Nationalist citizens in this city.

The Chairman: So the area of the walls that we viewed today, Mr Simpson, would have effectively been closed from 1969/1970 right through to 1995.

Mr Simpson: We did not parade while the security forces had it sealed off.

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Mr English: May I just make a brief statement, Mr Chairman? People have asked about certain interests that members of this Committee might have. I have to declare that I am a member of the Apprentice Boys and as such I do not feel that I should take part in the question-and-answer section. I am very impressed by the leadership shown by Mr Simpson and Mr Moore and all the rest of the people in Londonderry. It has been a very traumatic period. I think a lot of other organizations and people could learn from their leadership. Mr Chairman, I will withdraw.

The Chairman: I am pleased that you have taken that opportunity to make that statement, Mr English, but may I say for the record that because a Committee member belongs to a particular organization, it does not preclude him from participation. I want to make that clear because there may be other people here who are members of associations and who do not feel as you do. However, that is a matter for each individual.

Mr McKee: It is good to be back in Londonderry, the Maiden City, again. I was in Londonderry on 12 October and we did not know that morning what the situation was, but then we were told that the Apprentice Boys had marched the walls at the time of their choosing and that it had passed off peacefully. I think it was a very wise decision. It certainly did take the heat out of the situation, but yet you did not lose face. Could you give us a bit of a background as to why you took that decision on that morning?

Also you mentioned talking to different parties prior to 12 October. One group that did not come across that you talked to was Sinn Fein. I was just wondering how your committee viewed the role of Sinn Fein in all this. You did talk about agitation. Do you feel that the community was being deliberately stirred up and that the situation was being hyped up in Londonderry as it has been throughout the rest of the province? I am also wondering about the make-up of the residents groups. Did your committee have any difficulty in talking to them and did you find that people were deliberately put forward from the residents groups who have links with certain political parties and who could in the past have been involved in terrorism?

Mr Moore: There is something that I would like to emphasize before I go on to your question, or at least to that part of the question which I can remember. If I may refer back to 12 August 1994. We had not paraded on the walls for a number of years, but on the circuit of the walls a new section had been opened at the bottom of Shipquay Gate. It is unfortunate that we did not have an opportunity to walk round the entire circle of the walls because I could have pointed this out to you. This section of the walls is nowhere near the Bogside. There are no houses and no people living there. Indeed, it is in close proximity to a Protestant area.

We made an application to the RUC to parade along this particular section back in 1994. This was prior to the entire circuit's being opened. A section of the Nationalist community objected to the Apprentice Boys parading, even back in 1994, and that was prior to the formation of residents groups, et cetera. A section of the Nationalist community — I believe it was orchestrated by Sinn Fein — objected to our parading. Prior to 12 August the RUC made indications that we were going to get to walk on this section of the walls. To try to prevent us the IRA, or at least a group like it, planted a hoax bomb at that part of the walls

where we would be gaining access to try to prevent the Apprentice Boys from walking on the walls on 12 August. Thankfully, the RUC was able to declare this a hoax in the early hours of the morning and subsequently we, as an association, the 200-odd local members of the parent clubs, did parade along the walls in 1994. We believe that that was setting the lie of land for what was to follow. Subsequently, in 1995, the entire walls were opened and once again Sinn Fein orchestrated to try to prevent us from parading along the entire circuit of the walls. We all know what happened in 1996. In 1996, the Secretary of State took the decision to ban our procession on that section of the walls directly outside our headquarters. The general committee members decided that if we could not walk on the entire circuit of the walls, we would not walk at all. We were not banned from the entire circuit but only the section outside our headquarters.

There were lots of options open to us and lots of different equations were being put forward. But we decided that we would carry on with our commemoration — our celebration parade — in remembrance of those who gave their lives in the siege of Londonderry in 1688/89. We decided that we would carry on with our procession through the Waterside area and that we, the parent club members, would walk the full circuit of the walls. We made this statement; we made this declaration that we would walk the full circuit of the walls at a time of our choosing. That time came on 19 October 1996 and we gave our 11/1 form to the RUC again. We told the police that there was only one band leading the 200 members, that it was only local people and that we did not believe that our parade would cause any major controversy whatsoever. There was a protest, orchestrated, once again, by the Bogside residents group. A number of them were allowed to stand on the walls, but as our procession neared Butcher Gate, a couple of officers in the Bogside residents group sat down in the middle of the walls. The police subsequently removed them and took them to the side of the walls.

As our procession walked past this protesting group they chanted slogans and chanted "IRA" at our members. Obviously we learned from that that the Bogside residents group was nothing else but a front for the IRA. They organized the protest and chanted "IRA" as we paraded past them.

Mr Gordon: May I make a point regarding what Mr Moore said about how you would view Sinn Fein and its role in the residents groups. Although certain people were in the residents group, it was evident from the protest that they had on 10 August, when they came up to the bridge, that there were Sinn Fein leaders at the forefront. I view the residents group in full flight with Sinn Fein's activities, therefore, it is totally orchestrated by Sinn Fein members.

On 19 October, the day of the parade, they protested outside the walls, when the parade was going past, with verbal threats from the IRA. They changed slogans at our members who walked peacefully, in a dignified manner, causing no offence to anyone, but yet there were people out there shouting "I, I, IRA" and "Up the RA", and so forth. I view that as a verbal threat against our association.

The Chairman: On that point, these people who appear to have a fairly prominent role in some of the residents associations have been identified as being members of Sinn Fein. However, as you are aware, there is usually a lot of play made about their being elected

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representatives Is there any feeling, in relation to your committee and the Apprentice Boys, that these people not only have membership of Sinn Fein — and obviously there is the connection between that and the IRA — but are people who have actually been identified as having had active service with terrorist organizations, if I can put it that way? Is that part of the consideration? Do you make a distinction between somebody who is simply a member of Sinn Fein, and somebody who is not only a member of Sinn Fein but is perceived by the public as someone who has had a past involvement directly with armed terrorism? Is that a consideration?

Mr Simpson: It is well know that Donncha McNiallais served time for guns and prior to 10 August last year he admitted on television and radio that he was a member of Sinn Fein.

The Chairman: Many people will say that even if someone is opposed to Sinn Fein and what it stands for, these people are elected representatives. Some people here even have to sit on councils with them. They have to be involved in the democratic process. I am curious to know if that is part of your thinking.

Mr Simpson: May I put it this way: from 1956 to 1969 I worked in the local estate agents and my job, believe it or not, was to go into houses in the Bogside and the Creggan. I got to know quite a lot of residents in the Bogside and Creggan areas. Last year I spoke to a lot of residents there and they told me that Donncha McNiallais was not talking for them. There is a small group in the Bogside called the Bogside Residents Group headed by Sinn Fein, and McNiallias quite openly stated that he was Sinn Fein and that he had served time for arms. What other perception can you take out of that?

Mr Carrick: In the Governor's presentation to us, I noted the self-imposed discipline and the regulations and restrictions that have been imposed on the clubs since 1968. I know that there has been a substantial curtailment of the scope of the parade and, indeed, a reduction in the number of parades, yet I did not hear you say that there had been any reciprocal gesture, any acknowledgement, any thanks, from the Nationalist community for these self-imposed restrictions. In the light of that stubborn attitude — the intransigent mind-set of a section of the Nationalist community — do you believe that there is a concerted campaign to ensure that Protestants, in whatever guise, will not be permitted to give expression to their culture, either by traditional or any other method?

Mr Simpson: Drumcree highlighted the whole thing in July of last year. We in the Apprentice Boys believe, whether it is right or wrong, that in August we took the backlash for what happened at Drumcree. Some people may agree with that and some may not. Mr Moore and I met SDLP councillors here in Derry City Council. There were five SDLP councillors there prior to the week that the events took place at Drumcree. They were the first to tell us that we would not get across Craigavon Bridge, never mind on to the city walls. They said that there would be at least 30,000 of the population on this side of Craigavon Bridge to prevent us from coming over. That came from the SDLP, not Sinn Fein, and it proved, without a shadow of a doubt, that prior to 12 August — and this is why we had to get into discussions — leaflets were handed out, not only in Londonderry, Fermanagh and Tyrone, but in Donegal, Cavan and Monaghan, asking people to come to the Bogside and the Creggan on the morning of 10 August. There were advertisements in the press asking people

to open their homes and bring people in because of the Apprentice Boys parade on 10 August.

As time went on we felt that we had to do away with this myth that the Apprentice Boys were going to walk into the Bogside and walk over the Nationalist, or the Roman Catholic, population. It was through ignorance, in the sense that the majority of Roman Catholic people in this city did not know what the Apprentice Boys Association stood for. They could not decipher the difference between the Apprentice Boys Association and the Orange Order or the Black Preceptory. Mr Moore and I, as well as the general committee felt that it was our duty to go out and educate people as to what the Apprentice Boys Association was all about. Coming up to 12 August, when we had met different parties and different people, including members of the Roman Catholic clergy, was when they started to realize that we were not the bigoted organization that everybody thought we were. Consequently, the whole scenario started to change.

It is no secret that John Hume was one of the main leaders of the civil rights movement and, in 1968, was actually one of the men that led the civil rights marchers across Craigavon Bridge on 5 October. John Hume made it quite clear, after the Apprentice Boys Parade in 1969, that no Apprentice Boy would ever again march on the west bank of the city. In 1996 John Hume had to recognize that the Apprentice Boys had the right to walk on the west bank. The night before we paraded on the walls he had to come out and state that the Apprentice Boys had the right to walk on the walls.

The situation goes back over 28 years but because John Hume made that statement, the whole scenario started to go down. In saying that, John Hume put himself in such a position that they had no alternative, because he had been there as chairman of the talks. He knew exactly what we were saying and what we were doing. He had to come out and say "This is the situation." Consequently, when John Hume, the Leader of the SDLP party said that, the Roman Catholic population, the main part of the Roman Catholic population, realized that we were not a bigoted organization and, if I may say it, they have changed their perception of us.

Mr Carrick: That is the first time that there has been a recognition of the Apprentice Boys' right to —

Mr Campbell: Mr Simpson has answered one of my questions about whether Nationalists understand your commemorative events. Your last statement would suggest that you think they do not.

I remember last year, Mr Simpson, when the Apprentice Boys took the decision not to proceed, and you have outlined what happened outside and that you continued with the parade. At that stage there was a lot of media discussion and headlining of the fact that it was dialogue that had brought about the prevention of violence. Could you indicate if it was, in fact, a unilateral decision by your organization that averted violence? Did the organization actually take a decision not to proceed with the parade?

My next question follows on from what you said about Nationalists not understanding events. Do you think that the Apprentice Boys would support cultural events, run in tandem

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with your parade, to create a greater awareness of the Apprentice Boys? There has been some hint of this over the past couple of years. If that came about, would the organization support it, do you think?

Mr Simpson: As I said, the Apprentice Boys is an organization which stands for civil and religious liberty. It stands for law and order. There is no point in our saying that we uphold the Protestant heritage; that we uphold the United Kingdom, that we uphold all the rest of the Protestant ethos if we are going to go out and fight against, the security forces and bring this city to its knees. I am quite adamant that anything I do must be done within the law. But that must be reciprocated by the majority and they too must recognize that anything they do must be done within the law. I honestly feel that over the last couple of years it has been seen that those law-abiding people are being pushed further and further to one side and those break the law are the being given recognition and, sad to say, the present Government are bending over backwards to please them and not us.

May I explain what I mean by that? The walls were closed off prior to 10 August. Donncha McNiallias had made it quite clear that the section were he wanted no parade was from the top of the walls at First Day School', you know exactly what I am talking about, right down to the Guildhall. It was very, very funny that that was the exact section that Sir Patrick Mayhew blocked off. If we had walked on the walls we would have been walking on the section that Donncha McNiallis wanted us to, so we had no alternative but not to walk on the walls at all.

Mr Campbell: Do you think the organization would support cultural events that were held in tandem, not instead of the parades, but in tandem with them?

Mr Simpson: No. At the present time I do not believe that this organization, or any Protestant organization in Northern Ireland, would be safe working in tandem with those people who are trying to overthrow this country of ours. In the 1920s, and prior to that, this used to be a day of festival in this city when not only the Protestant bishop, but the Roman Catholic bishop walked at the head of the parades. Sad to say at the present time only a fool would turn round and say, "Yes, we could walk together", because firstly, I do not believe it would be advisable to do it, secondly, those who are creating the problems and those who are breaking the law would hijack the whole thing.

Mr Brown: I think the Governor is a bit too modest: it was not only the talks themselves, it was the Governor's standing with the people of the Bogside that contributed to the lessening of tension. They had a meeting on the Friday night before our parade in the Bogside, and I am quoting from the 'Irish Independent' or another of these Southern papers whose reporter was at the meeting — and they did not take a vote to block the bridge because he realized he could not carry the meeting. Two-thirds of the meeting — the Catholic people — were against him. They were getting up and saying "When are we going to get somebody to speak for us"? In other words, they were rejecting the Sinn Fein voice, and because of that Donncha McNiallias, said there would only be a token protest of 200; the Irish paper pointed out that the truth of the matter was that he could not get the 10,000 — he had lost the confidence of the people of the Bogside. That was reported in one of the Southern papers, which I thought was quite interesting.

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Mr Moore: To get back to Mr Campbell's point, I believe anyone has the right to commemorate the siege of Derry in the way that he would like to commemorate it. I believe that any group has a right to organize events relating to the siege of Derry, but in saying all that there, I believe that we as the Apprentice Boys of Derry, who have commemorated and celebrated the siege for 300 years now, also have a right to maintain our heritage and our culture and our traditional way of commemorating the siege of Londonderry and that is by having a pageant and by having a parade.

Now, any other group can do whatever it wants — I might even encourage them to commemorate the siege of Londonderry in ways that they believe it should be commemorated — but we, as Apprentice Boys, have our right to commemorate the siege in our way.

Mr Simpson: I am sure the whole media realized that last Sunday was the commemoration of Bloody Sunday here, and there were many people from all over Ireland at that parade, but none of the Protestant people went in to cause bother. And I would like it to be said, not only at the Forum but in the media, that the Protestant people not only of this city, of Northern Ireland allowed them to have the commemoration, because they have the right, especially those who lost loved ones, to commemorate the deaths of their family members irrespective of what the reason was, whether it was self-inflicted or not. But I would like to think that next year the Nationalist population not only of this city, but of Northern Ireland, will do exactly the same as the Protestants did last Sunday.

Mr Davis: Mr Simpson, you referred several times to a small section of the Nationalist community, namely Sinn Fein. Do you not agree with me that it seems as if it is this small section holding the country to ransom?

Mr Simpson: They are holding everybody to ransom and especially the people who live in the Bogside. There were people who spoke to me last year, came to my home, or phoned me up and asked me to meet them at certain places, and the fear that they had in their eyes — you could see it — because of what Sinn Fein had told them we were going to do, not only to the city but to their homes; they honestly felt that if the Apprentice Boys did not get doing what they wanted we would wreck the Bogside and all the rest. Now, that is rubbish. But the fear which the Nationalist people of this city had prior to the week before the 10 August was unbelievable. And I did my best, and so did Mr Moore and other people, to go out and tell the "Look, you have nothing to fear from the Apprentice Boys", and of course the day proved that. There was such a great parade here. We had about 12,000 to 14,000 people on parade, and there was absolutely no problem whatsoever.

Mr Davis: But how did it result?

Mr Simpson: It is this section of Sinn Fein, that is digging up the fear, but it is not only among Protestants, it is among their own people, and their own people will have to get to the situation some day where they turn round and say, "Look, we have had enough, we want other people to speak for us".

Mr Casey: Maybe I have not as much understanding of the Apprentice Boys as some of the other people present.

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Mr Simpson: If I had time I would tell you.

Mr Casey: Not knowing very much about your organization, are the Apprentice Boys a part of the Orange Order?

Mr Moore: No, No. They are completely separate. Our organization is an historical one which was formed primarily to commemorate the siege of Londonderry.

Mr Casey: Then you do not have the same rules and regulations or initiations as some of the other organizations?

Mr Moore: No, we are completely different; that was one of those perceptions that we had to correct over last year.

Mr Casey: I think that could be the nub of your problem. Many people from the Catholic tradition which I am from equate you with the rest of the orders. I was going to ask you if you would agree that some members of the various Orders actually bring them into disrepute by their actions and their utterances.

Mr Simpson: I can only speak for the Apprentice Boys Association. We have rules and regulations and they adhere to them. To the best of our ability we apply them as rigorously as we possibly can, and if anyone breaks those rules then he is severely dealt with. People have the perception that when there is a parade and there are problems they are due to the organizers; a parade can bring problems with people who are followers, civilians or band members who step out of line. If a band is brought to the city, the rules state that the branch or club that is bringing that band in is held solely responsible for its behaviour that day. But on civilian behaviour we say that that is the responsibility of the RUC and the security forces.

Mr Casey: Do you agree that many Catholics see the various Loyalist organizations as anti-Catholic?

Mr Simpson: Yes, yes, but that is what I said, we had to educate them last year here in this city about the differences between the different organizations, especially the reason we did what we did. They always had this perception that the Apprentice Boys were just allowed to do what they wanted to do, and that was that. We had to educate them, explain that it is an historical organization and give them the reasons for what we do.

Mr Casey: The reason I am asking you that question was that I read in the 'Irish News' this morning, in relation to the Harryville situation — you I have just alluded to the Drumcree one, and all these are somewhat interlinked — that someone who is a member of the Orange Order has been advocating that the band parade should be held tomorrow night in Harryville, that the bandsmen should play going past the Catholic Church, and that if they were not prepared to do that, they should not come — they do not recognize that Harryville is a place of worship. Now do you think that that actually lessens tension, or increases tension? And he claims that the people who are on that parade are members of the Orange Order.

Mr Simpson: May I answer your question in this way. In 1995 there was a statement put out by members of the Apprentice Boys Association to picket Roman Catholic

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chapels. I immediately, as Governor of the Apprentice Boys, went out and condemned that and I said that the Apprentice Boys organization would not stop anyone from going to his place of worship, and I, as Governor of the Apprentice Boys, will stick by that. I firmly believe that no matter what a person's religion is, he has a right to go to his place of worship. What other people do, I cannot be held responsible for; I can only be held responsible for what my organization does.

Mr Brown: The statement did not ask for picketing of Roman Catholic chapels. What the statement said was that if Nationalists continue to obstruct our religious parades a reaction will set in where this might come about. We forecast over a year ago that what is happening today would happen. We did not orchestrate it, nor die we organize it. It was the papers that put the twist on it.

Mr Simpson: But I had to answer the papers and the question that they asked.

The Chairman: We have had representation made to the Committee by, for instance, the Black Preceptory, and it was at pains to point out that, whilst some comment was made as, it appeared to have a more disciplined body than, for instance, the Orange Order, it was very keen to point out that it did not want to distance itself from other Loyal Orders. From Mr Casey's questioning, I am just wondering if it would be true to say that there is quite a lot of cross fertilization and that many members of the Orange Order are members of the Apprentice Boys and, therefore, that your attitude towards all those orders is that they are all entitled to civil and religious liberties?

Mr Simpson: Yes, there are quite a number of Apprentice Boys, who are Orangemen and vice versa. But what I am saying, as leader of the Apprentice Boys organization is that we each completely different organizations. We do not dictate to the Orange Order what they are doing and the Orange Order does not dictate to us; but, at the end of the day, basically, we support each other. It is the Protestant ethos that we feel, and I am sure that the Orange Order feels too, is at stake. It is not what individual people do; it is the organizations.

Mr Rodgers: May I say, Gentlemen, that it is a great pleasure and privilege to be able to come here today. And I also greatly appreciate, Mr Simpson, the leadership that you gave the Apprentice Boys during the difficult period in August. I think it was admired right across both sections of our divided community because were all deeply worried about what was likely to happen. You mentioned meeting with Roman Catholic clergy in this city. You have a number of leading Protestant clergymen such as the Bishop of Derry as well as the President of the Methodist Church; did you meet with any of them? And the other question is: what sort of relationship did you have with the RUC both here and at higher levels? Did you feel that it was, basically, trying to appease the Bogside residents or otherwise?

Mr Simpson: May I say first of all, that we did meet the heads of the churches here — the Presbyterian, the Methodist, the Church of Ireland and the Roman Catholic — we did meet them and it was out of those meetings that we meet other Roman Catholic clergy. Now I do not make any apology for that because as far as I am concerned the more people who can understand our organization the easier things will become, and I hope we proved that last year. May I say it was not my idea, as leader, to do it, it was the organization that put me in a spot. But, in saying that, I firmly believe that as long as we can learn from each other what

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our ethos is all about without dictatorship no harm will be done; it is the dictator dictating that can cause the damage.

If I go to a Roman Catholic person and say "Look, I am going down this way whether you like it or not", that is being dictatorial. But if I can go and explain to him why we are doing it, then nine times out of 10 the ordinary citizen will say "I do not care what you do on 12 August provided you do not interfere with my home, or my family. If you want to march to the city centre and you are not doing any harm, then go ahead." That was what 90% of the people of this city were saying to us. But if you take a businessman and his hard-earned business then he feels that that is under threat. They asked us to go and explain to them what we were doing. We did that and consequently the whole thing began to simmer down.

May I say — and this is no reflection on the politicians — that it was the politicians at the very beginning who caused the hype. It was the Nationalist councillors who caused us to feel that there was a threat. They said that they were going to be 30,000 Roman Catholics on the bridge to stop us coming over. If that had not happened we would not have taken the position we adopted. Maybe it was a blessing in disguise because at the end of the day it seemed to sort itself out.

Nobody knows from week to week what is going to happen. I do not know what is going to happen this year. All I can say is that if we can solve the problem in Londonderry this does not necessarily mean we going to solve the problem in Portadown, Belfast or anywhere else. Every section in every area has got to take its own decision. We live here and know the rules and the regulations. We also know the people and therefore we take the decisions. I would not think of taking any decision for the Orange Order or for anybody who lives in Portadown or anywhere else, because they are the people who live there, and they know the position there better than I do.

The Chairman: Mr Moore wants to pick up a point there.

Mr Moore: To answer your question about the RUC, if you can recollect in August 1995 the security forces removed the protesters from the walls prior to our parade's taking place. When we went along to meet with the RUC to discuss the 1996 parade, the senior police officers we met with made it plain and clear, right from day one, that they would not be removing protesters from the walls in 1996, as was done in 1995. They said it was up to us, the Apprentice Boys, to try to reach agreement with Nationalists, so that our parade could go ahead trouble-free. That was made plain to us from early June, at our first meeting with the RUC.

Mr Donaldson: Gentlemen, it is good to be in the Memorial Hall and thank you for taking the time to meet us this afternoon. I do not know whether you have had much time to study the North Report and whether as yet the Apprentice Boys have formed a considered opinion. I wonder about the concept of an independent commission to take decisions about parades and would like to know if you have any views on that and on the idea of a commission's set up?

Mr Simpson: I will say first of all that the Apprentice Boys have not yet met to go into it. They will no doubt do this later on and therefore I can only give you my personal

opinion. I have already said this to the press and on the radio: I have a book here that makes me wonder what happened to law and order over the last 50 years in Northern Ireland because it seems to be all rewritten here. It seems to me that those who keep the law have been pushed to the one side and that the laws that this report seems to be going to try to put in place would mean that anyone who creates bother is going to be backed. If these laws are put into effect they are going to cause more harm in Northern Ireland than anything that has happened up to now.

Mr Moore: It is a charter for protesters and those who are anti-parades.

Mr Brown: I would like to come in on that. With regard to the religious aspect, there is a section of the community that thinks it is only its type of worship that is the true and bone fide worship and that it should be recognized as such. Now, that is completely contrary to the teaching of the Bible. Our Lord said to the woman when she asked him which church she should worship in — the one on that hill, or the one on the other hill — "Women, the hour cometh and now is for neither in that church nor in that cathedral." He said that you could worship in spirit and truth, wherever it is. To me that parade is giving worship to God. He has told me to remember past deliverance.

Now, if you can appreciate that point of view, I am not going to accept some committee telling me how I should worship God. Under British, European and international law a person has the right to worship God the way his conscience dictates to him. I could never accept someone dictating to me the way I should worship God. I would have to ignore the law on that occasion. That is personally speaking, but I know there is a section of the organization that would also hold that view.

Mr Simpson: In section G on page 182 of the North Report there is one section there is a reference there under flags, banners and bannerettes which is going to be offensive to any organization that goes out on the street. First of all, it states that they should not depict any scene which could reasonably be perceived as threatening, abusive or insulting. Now, what is threatening, abusive and insulting to one person is not going to be to another. It says that no banner should have any inscription which could reasonably be perceived as threatening, abusive, or insulting. Goodness, where do we go from here if someone is going to be allowed to parade the streets but is not going to be allowed to have his flags, emblems, or anything else to show the people what it is all about. When the unions all over the British Isles go out on the street they have their banners, flags and everything else. Is that insulting to other people? That is the type of thing that is going to be damaging to Northern Ireland and neither section of the community is going to take it.

Mr Brown: Some people do not realize the sacredness of some of our emblems. We could think of the Somme where thousands of our ancestors died under emblems on both sides. If we look at flags, the Bible tells us that God has given us a flag for display because of the truth. Nobody ever tells you what that flag is. Yet, if you look at 'Exodus' where God told Moses about assembling a house for the purpose of praising him, God says 24 times "Thou shall make it of blue, purple and scarlet, in fine linen." We would say: red, white, blue and purple. Hundreds of years later the kings came along and took the purple as a kingly colour, which left the national colours red, white and blue. I believe that is God's flag — it is a sacred emblem to me. It typifies my worship, my faith and my God. It is composed of the

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crosses of three Godly men — Saint Andrew, Saint Patrick and Saint George. It is no coincidence that that happened — that is God's flag: the red, white and blue. I could go on for half an hour giving you reasons why it is God's flag, but I will not weary the Committee. If anyone wants to speak to me afterwards I will go into that with him.

Mrs Robinson: What you were saying there, Mr Simpson, leads me on nicely to what I want to ask. First of all I will say it is lovely to be in Londonderry, and it was a privilege to be able to stand on the walls today — for the first time in my life I might add. I am ashamed to say that. I will ask a simple question: when did the "no-sectarian marches" sign and the symbol of the Orangeman with the no-entry appear — was it before August last year?

Mr Simpson: That was before August of last year.

Mrs Robinson: Talking about offensiveness, does that ever get highlighted do you think? Does that inflame and cause you and your colleagues offence and hurt?

Mr Simpson: It does. The media seem to be totally against the Protestant people of Northern Ireland at the present time. I find it offensive when I look down into the Bogside and see all those emblems.

Mrs Robinson: I never saw that before, I never knew that that existed.

Mr Simpson: You have seen it at first-hand today. I find that offensive, but at the end of the day the people of the Bogside allow that to happen — it is in their homes and on their property. It is only they who will be able to turn round and say to the people who put those emblems up "Look we do not want anymore". And until they say that, there is nothing we can do. I live in a Protestant estate here and there is a lot of things that go on there. There are some things that even the ordinary person there finds offensive, but it takes time to get them taken down — you cannot be dictatorial. You have got to be able to say to the young people "Look, would it not be better to do this, or take this away." It will take time.

I firmly believe that it will take three generations to overcome the present troubles. I watched the TV programme the other night, with the youth of today featured with Mark Carruthers, and I can see no difference in the youth coming up now and what we were in our generation, and this is because of the sectarianism that has been allowed to ferment in our society. But I believe — and again I suppose it is easy for me to point the finger — that the Government in Northern Ireland have not been strong enough to take action against those who are out to do this country down, and until they do that we are not going to have peace.

Mrs Robinson: Thank you, and I totally concur.

Mr Moore: Can I just point out, Mrs Robinson, that I believe this whole sectarian marching thing refers to their own parades because we in the Orange and the Apprentice Boys do not walk through the Bogside. So I take it they are referring to the marches they have themselves and not to ours.

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Mr Carrick: Could I come back to the question surrounding the RUC and its attitude. If I am right in my timing the first meetings took place in June, prior to the proposed August parade. At that time notice would not have been required to indicate that you were walking then, yet the RUC was able to say that it would not be physically removing protesters from the walls. What other conclusion can you come to than either a) it was under political direction to make such a statement, or b) saying "Apprentice Boys you must get the consent of the protesters before you do anything."?

Mr Simpson: What I believe the RUC was really saying was that it was not going to do our dirty work for us this year, we had to do it ourselves. Prior to August and 12 July we had a lot of people coming here and telling us we should do this, that and the other. We were sitting down and talking, yet these people who mediate were coming and telling us they knew the answers. Yet, three days before 12 August one of them had to admit to me that they were not allowed to intervene because it was too hot too handle. He was on the phone afterwards to me and I just politely said to him "Look, I think it is better for the people who are living this city to sort the problem out". I honestly believe that the problems will not be sorted out until the ordinary working-class people get together and say "Enough is enough."

Mr McKee: Do you not see the situation as going a little deeper than just the parades issue. That is way I see it. I am trying to find out if I am the only person who thinks this way It is not really the parades they are after, but the state of Northern Ireland. Going back to the point that Mr Carrick raised some weeks ago about Portadown and the situation there, some years ago it was the Tunnel in Portadown and the agitation there was about the "poor down-trodden this and that" to use the media parlance.

The RUC was brought to bear on that one also. Do you not see the hand of Dublin in this — it has not been really mentioned today — at the back of it all? They seemed to get over the Tunnel area situation, and the Orangemen on that occasion were the losers because they were not allowed to march in the tunnel area. So they got them this safe route, so-called, and that went on for a while and seemed to be acceptable. They had won a victory. After a year or two they picked another area and, as regards Londonderry, it is the walls this year. If the Apprentice Boys give in to that and say "Yes, we can wear that as long as we are able to march somewhere else", then next year it will be somewhere else. At the end of the day, they want organizations off the streets completely. No agreement can really be reached with the residents groups although great praise should be given, on some occasions, to the clergy. They are all playing their part, as far as I can see, and I shall be interested to hear your views. They are all playing their part to be seen as being reasonable and nice and if they can get a victory here, they will be satisfied with that and come back again in a year or two and play their part all over again. Do you not see the organizations' right to exist being under threat, and not just from local residents?

Mr Simpson: That is what the whole problem is about. That is the bottom line. People were coming to me last year and saying "If you do not march on the walls this year, you will get them next year." But we know, as sure as our head is on our body, that if we had not marched on them last year, we would not be marching on them this year. If we had not walked to the city centre last year, we would not be able to walk there this year. No matter what happens — it comes down to politics. I have said this time and time again. We have John Bruton telling us what to do. We have Bill Clinton telling us what to do. We have John

Major telling us what to do, but it is the people who are living here who will tell us what to do. The politicians should listen to them. I am not asking them to listen to our side, but to listen to every side. The bottom line is that we are all human beings and people want to live in peace. But we can only live in peace when we are allowed to live the way we want.

Mr White: May I, first of all, apologize for being late; it seems to be a hobby of mine.

The Chairman: You have just missed an excellent tour of the walls.

Mr White: I have had many tours of the walls.

Mr Simpson made the comment that it would take three generations to take away the present troubles. That, of course, assumes that we start now. If we leave it a generation it will be four, as far as I am concerned. If we leave it two, it will be five, and so on. Mr Brown made a comment about God's flag and God's colours. I would watch the colours. What made the grass green? I would be careful on that one. I feel a lot like you do. He also made the scarlet women but the women, would tell you that red is very popular.

The Chairman: I see that Mr Brown is about to rise to the bait. He has offered the opportunity of a theological debate afterwards, and that would certainly be a very interesting discussion, but I should like to keep to the main issue for now.

Mr White: I could spend many hours with these gentlemen. We have a lot in common and there are a lot of things that we could discuss at length. Thank you very much.

Mr Casey: I was going to make a similar comment. I am really astounded at Mr Brown's interpretation of the Scriptures. This, I think, is one of the problems that we have in Northern Ireland. Some of us have turned God into a little green God, and some have turned Him into a little orange God. We are all doing Him a great disservice because He is everybody's God, whether some people deny other people's right to be recognized by Him as such or whatever. Your analysis of the colours in the Bible leaves me rather disturbed. I am sure that the Bible was not meant to be interpreted in that way. Mr Brown said earlier that he would prefer to parade on the 12th and 13th rather than go to church and that seems an extraordinary thing as well. But this is one of the problems that we have. When the Lord said that we will

"worship neither here nor on the mountain, but in spirit and in truth"

I do not think we can attribute that to one side or the other. It also says in the scriptures that if anyone has anything against his brother and is going to worship, he should go and be reconciled with his brother first.

The Chairman: I was not aware that I was going to preside over a scripture reading.

Mr Casey: I am trying to make the point that one of our problems here in Northern Ireland is that we make claim to God while trying to deny the other person his claim to God and his right to worship in his own way. I shall read from a talk given by Dr Michael Cassidy

from South Africa. He was saying that we live far too much in the past and I agree with him. If you look back, all the conflict in this country is based on the past and what has happened in the past. I know that it is coming home to roost in the present, but it is actually all based in the past. He says "A great battle took place on the 16th December 1837 when the Afrikaners slaughtered many thousands of Zulus next to a river. Such was the carnage that the river ran red with blood and it is named Blood River to this day. That was remembered by the Afrikaners for years and that day became known as the day of the covenant. So we swore that we would always remember and we covenanted to remember the victory of blood. But now our new leaders have taken that day, and that day is no longer covenant day when the Afrikaners remember their past but the day of reconciliation." That is really what we need.

Mr Simpson: Mr Casey, may I ask you one thing? You say we should not live in the past. I am not being offensive when I say this. You are a Roman Catholic. There are Protestants here; there are Presbyterians; there are Methodists; Church of Ireland — all types of religion all over Northern Ireland. Are you telling me that they are not living in the past? Your history and your religion come from the past, not from the present and not from the future.

Mr Casey: Leaving history aside,your religion comes —

Mr Simpson: But you did not say leaving religion aside. Your religion is your basics for life. Religion and the rules for living in Northern Ireland and the United Kingdom are taken from the ten commandments in the Holy Bible. How can people not live by thinking of the past?

Mr Casey: I am talking about things that divide us, I am not talking about things that would actually bring us together. It is all right to live in the past if you want to go back two thousand years to the birth, death and resurrection of Christ. That is what everybody's faith is based on.

Mr Simpson: But that is what has made the split in Northern Ireland — religion has been split.

Mr Casey: All I am trying to say is that there is this divisiveness. You remember one thing and the people on the Nationalist side remember another. That is what is bringing us into conflict.

Mr Moore: I do not believe that the troubles in Northern Ireland today are about the past. I believe that they are about the future. A certain section of the community is trying to destroy the future for us. A foreign country claims jurisdiction over my country, and people who owe allegiance to that foreign country are subsequently trying to destroy us, so, therefore, the problems that we have are about the future and not really about the past.

The Chairman: Mr Moore, this is very interesting. We have now moved into an area where we maybe all feel more comfortable. You see this as very much a constitutional question. This whole issue has a greater relevance. There is a feeling that Drumcree —

Mr Moore: Going back to Mr McKee's point, it is much deeper that just a parade.

Mr Brown: I want to reply to Mr Casey. If you are flippant and take a very limited view of history — if you do not know the facts — you can get different interpretations from them. Take the Battle of Blood River, 197 Boers were attacked by 10,000 Afrikaners but they were delivered from that. The fact that the river ran red with blood was not the doing of the Boers; they were quite happy to let their caravan pass on; they had to defend their lives. There is no use saying that the Boers murdered 3,000 Afrikaans — it was their own doing. If they had left them alone, everything would have been all right. With regard to the same flippant view of the Bible, if you are not familiar with it you could make a wrong interpretations. If you read it occasionally you will find in Exodus, especially, that the colours of the tabernacle are mentioned. God's favourite colours are red, white and blue and purple. Green is not mentioned once as being in the tabernacle.

The Chairman: If questioned by the press afterwards, I wonder will they think that we have been dealing with the Zulu/Boer problem.

Mr Gordon: Mr Casey says we should not live in the past. Our organization is an historical one. We are set up to commemorate what took place in this city in 1688 and 1689. So we are an historical organization and history takes us into the past. To bring in a verse of Scripture into the relevance in God's word, in Leviticus it says

"Remember there is first the bondsman of Egypt"

God says "Remember" so we must always remember. He commands us to remember. Every word of God is a command, so he commands us to remember. We remember our past, but, with reference to what Mr McKee said, the root problem is deeper — it is a lot deeper. It is not about whether we walk along a road, a street, or a town — it is our very existence in this province. In Northern Ireland, over the past five to 10 years, we have seen areas being designated as Roman Catholic. This is my perspective. That gives rise to what we now see as residents groups.

We have seen new residents groups formed over the past few weeks with the intention of stopping further parades this year. Those residents groups are saying to us "This is now our area and it is a no-go area for Protestants." They are polarizing the Protestant community by denying them the right even to enter an area. But we are not going into that area. All we are using is the main, peripheral road which lies aside that area, not the area itself.

When we parade, we do not set out to be intransigent towards someone else, we do not get out to cause offence to someone else. We go out to remember — to commemorate our past in the manner that has been laid down for us via our tradition and our culture. To say that we should not do that is wrong and you would be denying our very existence. Civil and religious liberty is something that we hold very dearly to our hearts. We are not saying that there should be civil and religious liberty only for the Apprentice Boys, the Orange and the Black Institutions. There should be civil and religious liberty for everyone. Civil and religious liberty brings freedom of tradition, freedom of culture and the freedom of the right to worship, whether it be Roman Catholics or Protestants. As has been proved in the past, we do not go to the Bogside to deny them the right to have their marches there. We do not go to Downpatrick, or to Castlewellan or other places to do the same. We are tolerant of the Roman

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Catholic tradition and we have an acceptance of what they want to do themselves. We do not deny them that right, but that right is being denied to us.

Mr Campbell: You went into some detail about the problems on 12 August 1995, but can you confirm that three days after that, on 15 August, the annual Hibernian parade took place and went very close to the estate that the Governor lives in — the Fountain Estate — almost outside the door of this building and that there were no objections, whatsoever, from the Unionist community?

Mr Gordon: That is correct.

Mr Rodgers: It is approximately six months to your August parade. It seems a long time off, but have you entered into any consultations with the police and those not linked to the Bogside residents association? I am referring to public representatives and the clergy representatives on both sides of the community.

Mr Simpson: Put it this way, if anybody asks us to speak to them, we will — except the Bogside residents group.

Mr Rodgers: Who have you talked to so far?

Mr Simpson: We have talked to the police at the moment.

Mr Rodgers: You have not spoken to any of the public representatives.

Mr Simpson: No, because nobody has asked us. I am not a believer in going and asking people if they want to talk to me. They contacted me last year and I told them last year that I would still be available. I will talk to anyone. And no doubt we will have to talk. Now, I am of the opinion that the problems that there were last year may not be the same problems that we are going to face this year so, I cannot pre-empt what is going to happen. I can only take it as it comes.

Mr Rodgers: Why do you say that the problems that you faced last year and the ones this year may be different?

Mr Simpson: Residents groups are growing up all over Northern Ireland and it means in different areas there are going to be more problems. The groups are going to combine together. They tried to do it last year here. They tried to bring the lower Ormeau residents group down here to have discussions, but I would not have anything to do with it.

The Chairman: It is now 4.45 pm. If everyone is agreeable and you are happy enough, Mr Simpson, we will try to conclude by 5 o'clock. Most people have had an opportunity for one question and I am doing a second round. Are you happy enough to proceed to 5 o'clock?

Mr Simpson: Yes.

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Mr Davis: Mr Simpson, assuming that the present situation continues, do you see the Apprentice Boys — and I am taking it province-wide now — coming to a situation whereby they will walk on the walls irrespective of what the RUC or the Government says?

Mr Simpson: I have answered all the questions in the same way; that is a hypothetical question to which I will not give a hypothetical answer. I learnt very quickly from the media last year that I have got to deal with the situation as it arises and answer questions then.

The Chairman: Very wise.

Mr Donaldson: We have talked a lot about the problem here in the city, but we are aware that you have had problems in other areas, the lower Ormeau being one. And the principle of consent, as it has been described, was a factor, I know, in your discussions last year. Can you clarify something for me? My understanding was that the Bogside residents group was saying that the centre of the city belongs to the people of the city and, therefore, that you have to get the consent of the people in order to walk in the centre of the city. The North Report interestingly proposes that town centres — and I assume that includes city centres — should be free for all groups to walk in. I thought that was an interesting development.

Mr Simpson: The Bogside residents group said that last year. It is nothing new.

Mr Donaldson: Where are you in terms of this principle of consent and what is your feeling about how people regard that here in the city? Do they believe that you have got to get consent in order to carry out a march?

Mr Simpson: We do not believe that we have to get the consent of the people of the Bogside for the Apprentice Boys to parade because we are not marching through the Bogside. Therefore, on principle, we see no point. We do not understand why we have to go and get their consent when we are not marching through their area.

Mr Donaldson: And would you say that that applies equally to the city centre?

Mr Moore: Yes, of course. We would be quite happy to meet with traders from the city centre which we did do and which we have done in the past. We would be quite happy to meet with those traders and give them certain assurances. We have no problem with that, but we do not see any point and we certainly will not be meeting again with residents of the Bogside to discuss parades which do not go through their area.

Mr Donaldson: And you would assert very strongly that the city centre belongs equally to the Protestant community in Londonderry, as it does to the people in the Bogside?

Mr Moore: Of course it does.

The Chairman: Mr Simpson, in relation to walking on the walls, it is quite apparent just to the casual glance that when you stand on the walls and look down into the Bogside it

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would not be possible for the residents of the Bogside to take offence at the actual site of the parade because it is not visible.

Mr Simpson: I am glad to hear you saying that because that was the fight that we were having last year.

The Chairman: Well, that being the case and if that is correct, perhaps they could object on the basis of the music of the band itself. For instance, in Garvaghy Road there has been a lot of play made about the fact that the Orange institution, because it is a church parade, only plays hymn tunes.

Mr Simpson: I see that in the North Report too. That is taken from Sinn Fein. It is nothing new.

The Chairman: Would you comment on that aspect? Secondly, if that were one of the factors, would you have any difficulty in some self-imposed use? You appear to have been extremely reasonable and gone the second mile and everything. If that were a factor would you consider — have you been asked about this — that for the period of that section of the wall no bands would play music?

Mr Moore: We put that point forward both for the August celebrations in 1995 when we did walk the entire circuit and again in August 1996 when we were banned from parading on the walls. But when we were permitted in October 1996, we had a self-imposed ban on the band which we engaged playing on the sections of the walls which overlooked the Bogside. May I also add to what you already stated there, Mr Chairman, that not only can they not see us from the Bogside, but they cannot see us from the Creggan either which is slightly higher than the Bogside, because the security forces erected 10-foot screens on those walls for August 1995 and, indeed, in October 1996. So there was no chance of anyone seeing us because of the screens and because of the height of the walls, and there was no chance of them hearing us because our bands did not play on the section overlooking the Bogside.

The Chairman: Thank you. That is helpful.

Mr Simpson: May I just say one other thing. When we were in discussions with John Hume and the rest one of the things that Mr McNiallias and company said at the very beginning was that nothing is agreed until everything is agreed. And that is the one thing that cut his own throat at the end of the day because we had agreed to quite a lot, including the music, including not playing and all the rest. But because they said nothing is agreed until everything is agreed, when we walked on the walls on 19 October there was no agreement, if you see what I mean. And may I also say that in both 1995 and 1996 the Apprentice Boys agreed that they could have 13 protesters standing on the walls while we had our parade, but that was not sufficient either.

Mr Casey: I would just like to assure you, Gentlemen, that I have no antagonism against either your Order or anybody else's Order and I am certainly not a bigot. Anybody who knows me will tell you that. But would you agree with me that there is a very great fear in our community, that the community has already paid a very high price last year and that

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everybody has to do everything in his power to ensure that we do not have any disturbance this year? I include everybody in this. I agree with your analysis about Sinn Fein manipulating residents associations. I have no doubts about that myself. I am speaking as somebody who moves fairly closely among ordinary people, both on the Catholic side and the Protestant side, and they agree with me and are fearful. And I think we are all fearful that something even worse than last year could happen if things are not resolved. I am not saying you can do anything, but we must all work together to prevent any reoccurrence.

Mr Simpson: Anybody who lived in this city in July or the beginning of August last year, lived in fear of what was going to happen. That is the reason we went into discussions — to educate people about our organization. Now, I firmly believe that because we did that that we lowered the tensions. But that was not sufficient for those who want to overthrow this country. And there is nothing that we can do that will please them until we go on bended knee and say "Can we do this?" or "Can we do that?" That was made quite evident to us because once we made one agreement, out from under the table came something else. We got to the stage where we could not agree to specific things that they were asking and consequently we had to pull out. Then we got the blame for not coming up with an agreement. How can you agree with a person who is totally against everything that you stand for?

May I say, Mr Casey, that I am delighted to see you here today, not just as a member of the Forum but as a Roman Catholic member who has come and heard at first hand what we have got to say. And you can go out now and say what your perception of the Apprentice Boys organization is. I firmly believe it is only with people like yourself that we will be able to settle the situation in your own area, and I hope that you have learnt something today that you did not know before.

Mr Casey: I have listened to the Grand Lodge, I have listened to the Drumcree and Ballynafeigh Orangemen. I have said to them that maybe they do not do a good enough PR exercise, particularly with the Catholic community. Many of them do not understand your ethos. They are completely ignorant. Maybe in a way some of you do not understand where they are coming from. I am not talking about the people who want you to bend the knee and ask for their permission. I am talking about the ordinary Catholic person, who probably does not have any objection. But the one thing I would say is that Drumcree threw more voters into the Sinn Fein camp than any other thing that has happened for as long as I can remember.

Mr Gordon: The Roman Catholic community has nothing to fear from our organization. As I said earlier we go out to commemorate our tradition and our culture. And if we go somewhere to parade, they have nothing to fear from us because we are not being antagonistic towards them. We have a tolerable acceptance of their tradition and so we will not go out of our way to hinder them in any way. But a simple parade which could last 15 minutes somewhere could very easily reduce fear and tension by acceptability — acceptability which is not there at the minute. While these residents groups are in position, I fear there will be very little agreement over parades because they will go out of their way to make sure that we do not walk. So, there should be no fear if there is tolerance and acceptability.

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The Chairman: I am going to bring Mr McKee in for the last question, if everyone is agreeable. It is not only that we are approaching 5 o'clock but I am worried that our sound recordist is rapidly running out of tapes. I think we are on the sixth tape.

Mr McKee: I had no intention of coming in again. I have had a fair crack and I appreciate that. But coming on to this bit about being reasonable, voluntarily agreeing not to play tunes et cetera. If you are being reasonable and you are not setting out to give offence — and your structures are that they do not give offence and they should not — then why should you have to knuckle down? Is it not playing into the hands of the Republicans and those who are agitating by agreeing to this or agreeing to that? We see it in the North Report, with banners and emblems and the national anthem being seen as sectarian. Is it not case of "Come into my parlour; said the spider to the fly" when you do agree to this and do agree to make some concessions? You have been sucked in to this web and there is no way out. You are what you are and you do what you do.

Mr Simpson: Well, you can only give away to a certain point, and if you give away everything, you have nothing to hold. And we got to the stage last year when the Apprentice Boys felt that we had given so much that we could not give any more without giving up our heritage and our ethos.

The Chairman: Mr Simpson, we have reached the end of the questions from the panel. Would you or any of your members like to make any final points; are there any areas that you think we have not covered in our questioning or any rounding-up points you would like to make?

Mr Brown: I would like you to consider the part the media play in the hype prior to parades. They play a very large part and they manipulate statements and press releases and everything else, and I think that worth looking into to.

Mr Simpson: There is one question that I want to ask the Forum here today. Now that this report is out, what good is this meeting going to do today?

The Chairman: Well, the members will all have an opportunity to respond to you Mr Simpson, on that, but I would say that the North Committee, whatever you think of it. whether good or ill, has one major defect that this Committee does not, and that is that it is another quango, a Government appointed body. Some people questioned the make-up of that body and whether it would ever be likely to find a reasonable answer or set of proposals. I think it has been encouraging to hear your comments and particularly the welcome you have given to some of those who represent views other than those of the Unionist position here this afternoon. We hope that when people read the findings of this report they will believe that at least it has the imprint of elected representatives and a cross-section of the community.

I agree entirely with your comments, can I say — and I am sure I am not speaking out of turn as the Chairman of this body — I believe that you are right to say that the solution to the problems in Northern Ireland, whether it is in Londonderry, Belfast or elsewhere, will come from the roots up, will come from the people. And this idea of the Government handing down a constitutional arrangement or whatever will not work. The way that we will solve our problems in Northern Ireland — and I am sure I am speaking for all of the members

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— will be by people like ourselves, from different persuasions and different viewpoints, coming together and finding a way forward. That is the hope that we have, unlike the North Report. I cannot guarantee that it will be so. As I said earlier, I hope that we will be a part of the process of rebuilding in this community understanding and dialogue, and it is our hope that we can do that, Mr Simpson.

Would any other member like to make a comment about the North Report.

Mr Moore: I think we have covered most aspects. Perhaps if we do have similar problems in 1997 to these we have had in the last couple of years, the Committee will come down to Londonderry and assist us with our problems with the media and the security forces on 12th August next. I would like to extend that invitation through the Governor.

Mr Simpson: When the walls were closed off and we went back to Sir Patrick Mayhew to tell him what we thought of him, Sir Patrick admitted to us that what he had done was a gross injustice, but he still had to do it and the walls were staying closed.

Mr Rodgers: Because the Dublin secretariat told him to do that.

The Chairman: Mr Simpson, thank you and the other members of your committee for inviting us along here this afternoon. I think that everyone will agree that you have given us a lot of food for thought in the information you have supplied and the very forthright manner in which you have answered our questions. Each and everyone of you will help our deliberations. We will be preparing a report, and you will receive a copy of it in due course. I hope that it is more favourably received than the North Report.

The one thing that will stick out in my mind is the comment that you made about how this affects our children and our young people, and that is something that should be in all of our minds when we come to trying to find a way through this whole situation. As you have rightly said, there could be whole generations ahead who are condemned to live with the difficulties that we have all lived with through the last 25-odd years. I hope that Ulstermen and women of whatever persuasion or whatever class, colour or creed can find a way in which we can all live together in peace under the law and with respect for the state that we live in. Thank you very much.

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MINUTES OF EVIDENCE

REV IAN PAISLEY MP MEP/DUNLOY LOL

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ADDENDUM

Evidence from Rev Paisley MP/MEP/Dunloy LOL

Page 1, Paragraph 2

Jim Rodgers, Democratic Unionist Party should read

Jim Rodgers, Ulster Unionist Party

Jack McKee, Ulster Democratic Party should read

Jack McKee, Democratic Unionist Party

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NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 6 February 1997
(Dunloy)

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Rev Dr I Paisley, MP, MEP, Mr I Paisley Jnr
and Representatives of Dunloy LOL

The Chairman: Good evening. I would like to thank Dunloy LOL for extending this invitation to the Public Order Committee of the Northern Ireland Forum for Political Dialogue. I am the Chairman of the Committee charged with looking at the issue of parades.

To introduce you to the members of the Committee: from left to right we have Mr John White, Ulster Unionist Party, Mr Ivan Davis, Ulster Unionist Party, Mr Joe English, Ulster Democratic Party, Mr Hugh Casey, Labour Party, Mr Jim Rodgers, Democratic Unionist Party, Mr Jack McKee, Ulster Democratic Party, Mr Mervyn Carrick, Democratic Unionist Party and Mrs Iris Robinson, Democratic Unionist Party.

The normal form of these hearings when we are taking them in the Northern Ireland Forum itself is that we ask the group to make a presentation to us on the issue of parades, and that can involve more than one speaker if you wish. I understand, Dr Paisley, that you are going to make the introductory remarks.

When you are making a comment, please indicate to the secretary your role within the Loyal institution just so we know your name and the particular interest you have in the matter. Also when you are speaking, could you move over to one of the microphones because we are recording this session. If you are happy, the transcript, in its entirety, will appear in our Report to the Northern Ireland Forum. Are you happy that this in its entirety will be recorded and used in the report to the Forum?

An LOL Member: Some members may not be happy with their names being recorded. I do not mind, but other members may not want their names mentioned.

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The Chairman: We are happy enough with that.

Rev Dr Ian Paisley: You can say that you want to put something off the record and then it will not be recorded.

The Chairman: Yes, absolutely we can have that. Dr Paisley, I understand your comments initially will be made on behalf of the Democratic Unionist Party and then you will introduce the members from the Orange Order.

Rev Dr Paisley: First of all, as the Member of Parliament for North Antrim I would like to thank your Committee, Mr Chairman, for coming to Dunloy, coming to a place where we have a crisis situation, to hear what we have to say and the representations we have to make. It is appreciated by the lodge because there are many people in authority who would not come near this hall who have been invited. The former Chief Constable refused even to set his foot in this hall, and the former Assistant Chief Constable refused to put his foot in this hall. In fact, on one occasion when I was here, a police sergeant had nearly to be pulled into the hall even to speak to us.

So, this hall in a sense has been out of bounds and we have been looked upon, the Orangemen and those associated with them, as some sort of lepers in the community by people in authority, something, I might say, that is deeply resented because it is entirely unfair. So we do appreciate your members, Mr Chairman being prepared to come right into the heart of this locality and take evidence from the people who have suffered the most and have most to be concerned about in this particular matter.

I think all your members have a copy of my submission, so I do not think I should spend time going over it to you. If there is any matter that any of your members would like to put to me about that submission, I will be happy to talk about it, but I think it would really be a waste of time for me to read and explain something that is quite readable.

The Orange brethren here in Dunloy and those associated with them have over the past years suffered very, very much from attitudes taken by militant Republicans in this neighbourhood. This hall in which we are sitting was burned to the ground. This hall has suffered various attacks down through the years; I do not know whether you were able to read some of the graffiti on the walls, graffiti of the most insulting nature saying that this is an IRA/Sinn Fein advice centre. That is about the greatest insult you could make to an Orange Hall, and these are studied insults, they are not just done in a day, they are continued.

May I remind you that the Moderator of the General Assembly, the present Moderator, said on the radio that people going to the Presbyterian meeting house here have been abused, abused even going to their own church services. They have been told "You do not have a caretaker anymore, you do not have a caretaker's house, the minister's out of the manse and we will get your church eventually." That was said to them on Sunday morning; that is not my evidence, that is evidence that has been put on public record by the Moderator of the General Assembly. So that gives you a sort of inkling of the type of pressures that have been put on the people here, very big pressure indeed.

Now another very sad commentary on the present situation is the fact that this hall was even put out of bounds to the Orangemen — on 12 July, no Orangeman was allowed to stand in this hall, that is correct. They were not allowed to come to their own hall, and I find that absolutely frightening: but here are people who own this property and they were not allowed in it; on that one special day of the year the Orangemen were not permitted even to get near this hall. Why? Because there was a bunch of armed thugs from the Republican side intent on doing them grievous bodily harm.

I am the Member of Parliament for this area and I said, in reply to an invitation from these Orangemen, that I would come on the 12 July in the morning before I went elsewhere and meet with them in their hall. On the day before, I was visited by a police officer who said, that the police had told my drivers that they were not going to Dunloy and that they could not permit me to go to Dunloy. "If you go near Dunloy, we will forcibly lift you and take you away." I asked why. "Well," they said, We believe you would be in danger." I asked about the Orangemen and was told they would have to see about that tomorrow — but that is the attitude and these men did not get to their hall.

It is one thing saying you cannot walk to your church but it is a greater condemnation of law and order if you cannot even go into your own property, and that is what happened in this locality, in this hall you are sitting in. I made very strong representations and, as I have said, Assistant Chief Constable Blair Wallace refused to meet us in this hall. He would not even come to talk to us about this.

The band that practised in this hall for a long, long time was not allowed to practise and the brethren will give you the length of time they were out of the hall — they were not even allowed to practise in their own hall. On one occasion — and I want to put this firmly on the record — I took a group of these Orangemen to Ballymoney police station and it was made clear to us that the Ballymoney police were of the opinion that the sooner the hall was closed down and the Orangemen were out of this neighbourhood, the better for everybody. We refused to continue the conversation because that is not what the police of any country should be about. They may not like what is happening in this hall, but this hall is owned by a legal body of men who are entitled to have their property, look after it and meet in it when they so desire. So we have not had the support from the authorities that we want to have.

Now, the parades in this district — and these brethren are better able to give you evidence of this — have been attacked. The Master of the Hall was struck, Mr Finlay, Sen, was struck down, one of their wives was struck and others were struck; and no effort was made by the police to make anybody amenable for this. In fact the last time the Apprentice Boys were coming home from the demonstration in Londonderry, they too they were not allowed to get to their hall, but some of their friends naturally thought they would help them to get to their hall, and there was a bit of a scuttle, no doubt about it, we are not denying that. Now those people who took part in that scuttle have all been in court, but nobody has been in court for these other attacks that have been made with all these other threats.

On that occasion when people were attacked we had to go and plead with the authorities to do something and eventually they said "Yes we will do something", and they moved. They subpoenaed the mean who were attached to go and give evidence against their attackers. They were all publicly subpoenaed to go to court and they were going to be put

into the witness box, they were going to be cross-examined by a crown counsel for the other side, and naturally the other side was entitled to do that. They were leaving themselves open but these men said "All right we will take this risk, we will go. I went with them and when we met the other side came and said, "Look if you will withdraw the most serious charge we will plead guilty to the lesser charges, but we said "No, we have to take it the whole way", and when they came to the more serious charges they pleaded guilty, and they were dealt with. That that did put up a signal that at long last there was going to be some redress in law for these particular people who have suffered so badly.

On parades in this town we have worked unceasingly to try to get some way to lance this boil, because it is a boil in this constituency which has festered but we would like to go the church, have a church service in the usual way — marching from the hall to the church and back again. We would like to have that as quickly as possible. We feel that if that were done it would ease a lot of tensions in this community. Now an attempt was made to do that in November of last year and these brethren after consultation and taking advice decided to put in their notice. There is a residents association here and of course there are elements in it that we would not talk to and I want to make that perfectly clear: I, personally, am not prepared, even as a Member of Parliament, to talk to people who are known IRA men and are known to support acts of violence. I am quite happy to talk to people who are not in that category. Feelers were put out — and the Orangemen were not involved in this, but it was done on their behalf — and eventually the residents so-called of this area had put in a legal objection under the 11/1 form to say that on the day that these Orangemen were going to walk to church they were going to be opposed by a protest.

When the Blackmen had a service here a protest was held which was kept fairly well in order — it was not all that it could have been, but at least there was some order — and the Blackmen were quite prepared to run the gauntlet of this: people were standing at the side of the street with posters and shouting and cussing. The Blackmen were prepared to go to their church quietly and come home again.

But the Dunloy residents withdrew their application, so here we had residents who put in this form which said that they would be protesting and then they said that they were not going to have the protest. I thought that was a good thing; they were not going to support and clap these men going to church, but they were going to acquiesce so that they could have a church service.

We were all absolutely flabbergasted and very disappointed. Indeed, these feelings turned into bitter anger that the police did not take the necessary steps when we warned them — the Orangemen warned them, and I warned them personally — that although these residents no longer wished to hold a protest there were elements in Loughgiel who are IRA men who would be very angry about this and will want to come and have a protest whether the protest form has been written or not. I said "The police would need to have a number of men here in this town who, when the parade comes can clear a route for these people off the road to get these people to the church." And on the day it happened, as we said it would happen, the Loughgiel people came. And the police had come without equipment to deal with anything like that: no riot shields, no Land-Rovers to block them, no nothing. They went down to the protestors and said "Are you going to let these men pass"? And they gave a wee push with their hands — their fingers did not even feel the pressure that was put on

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them — and they said "No". And the police came to the Orangemen and said "You are not getting passed. That is the end of it." Now that was folly.

The Orangemen met with Mr Flanagan, who at that time had just come into office as the Chief Constable, and I must say in fairness to him that he did apologize to us and admitted that he had made a terrible error and that arrangements should have been made because these people from Dunloy had agreed to the parade and then these other people had come and taken over.

How do we get back to that? We are now working to try to get back to that position where there will be no form put in for a protest or, if it is, it will be withdrawn and the Dunloy residents will acquiesce to let us go to the church service. Then we will be depending on the authorities to deal with those who break the law. And if people gather, no matter what crowds they gather in, and no matter what threats they issue, if they gather, it is the duty of the police to clear the way and let the Orangemen get to their church service and get back from the church service.

Now there is a rumour and I am sure that some of you may have heard it, that the Orangemen planned this and have brought thousands of people into Dunloy. I want to nail that. What happened was this: this lodge invited people under the seal of their lodge, and every Orangeman coming into this town had a notice with the Secretary's stamp to say that he was invited personally to this church. The police were able to check everybody coming in. A limited number of Orangemen were personally invited, and they proof of it. Knowing the feeling in the country there were many Orangemen and many non-Orangemen who wanted to come and show their solidarity, but that is not what we wanted; we wanted the Orangemen locally to be able to go to their church to a normal church service, worship the Lord and go home again. So the lodge did everything that was asked of it and it was very badly let down.

We have had an apology from the police but they have now got to rectify the situation. If we can now get the residents to acquiesce that will be to our advantage because we will be able to say that the residents acquiesced. But if the residents now do not acquiesce because of intimidation — and we have proof that there have been visits to homes in this neighbourhood and threats from the IRA that if people start making peace with the Orangemen they will be dealt with — it is the duty of the police to keep the peace and say that they cannot allow this or tolerate this situation. People must be able to go to their church and come back again and worship God on the Sabbath Day as their forefathers have done for over a hundred years.

So that is the present situation, but I do not want anybody in your Committees, Sir, to feel that efforts are not being made to try to be as conciliatory as possible. It has been said that these Orangemen are hard-nosed and that they will not talk to anybody and so on, which is not true. But we do not feel that we have to talk to those who have beaten up our fellows, those who have attacked our wives, those who have kept this hall closed to us. We do not think we need to go on our knees and grovel to them and say, "Can we please have a church service?" that we are not prepared to do this and neither is anybody in this lodge prepared to do this. We are going to take a stand on this issue. But we are trying to do deal with this in a peaceable way and we are doing our very best to try to get the Dunloy residents not to oppose this, to acquiesce in having this service, and I hope we will succeed — I do not know whether

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we will or not, because what happened last time has created ten times more difficulty. There are other people outside this area who are interested and they are showing their support. Whether their support is going to help us or not remains to be seen; but they are entitled to do that and they are entitled within the law to do that.

I might say, as Member of Parliament for the area, that the people planning to have a band parade in Ballymena are entitled to have that band parade in Harryville, which is a 96% Protestant area, maybe more than 96%. For people to say that they should not be allowed to parade is nonsense and I have warned the police that they should not interfere. And I hope that those who appeared in the press tonight and said that they want peace and quietness and that they are not going to do anything else will keep to that; it will certainly help us here. But we have to resolve this as best we can.

The Chairman: May I thank you very much, indeed, Dr Paisley for that very forthright and clear view of the present situation, and may I thank you for the warm words of welcome to your constituency. You are indeed the first party Leader whom we have met in his constituency, and we are hoping to meet other party Leaders some time in the next few weeks.

May I open the proceedings to other members of the Orange Institution who may wish to make a comment. For the benefit of those of us who would are not aware of the history and background over the last 20 odd years, please tell us about everything that you think may be helpful to us in gaining an understanding of how this all commenced. I am thinking particularly about the view expressed to us by other Orangemen, from various places, that this is part of an orchestrated campaign and part of the unarmed strategy. It would be very helpful for the members of the Committee if you could describe the relationship between yourselves and the community in Dunloy over the last number of years, and when this problem started to emerge. I understand that Cllr David McAllister is with us this evening and may wish to say a few words. He is very welcome to give his views.

Rev Dr Ian Paisley: I think we should have the Master of the lodge to say a few words first of all. It might be helpful if I put a few questions to him. A Witness, how long you have lived in this area?

A Witness: I was born on the outskirts of Dunloy about 50 years ago.

Rev Dr Ian Paisley: And you have lived here all your life?

A Witness: That is right

Rev Dr Ian Paisley: What do you work at?

A Witness: I am a painter.

Rev Dr Ian Paisley: You know the area very well?

A Witness: I do.

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Rev Dr Ian Paisley: Could you cast your mind back to the early days when you joined the lodge and the sort of church services that were held and the relationship with the ordinary people here?

A Witness: For the first 20 years or so that I was in the lodge there were virtually no problems. We could go to the Orange service or 12 July and come home. There would have been a lot of Roman Catholics standing on the street and at their doors watching us going up the road and coming back down again, but there was little or no problem until about a couple of years ago.

Rev Dr Ian Paisley: Could you help the Committee by telling it what are we talking about in relation to the number of parades?

A Witness: We had the Orange parade on 12 July morning. We went up to the church and had a wreath laying ceremony for members who had passed on over the years. This is done every Twelfth morning. We came back in the evening again. We paraded up to the church and back down again here to the Orange Hall.

Rev Dr Ian Paisley: That was the usual thing on 12 July?

A Witness: That was the tradition.

Rev Dr Ian Paisley: When did that stop? When was the last time you had access to do that?

A Witness: Well, that was in 1995.

Rev Dr Ian Paisley: That was the last time?

A Witness: That is right.

Rev Dr Ian Paisley: So there was nothing in 1996?

A Witness: In 1996 we did not parade.

Rev Dr Ian Paisley: Now, what other services do you have?

A Witness: Well, we have our annual church service which was always held on second Sunday of September. During the last number of years there has been some aggravation. Nationalists gathered on the corner and there were a lot of shouts and insults and so on. But there was little or no physical abuse until 1995 when we were severely attacked at the corner, and a lot of our members were badly injured.

Rev Dr Ian Paisley: You were actually struck on that occasion?

A Witness: I was not so badly injured myself. My wife was injured. One brother, an old man in his mid-eighties, got a severe kicking on the street, and he was badly injured.

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Another brother got facial injuries which he still has not recovered from. He lost the power in a side of his face and he has never got it back.

Rev Dr Ian Paisley: That was in 1995?

A Witness: Yes. That was in 1995.

Rev Dr Ian Paisley: That was your annual church service parade which took place in September?

A Witness: That is right.

Rev Dr Ian Paisley: The Apprentice Boys meet here in this hall, and they have a parade. When do they have that?

A Witness: They hold their annual church service in May each year and then they have their annual demonstration parade on 12 August, morning and evening, which they did not get in 1996. The Royal Black Perceptory had problems last year as well. At the church service there was a placard protest from the Orange Hall here up to the church and on Black Saturday they did not get parading.

Rev Dr Ian Paisley: Now, maybe you could tell the Committee what happened in September at the meeting I described. Now you were at the police station when we talked to the Police Authority about this meeting. Was it your opinion that if things went as they did go, the residents would withdraw their notice, you men would walk and the police would see to it that there was adequate cover given to you to get to church and get back again?

A Witness: That was the November service.

Rev Dr Ian Paisley: Yes, the 24 November one.

A Witness: Well, as you know, we were stopped at the September service. We were stopped down the Station Road at the station. That was all the length we got.

Rev Dr Ian Paisley: You never got up to the hall?

A Witness: We never got to the hall that evening at all. Then, for the one in November, we thought we had an agreement on it.

Rev Dr Ian Paisley: And do you think that that has really soured the relationships between the police and the Orangemen and even with the Protestant people: even the residents had withdrawn their application to make a legal protest, and yet the police were not there in enough force to give you right of passage?

A Witness: I would not say that there were not enough police — there were Land-Rovers sitting round the outskirts of the village full of police who were never used.

Rev Dr Ian Paisley: Did you see any riot shields that day?

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A Witness: No, I did not.

Rev Dr Ian Paisley: So there was no preparation for any confrontation between the police and the lawless elements?

A Witness: No, there seemed to be no preparation to move them at all.

Rev Dr Ian Paisley: After the police went up and tried to shift these people, or made an attempt to shift these people, what did the police say to you when they came back down? What message did they convey to you?

A Witness: They just came down and told us they were not going to be able to get us a parade. They seemed to be very sorry about it and all that. They just told us we would have to disperse.

Rev Dr Ian Paisley: And could you confirm, just for the sake of the Committee, that you went to the resort of putting out these invitations under seal of the Lodge, so that everybody coming in was a bona fide member of the Orange Institution and was going to attend your service?

A Witness: Well, it was on the Thursday night prior to the Sunday evening that the service was to take place that we got the all-clear from the police that the parade was to go ahead. Up to that stage we could not make any preparations and we did not know whether it was going to take place or not. So, on the Friday morning I had to start to get invitations sorted out, get them printed and get them distributed before the Saturday evening.

Rev Dr Ian Paisley: So you did your very best to see to it that there was nobody but accredited Orangemen with an invitation coming to the service and that these invitations were actually asked for when cars were stopped by the police. Everyone was able to prove that he had genuinely been invited personally to join the service.

A Witness: That is right. The agreement was that we were to be allowed to invite the number that would reasonably fill the church.

The Chairman: May I ask you, A Witness, terms of the actual numbers, and without sending an invitation to other brethren, how many people would normally take part in any one of these?

A Witness: Up until about a few years ago, we could have had maybe 150 to 200, somewhere in that region, but when a lot of trouble started —

The Chairman: It declined?

A Witness: No, the numbers got bigger then; there was more support. If things were normal, we would not have had nearly so many this year.

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The Chairman: That is really what I am interested in. In terms of the people who normally take part, what sort of area do they come from geographically? How many people would be drawn to Dunloy from the surrounding districts and use this as their base?

A Witness: We normally had five districts that went with us on the Twelfth day, mainly from the five local districts.

The Chairman: And that would be in the region of 100 plus or more?

A Witness: Well, anything from 100 to 200. It varied a lot from one year to the other.

The Chairman: It is just to get a rough idea.

Mr English: We have learned from the Orangemen in Belfast that over the years there has been a vast reduction in the number of times that they have paraded. I am talking now in terms of — and I am sure most of you would give a bit of leeway on this — floating the banner where, in past years, numerous lodges floated their banners. As I understand it they have now only one parade — the Tour of the North and the Whiterock Parade and things like that. Does that type of the tradition prevail down here? Do they float the banners to a new Master's house and has that been reduced?

A Witness: The only time our banner is carried is on 12 July. At the Orange service, the church service afterwards, no flags or emblems of any sort are carried.

Rev Dr Ian Paisley: So there was not even a Union flag carried to the church service?

A Witness: No, there were no flags.

Mr English: Let me say, Dr Paisley, that it is the tradition in Belfast to have numerous banners.

The Chairman: Does anyone else want to make any comment at this stage? Does anybody feel that he would like to come in to emphasize a point?

Mr Finlay: I think it is true to say that we never had any serious trouble, apart from in 1986 when the hall was burned, until the so-called IRA cease-fire. Then we had a change of strategy from the armalite to the civil unrest in the streets. Throughout the 25 years of the most serious trouble, by and large all the parades went up to the town took place — there might have been the odd shout — with very little trouble. But once the IRA called the cease-fire, we saw the wrath in the street.

The Chairman: So you link it very clearly to that.

Mr Finlay: Maybe I should say for the record that the Dunloy Lodge has been here since 1896. We are not johnny-come-latelys and many members here tonight were born and reared in Dunloy. The population of Dunloy was quite a bit more Protestant than it is now

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and because of the intimidation and other things people moved away. It is a known fact that a lot of people moved out because of intimidation. It should also be said that we do nothing now that we have not been doing for practically 100 years. If for 98 years we did not cause offence, I fail to see how we can be causing so much now.

The Chairman: In relation to the negotiations you had before the breakdown in communications, what sort of compromises were you proposing to make on your position? Did you make an offer?

Mr Finlay: It should be said that Dunloy Orange Lodge has not become involved in negotiations with the residents. We take quite clearly the view that to get into discussions with those who feel they are aggrieved residents of Dunloy means you get into the principle of consent. I do not think it is a matter for any Sinn Fein committee to say whether I can or cannot do something that my people have been doing for almost 100 years. We have taken that decision very clearly. A good number of decent Roman Catholics in Dunloy have never minded the parade going through, but now, because they have come under severe intimidation and threats have been made, they cannot be seen in any way to acquiesce with us. And we think it is unfair that Orangemen should now have to ask the concerned residents in Dunloy for consent to do something they have been doing for 100 years. But a third party became involved because of certain protests and it was assured that an agreement was reached the last time but, of course, the police let us down on that occasion.

Rev Dr Ian Paisley: Mr Chairman, we have a Mr Tweed here. He is one of the most capped rugby players, very well known to many of us. I would like him to be behind me if I were in danger. Perhaps Mr Tweed might come in on the historical background because his family has been in this area for a very long time. I think it would be appropriate.

The Chairman: Yes, that would be most helpful.

Mr Tweed: My family actually comes from more or less down the road from Dunloy. My father was a founder-member of the Royal Black Perceptory and of the Apprentice Boys of Derry here. I was baptised in the church in Dunloy, and my father is actually in the graveyard there. It is a bit hard for me to take from someone like some of the people in the residents group — who I know for a fact have only been in Dunloy for possibly eight years while I have been here for 37 years — that I cannot walk along my traditional route, or I cannot go and lay a wreath on my father's grave, which is part of our culture. I asked many people in Dunloy about their culture and was told that they like to hold on to their culture as much as I like to hold on to mine.

But unfortunately in Dunloy at the minute it is purely and simply the IRA who are running the show. The residents group, I firmly believe, are not a true reflection of the people. There will come a day when people will want to live, eat, work and just do their usual things. They are being intimidated by the IRA. Going back to the situation in November that was possibly the worst thing that could have happened — the Harryville situation was seized. I thought things would possible get back to normal, but unfortunately they have not. It has given the Sinn Feiners in Dunloy — and especially in Loughgiel and Rasharkin — a stronger foothold. The SDLP who seems to lead most of the people in

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Dunloy, is actually coming under severe threat at the moment, and that is unfortunate. It is also unfortunate for us that we appear to be the transgressors in every respect.

Rev Dr Ian Paisley: The representation here has been mostly SDLP. There was a woman representative who was more or less a Sinn Fein member.

Mr Tweed: One of the people we were expected to sit down and talk with actually stood up at one of the meetings in Dunloy and said that he thought that the IRA in the area was going soft. The son of one of the chairpersons of it was the person who burnt down the Orange Hall quite a few years ago. Also the son of one of the other ladies in the residents group was actually the gunman who was involved in an IRA shooting. How on earth can you possibly expect us to sit down with these people — they are the elected members in Dunloy. How can we possibly sit down with people who are actually — if you would excuse the word — 'oozing' with IRA/Sinn Fein.

Mr Davis: I have heard several times, in different committee meetings, about this section of the Roman Catholic community who we referred to as fair-minded and who always seem to be under threat of this intimidation. How do we resolve this problem if these Roman Catholics are not going to stand up and fight it? We see, for example, Protestants demonstrating outside Harryville Church to let the Roman Catholics go to their place of worship. What is wrong that that cannot be repeated by Roman Catholics here in Dunloy. I hear about this fair section of the population but I do not see them taking any stand on this particular matter. How can we resolve it if Sinn Fein has the upper hand here and intimidate these people? It can never be resolved.

Mr Tweed: Unfortunately, we feel we have been let down — mainly by the RUC. You have heard over the last number of minutes we have done everything in our power to negotiate some sort of a deal without actually talking face-to-face with these people. We feel really let down by the RUC because we feel that the RUC could have done more. I was gutted, disappointed and angry at the situation in November.

I could have moved more of the protesters myself. The unfortunate thing is that while it may be funny, it was sad for the people who were actually walking in accordance with their culture and tradition to see the RUC trying to push thugs wielding hurley sticks out of the way by using their hands. But yet, five minutes after they realized that they could not possibly do that because of the slippy conditions, cold feet and other excuses like that, they turned their Land-Rovers on us.

The Land-Rovers were facing down the way, not our way. The situation is this: Dunloy is surrounded by Protestants — it is a Protestant area all around Dunloy. We have over the years tried to accommodate others. My father and mother's farms are adjacent to a Roman Catholic's — we always got on well enough. But the problem is, as some of my neighbours would say to me, and I quote — "Davy. Sinn Fein has taken over in Dunloy." Who now is going to settle the stronghold in this area because they see it being in the heartland of Loyalism?

Maybe part of our, problem is that Loyalism in this area is too soft and too forgiving. They should maybe stand up, be counted and have the backing of the RUC. We can look

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over the years at any damage that has been done to the chapel — not that I can ever remember any in Dunloy. We can then look at the damage that has been done to the church — windows have been broken, the graveyard has been desecrated and there has been a lot more. You can look at our hall. Go up the street and see if there are any slogans or if any damage has been done to Dunloy — there has been none. There has been no provocation of any sort.

Mr Casey: Gentlemen, I am very pleased to be here as a member of the Catholic community. I am listening keenly to everything you are saying. I agree that these situations are being manipulated by Sinn Fein and the Republican movement. We have the same thing in Portadown, we have it in the Bogside and we have it in other places. Just for a bit of background — I do not know anything about Dunloy, maybe I have been through it sometime — how many Protestant churches are there in Dunloy?

Mr Tweed: There is just one.

Rev Dr Ian Paisley: Presbyterian.

Mr Casey: Do you feel that you are being ostracised by the Catholic community in general, or just by Republican elements?

Mr Tweed: I would say most strongly that it has been Republican elements. I spoke a couple of minutes ago of decent Catholics who are living adjacent to our farms, and we always got on reasonably well with them. We always had a bit of banter — it clears the air. The importance of the situation in Dunloy is the Republican element's influence. Over the last few weeks we have had taxi drivers coming into Dunloy and, pure and simply because they are Protestants they are getting their vehicles vandalised. It is a sad reflection on the society of Dunloy when I think that for the RUC it is almost a no-go area.

Mr Casey: Quite a lot of people have linked Harryville with the situation here in Dunloy. Do you feel that Harryville is counter-productive to your situation. In what way do you feel it could help your situation?

Mr Tweed: Well, I can speak of the Harryville situation because I know a reasonable amount of people there and I know how they feel. I have stated clearly that if the situation were resolved in Dunloy — if incidents were not happening in Dunloy — Harryville would not by any means be happening at all.

Mr Casey: Do you not think that a continuation of the Harryville situation will harden attitudes in Dunloy and elsewhere?

Mr Tweed: Some of the people in Dunloy use the Drumcree situation. I feel that if a bus with a Roman Catholic driver breaks down on the Ballymena bypass he blames Drumcree. It is a situation where we can blame whoever we want to blame. Going back to your point about the Harryville situation, I firmly believe that there is pressure on the RUC, because of the situation in Harryville actually to get us through. The RUC would not be as ready to look at possibly pushing a parade through in Dunloy if the Harryville situation were not on. Let us remember that all these people in Harryville want to do is stand up for their culture and religious liberties.

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Mr Rodgers: I am delighted that you are able to receive us and, as a brother Orangeman, I am delighted to be in this hall. This is the first time I have been here. I do sympathise with you and I also want you know that the brethren in Belfast are behind you. I also remember you and what you have been going through in my prayers. I do not want you to feel that you are standing alone because you are certainly not.

Could I ask you just two questions they are fairly brief. What is the population in Dunloy and what is the percentage of Roman Catholics and Protestants. Dr Paisley referred to the Ballymoney police who are obviously responsible for policing this area. Dr Paisley said that people were more or less saying that if the Orange hall were away, they would be happy? Was that remark made by a local senior police officer or by somebody from the rank of up to assistant chief constable for this region?

Mr Tweed: Personally I can only speculate on one of the accusations from a superintendent, who we seem to have a bit of trouble with, if you do not mind me speaking.

Mr Rodgers: You can speak in confidence here.

Mr Tweed: I do not mind. I told the man face-to-face before and I am not scared — I do not hide from any man. He actually said this to one of the senior members of our lodge who did get severely hurt that day after one of the parades "An old fool like you should have more sense." Now in a situation like that, it is a good job that he did not say that to me.

Rev Dr Ian Paisley: The band was put out of the hall — it could not play in its own hall for a couple of years. That is a bad thing, a band not being able to play in the Orange hall, and then we have this problem. We went reasonably to talk to them and the police knew that we were angry. They made it clear that it was their opinion that if there was no Orange hall there would be peace. They said "Do you not think you should shift your hall, after all your band is not even playing in it?" The band was not playing in the hall because it cannot even though it has the facilities. We had this out with the superintendent: that was that a nice thing to say to a man.

Mr Rodgers: The other question was about the population. You talked earlier about the way the population here has declined through intimidation and threats. What is it now in total — 500? Is it made up now of 95% Roman Catholics, or what — have you any idea?

Mr Finlay: Dunloy is virtually a 100% Roman Catholic village. That has not come about because of the Protestants wanting it to be so. As I said before on record, it is because of intimidation. When people stand outside your door, chant and tell you you are not wanted, and your family is in trouble coming home from school, well then you do not stay about too long.

Mr Rodgers: What is the total number of people living in the village?

Mr Finlay: Sorry. I do not know that.

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Rev Dr Ian Paisley: They attacked the police and the troops. At the September 1995 service they attacked the police and took a gun, but at this other time they took a police cap and burned it publicly. Because we said to them that we got the gun back again, the police did not really want to go into those marches, but that is a matter of security. That is not really your business, but I do not know whether they ever got the gun or not.

Mr English: Do you, as Worthy Master of this particular lodge, support the stance taken by the Grand Master at Harryville?

A Witness: I do not wish to answer that.

The Chairman: You do not need to, if you do not wish.

Mr English: I will put it more generally then. Do you want to be the spokesperson for the Orange Order here? Do you support the stance taken by the Grand Master.

Mr Finlay: This is a personal opinion. I unreservedly disagree with what he did. I disagree on scriptural grounds alone. I think it was wrong; I think he was misled; I think he was misguided. I do not agree with the Harryville protest, but I have to say that I definitely do not agree with what he did — that is personally speaking. I am not speaking for anyone else — personally, I disagree.

Mr Carrick: We have heard evidence thus far about a loss of confidence in the local RUC because of the attitude that it has adopted. In your recent talks with the local RUC have you detected any sea change in its attitude? In your talks with the hierarchy of the RUC do you have reason to have confidence that the RUC is taking a more realistic attitude to the responsibility of policing and maintaining law and order?

Mr Finlay: May I tell you the reason we do not have confidence in the RUC. ON 11 July we came here just to get into our hall. We were met by an angry mob of about 500 waving hurley sticks. We were in our own cars but could not get through and we had to come in under police escort. Nobody knows what it was like. They would have killed us with hurley sticks. On that occasion, the hurley stick was an offensive weapon, but not one person was ever prosecuted and no names were taken. But, on 10 August because the Apprentice Boys were unhappy and they could not get to their hall in Dunloy they gave the police — and I emphasize what appeared in the paper — verbal abuse. They appeared in court and 10 were fined. We have asked the Chief Constable at every meeting when the people who wielded hurley sticks are going to appear in court, and thus far, they have not. I am said to say that when we met the Secretary of State, he said that he would take note of it. I do not think he will. If I had been carrying a cudgel that day, they would have arrested me. These people were wielding hurley sticks.

Rev Dr Ian Paisley: May I say that the police admit that they have photographs.

Mr Carrick: Could you come back on the up-to-date situation? Do you have any reason to have increased confidence that there is a sea change in the attitude of the police?

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Mr Finlay: I have great difficulty. On the Tuesday night, prior to the last Orange service due to take place in November, Mr Mullan the Deputy Commander for the area was asked distinctly my uncle James asked him — "If people come out on the street to block this parade what will happen, sir? He said that is a matter for the police and they will be removed". Those are the words of the Deputy Commander for this area. He gave his word, and on the day, he did not fulfill it even though he was here.

I have to say this. If Ronnie Flanagan told me there would be a parade through tomorrow, do you know when I would believe it? When we were back down from the Church. That is my personal position. I feel that they have let us down. I am not somebody one who wants to be against the police. I am not anti-police, but I am against the position where they tell you in a meeting that because these people have withdrawn the 11-1 form if anybody comes out they will put them back and then they fail. What is wrong in this country is that the law abider is put down. Remember that the Orangemen in Dunloy had approval for a lawful procession. People who broke the law were upheld and the law abider was put down. That cannot continue.

Mr Ian Paisley Jnr: On the point that Mr Carrick raised, I was here on the Sunday in November when the parade was to go ahead. I was actually a guest of the Lodge. I cannot put into words the grave sense of bitter disappointment that was felt that day by these men by other men and women and by the band when the police acted in the way that they did. Mr Finlay said that he will not believe it until he sees it. That is the way that most people feel around here. The police can now start to give reassurances and can apologize, in private, for their ineptitude and mismanagement of a policing situation, but the most opportune time to resolve this problem in Dunloy, and, indeed, to alleviate and evaporate the protests that have taken place at Harryville has passed. It passed in November. We have to be aware that the police have a grave responsibility to get a parade through Dunloy as expeditiously as humanly possible.

It is a pity that it is not daylight outside. If you went out to the street you would see that from the doors of this hall to the Church the parade would take, at a slow march, four and a half minutes. You could not even get two hymns played by an accordion band into that time. It is absolutely reprehensible that these people are being stopped from walking to their Church for the sake of four and a half minutes.

The Chairman: The comments that have been made about this are very reminiscent of those made by the Apprentice Boys, in that having made a decision, the Secretary of State later apologized to them. This now seems to be a feature of this whole situation where they make a decision knowing full well that they are going to renege on it, and then think that an apology will cover the table. It is sad and regrettable that we have ordinary, decent, law-abiding citizens, and people who have a vested interest in this part of the country who are becoming alienated to the RUC and to the Forces of the Crown for whom they have a natural loyalty. This is something that we, as a Committee, will have to bring out very strongly in our report. I am speaking in a personal capacity. This is something which I see is starting to emerge.

Rev Dr Ian Paisley: The people that were going to protest withdrew their protest. Surely that was an opportunity for the RUC to say that the local people had gone so far as to

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withdraw their stroke. They have withdrawn. Surely the RUC should have supported the Orangemen because the local people had even withdrawn their the legal right to protest. They had the legal right to do that. We are not denying that. I will fight for their right to do that. Those were people that we would refer to as the decent people.

I think that it might be appropriate to bring the Councillor in now.

The Chairman: Would you like to come in here Mr McAllister?

Mr McAllister: Mr Wilson, and members of the Committee, I am very glad to see you here to hear our case.

I am involved as a result of the September parade which was disallowed. I am the DUP representative from Bushmills in Moyle District Council. Bushmills is 100% Protestant. After the parade was refused here in September the Brethren came back to Bushmills and they were obviously annoyed that they had not been able to get through here. The Chapel pickets started from that instance on.

I was approached by what was called the Loyalists Residents Association of Bushmills to see if I would act as spokesman for them. I said that I would on two conditions — that they kept within the law and that people were allowed to attend their place of worship. They agreed to do this.

From the outset, we involved representatives from the Roman Catholic church, the Presbyterian church and the Church of Ireland in Bushmills in the pickets. Representatives from the Church of Ireland met the Roman Catholic Bishops and as a result of that I received an invitation to be a spokesperson for the Loyalist residents in Bushmills. I said that I would.

One night, I got a phone call to say that there was a member of the Dunloy Residents Association in the manse in Bushmills and that if I would like to come round, they would like to talk to us. I went round, and from then on, over a period of maybe 8 to 10 weeks, talks resumed with the aim of agreeing a parade in Dunloy which would be acceptable not only to the Orange Order, but also to the residents.

We went through various procedures. There were over 400 guests at the September parade — Orangemen who had turned up in support of the Brethren here. We even came to an agreement — and the Lodge bent over backwards — that there would be no more than 200 guests at the November parade. As a matter of fact, just over 130 turned up on the day. As Dr Paisley said, the residents withdrew their 11/1 which, to us, was the final indication that these people were genuine and sincere in accommodating this parade, and on the day in question we all arrived here to parade Dunloy.

At the time we started to arrive we saw other people arriving and congregating at the corner. The RUC made no attempt to ask these people who they were or what they were doing. Neither did they try to disperse them. We sat in the hall here and when the time came for Assembly, we formed up and were about to take off up the road when, all of a sudden, we heard the roar of the crowd at the top of the street. Obviously they had achieved something which they felt was worth celebrating. The police Land Rovers were promptly turned around,

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driven down the road towards the Orange Hall and formed a barricade across the road. They were quickly followed by police officers who were lined 10 or 12 deep in front of the Land Rovers, to prevent any Orangeman from walking up the road.

The Assistant Chief Constable, Daryl Beattie, approached me and asked if I would like to go and talk to a member of the Residents Association in no man's land. I undertook to do this. He came down the road and said to me "Davy, I am sorry. There is not a thing we can do. We have no control over what is happening". I said "What about the agreement?" He said "We have been told that there will be no parade. They have come in and said that unless you have consent, there will no more parading in Dunloy". So, gentlemen, that is just about it, in a nutshell.

The Chairman: Thank you very much indeed.

Mr McKee: I, too, am pleased to be here, I thank the Orangemen for giving up their time to explain the situation and to bring us up to date.

We have listened to different groups and organizations and it seems to me that there is political involvement in the whole situation. Our friend talked about what the police said to him. I keep looking to the constitutional issue. I keep looking to Dublin to see what they are doing. I would be very interested to find out what role you think Dublin is playing in this. Do you think that the RUC are being controlled — that they are not masters of their own destiny?

The whole situation is political. Is a bid to do down the Orangemen and if they do not take their stand now, then the Orange Order will be no more. If they can break the back of the marching men, then they have Ulster to themselves. Another wee point came across to me, and I would be very interested to hear how the Committee, as Orangemen, feel about this. We hear a great many facts — I put a lot of the blame on the media for the hype, and for the whole situation that we find ourselves in, because that sells newspapers. We hear stories about the poor downtrodden in Ballymena. They are not allowed to go to their Church, to their place of worship. I believe in civil and righteous liberties but they tell us that these people are not allowed to go to their place of worship. I agree that people have that right, but we see all the do-gooders coming to their aid, offering sympathy and help, and wanting to be identified. There is nobody coming to your aid. Nobody is standing outside your Orange Hall, or your place of worship. I am thinking particularly of Roman Catholic priests and the SDLP who could be giving a lead and helping to break the back of the situation.

Mr McAllister: To answer your question very quickly and very simply, the do-gooders would get shot in Dunloy — the IRA would shoot you. That is the difference between Ballymena and Dunloy.

Mr Finlay: Speaking personally now, I was very disappointed that the Grand Master could go to what is called beleaguered Roman Catholics in Ballymena and he could not come to Orangemen in Dunloy who have been denied getting to their place of worship. Let us bear in mind that every week the police protect and make sure that Roman Catholics get to church, but in Dunloy the police have taken the side of the law-breakers. I was very disappointed that the Grand Master decided to go to Harryville first before he came here.

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I know that the Roman Catholic church can make a great propaganda war out of very little. Remember that every week they have not been stopped from going to their place of worship and I agree with that. They have civil and religious liberty and should be allowed to do that. For instance — and I said this on 'Spotlight' — the Roman Catholic church has been very quick to say when their civil and religious liberty is in danger, but no Roman Catholic priest, no member from the Church of Rome has ever taken the side of beleaguered Orangemen in Dunloy getting to the Presbyterian church. In fact, it is on record that Sean Farren of the SDLP did all that he could to stir up the last time. He was in the paper saying that the Orangemen in Dunloy were coat-trailing and they were doing this and that. He stirred up the crowd that was in Dunloy on the day of the parade. If any blame is to be apportioned, apart from the RUC, it could be clearly laid at his door. Then he appears on television as the great peace man saying let us try and get accommodation here. When we had accommodation he tried to wreck it.

Mr Ian Paisley Jnr: With regard to Mr McKee's statement, I think it would be appropriate that I just say a couple of words about David McAllister's involvement, because he has been actually very modest by what he actually achieved. I think it should go on the record that Mr McAllister went to exceptional lengths to ensure that any protest that did take place did take place within the law. More importantly, no sooner did the protest at Bushmills start than David McAllister was instrumental in getting it stopped to show there was those goodwill from the Protestant community. More importantly than that, there was an attempt to burn down Bushmills Chapel, and David McAllister put himself at physical risk and prevented people from burning that chapel down. He got a thank-you note from the local priest because of that. Mr McAllister also made sure that an attempt by some local fellows who got the worse for drink and who were going to go up to that chapel one Saturday evening and repaint it and rearrange the furniture, was stopped as well.

So there has been an effort by local Orangemen and, indeed, by local Protestants who are portrayed as bigots and intolerant towards their Catholic neighbours. This man and these men have gone to exceptional lengths, despite provocation, despite the verbal and physical abuse they have to take, to make sure that they have shown their neighbours that they can turn the other cheek, and they have turned it.

Now some people have mentioned Harryville here tonight, and people know of my involvement in that. May I say that Harryville, again, has been subject to a lot of adverse and inaccurate publicity. The Harryville protest, during the first six weeks, was called off on two occasions to prove to people who were in discussion about Dunloy that it was possible to have that parade called off. Indeed, on the Saturday before the November parade through Dunloy, which was abandoned, the Harryville protest was called off. Those facts and those realities are, unfortunately, lost on a great deal of people. Certain Nationalists want to stir this matter up into something that it is not. I mean we have a ludicrous situation developing where people are actually calling for a band parade in a 96% Protestant area of Ballymena to be banned. That sort of thing is actually going to do much more harm and stir this thing up to proportions that it should never have been allowed to get to. I think that it is important that those things are on the record because we get a greater understanding of what has happened.

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There was a notice in the paper today about a certain gentleman who was supposed to be associated with the organization of the Harryville thing. In the 'Irish News' he indicated that he was a member of the DUP and that he was also an election agent for another party. That is completely untrue. It should be put on the record that to join my party there is a central membership scheme. That gentleman attempted to join the Party 18 months ago. I am the vice-president of Bannside branch of the DUP and he made an approach to join that branch. Given his lack of credibility in the local community, there was a vote taken at the branch meeting and it was overwhelmingly endorsed that he should not be allowed to join the branch. So for anyone to suggest that he is a member of the party is inaccurate. I think it is important that that does go on the record and that there has been an attempt by some people to stir this up.

Indeed, I got a call from the police and was told that this person had said to his organization that I was to be shot because of the stance that I had taken on Harryville. I had asked people to stand back and to stand down and made attempts to get the thing stood down for two weeks to allow negotiations to proceed with regards to Dunloy. So there has been intolerable pressure on a number of us, but we have worked extremely hard to make sure that people know that there is goodwill on the Protestant side. Dunloy is the key and whenever that key is turned and Dunloy is resolved, I think Harryville evaporates.

Mrs Robinson: Do you believe that if the North Report findings are acted upon and a commission was set up to decide on contentious parades, that that would be beneficial to the Orange Order?

Mr Finlay: I have to say that the credibility of the people on the North Commission is very suspect. There is a Roman Catholic priest who definitely would be of Nationalist opinion. We have a Presbyterian minister who would not endorse anything that is belonging to the Orange Order, and we have a man from England who unfortunately knows nothing about parades. The big flaw with the North Commission is that it exalts so-called concerned residents groups. All you have to do now is set up a residents group and unless the people who want to march are prepared to talk to you then you are seen as the bigots and these other people are seen as the peace keepers. I think it is a farce.

Mr Tweed: I think they are an excuse for the lagging behind of the Government, to possibly take the excuses of the RUC and to fall into the hands of Republicans and to set up groups. Where are these groups going to finish?

Mr White: I think Mr Tweed has half answered my question. There are obviously communities where there were once, let us call them, one side and they have become balanced the other way over a period, like Garvaghy, lower Ormeau, Dunloy. Dunloy of course never was a totally loyalist village.

Mr Tweed: I would like to stress that a good number of years ago whenever there was a police station actually in Dunloy, it was about 78% Protestant.

Mr White: Extending that across the province, you mentioned that in Armagh there were groups being set up. Are these groups actually been set up in areas that have changed their religious bias or their religious setting as it used to be?

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Mr Tweed: I would have to say that it is mostly Sinn Fein backed; I would say it is all Sinn Fein backed. If you look at any position, any problem, in any part of Ulster these groups are usually set up and behind them is basically Sinn Fein. If you actually go on to situations in Protestant areas, there are no groups usually set up. There was never any trouble in Ballymena whenever it was a majority of Protestants against a minority of Catholics, but yet if you look at any district where the majority is Roman Catholics, the Protestants are being deprived of their rights.

Mr White: You mentioned that in the country community around Dunloy where there are quite a few Catholics and a good mixture everybody gets on all right, but is that being altered by the outsiders in the built-up areas?

Mr Tweed: Very much so. Throughout the community afar and around this area there is an odd shady character about, but I think they want to set up, as I said previously, more or less a hotbed for Republicanism in this area and they see Dunloy as being that area. Unfortunately, the police fall into their trap of letting dictators from outside come in, from Loughgiel and surrounding areas and Rasharkin, to heat things up.

The Chairman: Before I ask Dr Paisley to make any summing up comments, is there any item that has not been touched upon that would be relevant for this committee to hear, or any point that you think you would like to emphasize this is your opportunity.

Mr McConaghy: Mr Chairman, my name is Sam McConaghy. I am a member of Ballymoney Borough Council. We in Ballymoney are always very conscious of the fact that Ballymoney has been reasonably quiet over the last 27 years. We have good community relations, and we have little or no trouble of any kind except for the bomb by the IRA. So that has went on for 27 years and we feel it is ironic that the first time we have violence that it comes from the police themselves. They were the first to use violence here down the road. The stopped the Apprentice Boys parade which was a legal parade and they did not say we will stop it now, they waited until they came right on and then they turned them. Three or four people ended up in hospital. some of the band instruments were almost destroyed. We feel it is strange that the police should take this course of action.

Another point on the North Report, you have to give 21 days notice for every parade, but they do not have to give 21 days notice to authorize a protest.

The Chairman: Is there anybody else that has not had the opportunity who would like to make a comment or a point. No? Dr Paisley, would you like just to make any general observations.

Rev Dr Ian Paisley: I think that the brethren have been very forthright in what they have said. We are putting our cards face upright on the table what we have tried to do, and we have done it with as good intent as possible. I have good standing in this area as a hard working constituency MP. I had a letter from Loughgiel Residents' Association about gritting of roads. I have a good rapport with these people on basic bread and butter issues, but on this issue we are not only caught in the present situation, but we are caught between a personal fight between SDLP and Sinn Fein. There is a political struggle for the soul of Dunloy. We

have this SDLP fellow he is not even standing for the election the next time, so there must be tremendous pressure put on him. He is not even going to stand now. This is a fight between them and we are getting it. You read the paper tonight and we have Sean Farren calling this a real agitation in Harryville. Parades have gone through Harryville, I was brought up in the town since I was a boy. The last parade I attended had 54 bands; I led that parade and it did not play going past the chapel at Harryville and it did not play going past the other chapel at the top of the town. Ballymena is known as a loyal town and parades take place and that is it. And I would say that if the police ban this parade, and I do not think they will now because they have seen sense, but at the beginning they could have banned it, but I told them that there would be another Drumcree if they banned that. They are foolish; that band parade has to go through.

I personally, made it clear and I think I would have the support of my constituency that if the band parade were going passed the chapel and there was service on they should not play any music and that it would be better if they would come by an hour later or an hour earlier. But I never yet in the whole of Ulster met a parade that started on time in the whole of Ulster and I have been around a queer long time. So if they say they are going to start at 6.30 pm it will be 7.30 pm before they arrive anyway, so perhaps that failure in time keeping will be to our benefit. What I really feel about the thing is that the police have a solemn responsibility to take the side in Dunloy of the law-keepers.

What worries me is that my constituents say to me, now these are people who do not go to Harryville, these are the ordinary people who have been in touch with me, and they say "We watched 400 policemen handling a small crowd of Protestants in Harryville because they were picketing at that time — before any violence broke out — they were lawfully going about their business protesting at the church. But they could not get that police force to Dunloy to get a legal procession to a church service which had been the custom for over 100 years. Now what is wrong with our country"?

I have fought for the RUC, I have stood alone in the Parliament in Strasbourg when nobody supported me backing the RUC. Even the Tory party allowed a resolution to go through against the RUC, I was the only person who opposed it. I am not against the police; but the police have not carried out their duties in this area impartially. They have been partial towards Republicans in this area — there is no doubt about that — and that is an intolerable situation and they must mend their ways. These brethren who are not anti-police, and I do not want anybody to think they are anti-police, are entitled to say to the police "You have to give me the same protection under the law as you are prepared to give anybody else and that is all we are asking for". I urge everybody who is concerned with this to try and help us to get it resolved because this will become a far bigger thing than Dunloy. We are sitting on a volcano at the present time in this area, because everything is going to revert to Dunloy we cannot get this settled and a service takes place and the Orangemen get to the church there and get back from the church in peace.

The police told us that they did not want pictures going around the world on television of the police in riot gear holding back crowds to let Orangemen go to church. I said, "You do not mind pictures going round the world if you are whaling into Protestants on the Ormeau Road, it is quite all right that." So the police cannot always get the blessing of the Nationalists; they have got to be impartial. I think that that is what this rests with. These

men have done everything they can and I certainly would not go and ask an IRA man "May I walk to my place of worship" I do not believe that you can get that consent and even if they give you it, it would only be giving consent until the day that they can deal with you. It would be like a postponed execution, you can live this week but next week we will get you. So I think what we have to do, is just simply say to you, we a desire that the police should keep the law impartially, deal with law-breakers, and those people who want to go to their place of worship should be able to go.

Another thing, there is great resentment in this district over the desecration of graveyard. One of the graves of people that have been in this area for years was desecrated and they not only attacked the headstone but they actually pulled the moss off the grave and scattered it all over the place. It was really wicked, it is the worst type of evil, and it was greatly resented.

The police never mentioned that there were two crates of petrol bombs stored behind the church to attack the Orangemen if they got to the church on the day of that parade. And it was only when I found out through my security contact and made it public that the police then admitted that that was so. So there was a cover-up even in that. If Loyalists got two crates of bombs at a chapel you would have that everywhere, everybody would know that. So I think the police have to face up to their responsibilities and we want no more Mr Davisons in this area, who say to a man "You are an old fool because you walk with an Orange parade". The man that was the fool was the man who said that.

The Chairman: May I thank you very much indeed Dr Paisley, Mr Paisley Jnr, the Members of the Committee and everyone who has taken the time, we appreciate you coming along this evening to speak to us. Your evidence this evening will form part of a report to the Northern Ireland Forum, you will receive a copy of that in due course. May I say to you that one thing that you can be assured of that I can say, that I cannot pre-empt how the Committee will view the evidence given, but one thing on which I know that I have the full agreement of the Committee is that we believe in the principle that all people should be equal under the law and all people equally subjected to it, and I think that will be a strong point in our report.

May I in closing the meeting, for the records, thank very much indeed our support team here today, Gail McKibben, the sound engineer and Doreen and other members of the team, David, and others who were here with us today. We have had a long day, we have visited the Maiden City, now we are in Dunloy and we will indeed take on board all of your comments and they will be deliberated upon and will form part of the report. May I just say that unlike the North Report this report is being compiled by elected representatives of Northern Ireland, we have heard some comments about those who were commissioned by the Government to find a solution to our problems, I believe that we would all agree as Ulstermen and women and regardless of our colour, class or creed that the solution to Northern Ireland's problems will be resolved by the people within Northern Ireland not by imposition by British Government or others.

Rev Dr Ian Paisley: Mr Chairman, there was one thing I should have said I really believe that when we had the new Public Order Order and traditional parades not were given their proper place we opened a door for the IRA to capitalize on that. There are parades that are Hibernian parades and on the traditional day they go through Protestant areas, and they

have always done that, and there is no interference. But I believe that we need to get back on the Statute Book the special position and conditions for parades that have been going for hundreds and hundreds of years and when that was taken away at the bequest of the Dublin government I think we opened a door and that door now needs to be closed.

The Chairman: Thank you very much indeed.

A Witness: I would just like to thank you for coming here this evening and speaking to us and please let us know if we can be of any help at a later stage. Before you go I would ask you to join us for a cup of tea.

The Chairman: Thank you very much indeed. I will have to ask our Secretary if that is possible. We have a little bit of a problem in that the Interpoint Centre security will be locking our cars in some time around 11 o'clock so we may have a difficulty. But I will leave it up to the Secretary and the members. They can run the risk.

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MINUTES OF EVIDENCE

MR ROBERT MC CARTNEY MP

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Friday 7 February 1997

MINUTES OF EVIDENCE

on

PARADES

Witness:
Mr R McCartney, MP
(United Kingdom Unionist Party)

The Chairman: May I thank you, first of all, formally as Chairman of the Public Order Committee for coming along. The usual procedure is that, if you like you could take 10 or 15 minutes to outline your views on the parades issues. We have already, as you are aware, received your written submission. Perhaps you would like to highlight some of the points from that and following that the members would like to ask just a few brief questions given the late starting time.

Mr McCartney: Thank you very much for giving me an opportunity to address you on these issues.

In a general sense one has to put the parades issue into the context of the overall political situation that affects Northern Ireland. Since, perhaps, the middle of the Brooke-Mayhew talks there has been a change in direction in British policy away from any accommodation of the Nationalist community in an internal UK settlement. A decision was taken that if there was going to be any settlement it would include Sinn Fein/IRA and violent terrorism. It would have to be on the basis of setting up an arrangement whereby Sinn Fein, in common with constitutional Nationalism, would be offered, shall we say, Irish unity.

It has been my belief that the joint declaration of 16 November 1993, the Framework Document of February 1995 and the actual mechanics whereby negotiations were set up — I am speaking of the ground rules document of 16 April 1996 and the scenario document of June 1996 — were all part of a strategy-aimed programme that would take us through the medium of the Framework Document over a period of 15 years into a united Ireland.

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The process was exactly the same one, (if on a minor scale), as is being used by the bureaucrats in Brussels to effect a federal Europe. This process is well documented by all the economists and political scientists. It is known as functionalism and it works on the basis that if you unite the central functions of any state or economic system — its monetary system, tourism, transport and natural resources — into one body you can forget altogether about the idea of notional national sovereignty. Therefore, the overall game plan was that the principle of majority consent would be observed, but only in respect of one issue: the notional issue of sovereignty — that is of which state you belong to in a nominal way. But the whole plan would be devoted to actually, factually creating one state, uniting all its functions.

Therefore, I believe, what we have seen is a promise, to Sinn Fein/IRA that if they came in and made themselves part of this process as a partner with constitutional Nationalism the British Government would offer them this process that would give them a united Ireland in perhaps 15 to 20 years time. I have written about this at other times, and I am sure the material could be put together that would effectively prove it.

What has the effect of this policy been on the general political psyche of Northern Ireland? It has eventually penetrated the pro-Union consciousness in an almost subconscious way that their rights are being eroded — their rights as citizens of the United Kingdom are being eroded in a whole series of ways.

Now let us come to the specifics. As part of this overall plan it was necessary for the IRA to declare a cease-fire. A cease-fire which, as we all know, was said by Albert Reynolds and John Hume to be permanent. It was necessary for it to declare that cease-fire in order that the British Government could sell the Framework Document to the whole people of Northern Ireland as a whole. All these movements were part of the peace package. Peace in the form of a cease-fire was the chocolate coating on an unpleasant political pill that the people of Northern Ireland were going to be required to swallow. But the IRA was willing to go along with that and to come in and take a look and see whether the British and Irish Governments would deliver on this deal.

But the IRA was not going to sit still. The fact that it was not bombing military targets on the mainland did not mean that it would stop its whole process of political violence and agitation. It was only going to stop one section of it — the bomb and bullet. It was not going to stop brutal beatings as a means of exercising authority over communities, having excluding the normal forces of law and order — that was one section.

Then it opened up a second front to promote inter-communal strife, because the higher the level of inter-communal strife, the more pressing it would become to have a peace settlement, and the more essential it would become for it to be included in it. So where was it going to find this second front? This was opened up on the parades issue. Without actually bombing or shooting if it could find a number of areas where it could create communal confrontation, where it could manufacture a Nationalist sensitivity and then, having done that, inflame it, that was what it was going to do. It was at that point that the parades issue became very important.

I want to move from those general observations to the specifics, and those specifics arise from a fundamental flaw in the parades legislation of 1987. A number of people have

spoken clearly about this most recently John White of the UDP in the last week. This is the point. Under the 1987 legislation — and I will try to speak in broad, non-legal terms — a lawful parade could literally be made unlawful if some group were to threaten it by its behaviour and objection to it and were to create circumstances where a breach of the peace would occur.

So, you could have the Salvation Army walking in a Christmas parade playing Good King Wenceslas. I am deliberately taking an extreme example in order to illustrate the point. A group of atheists decide that they are going to stop this parade. So they get a lot of people together who are opposed to Christianity in any form and they threaten to attack and cause trouble. The Salvation Army parade then becomes unlawful, not because, inherently, there is anything wrong with the parade, but because a group opposed to it have threatened violence if that parade is allowed to continue — that is the basic principle illustrated.

Now let us apply that principle to what happened about the Garvaghy Road. First of all, we had the banning of the Orange parade by the Chief Constable from the Garvaghy Road on the 7 July. Now that was a response to what the RUC had perceived to be a threat of violence from the organized residents of the Garvaghy Road — it could hardly be suggested that there was a threat of violence attributable to, in this case, a traditional Orange Church parade early in the morning on a Sunday.

I do not think anyone objectively viewing that parade could say that these middle-aged to elderly men, having been to a Church Service — which we would hope would have had benign influence on their attitudes — would then go down this road at that time on a Sunday morning ready to cause violence. So where did the violence, or the threat of it, come from, that was likely to give rise to a breach of the peace? It could only have come from the residents. So the initial violence that was threatened was threatened by the residents. The banning of that Orange parade was in effect a misuse of the Public Order (Northern Ireland) Order 1987. I have already illustrated that.

Here we have a lawful parade rendered unlawful, because the residents were saying that they would cause violence. I believe there was a fundamental error in both principle and operation by the Chief Constable in banning that parade in the first place. Had he not banned it and said "No, this parade is inherently, absolutely, lawful. I can see no violence arising from those engaged in this parade and I am going to allow it through", we would have had exactly the same, and possibly less, effect as what finally occurred. The parade was put through in 15 to 20 minutes and the violence, even in that heightened situation, was relatively minimal.

I do not think there were any protesters who were injured in any significant way. But because of this threat of violence from the residents, it was banned — and I believe that that was wrong. The objection to the Orange parade insofar as it was ever articulated in any coherent way was reduced to nothing more than the intolerant attitude that there is something offensive to Nationalist sensibility in the very sight of an Orange parade.

In a free society this type of intolerant attitude cannot be permitted to curtail or deny to citizens their fundamental rights. The principle of free association for the expression of views, which are not inherently unlawful but which may be opposed by others, is the kind of

right that almost every modern written constitution in a democracy embodies. Of course, the most famous of these written constitutions is that of the United States — it embodies this right. The fact that you do not like what people are parading about and the fact that you think it is totally wrong is not a basis for you to object to that parade and use violence. Therefore, it seems to me that what we have here is a piece of legislation which, when placed in the hands of protesters, is not a shield to protect them, but a sword with which to attack that of which they disapprove — even though the behaviour of which they disapprove was lawful.

Objections to the parade were also based on the assertion that the route passed through a Nationalist area — which is simply not the case. I have been down the Garvaghy Road and have found that most of the residents would have had to get up at 9 or 10 o'clock on the Sunday morning when the parade was to take place and walk 100 to 150 yards in order to have their Nationalist sensitivity insulted. From my recollection all the gables are facing the Garvaghy Road, with the houses set back from the road. Really they would have to come out of their house and walk a significant distance before their sensibilities would be offended.

In my view not only did the banning of the parade constitute an unjust and, therefore, a non-unacceptable use of public order powers, but the stance of the Government was in effect to permit the development in Northern Ireland of the practice of what I would describe as "negotiated territorial access". My view is that this is fundamentally unacceptable, but I will develop that in just a moment.

Traditionally, the right to parade is there even if you are parading for something — and I am talking about the mainland — that most people would disapprove of. I am thinking of Mosley's fascist parades in the 1930s. He paraded through the East End where there were large Jewish communities and the like. The view that was then taken to settle cases was that provided the parade itself was conducted in a lawful way and was for a purpose that was not in itself unlawful, the fact that it was for a cause that many would find objectionable was not a ground for banning it. The converse was also true — the law said that there was no such thing as a Jewish area, a Mohammedan area, or a British area in the United Kingdom. All the thoroughfares belong to the entity of the people, and no one group is entitled to say you cannot march through my area because I am black, white, Nationalist or Unionist.

But let me look at this principle briefly — of the unacceptability of this negotiated territorial access. First of all it, would lead to a virtual cantonization of Northern Ireland and, therefore, extend to the ethnic cleansing which is being carried out by the IRA in border areas. What do I mean by cantonization. It is a reference to the canton system in Switzerland where there are very definite areas set aside that are either Italian, German or French and which have very distinct properties. But we cannot have that. Mr Morrice Morrow's speech in the Forum today, in which he exemplified this in microcosm in Coalisland was very interesting.

In Coalisland 20 years ago, there was a Protestant population of 25% with all the social infrastructure that goes with a minority population in an area — a small Methodist church, a long-standing Church of Ireland congregation and a small Orange Lodge. Now, as a result of amongst other things, this so-called peace process, a population of 25% has been reduced to two or three. Coalisland has effectively been ethnically cleansed or cantonized, and the paradox is that in an area where 98%, or thereabouts, of the population is

Catholic/Nationalist they ought to feel so strong and so certain of their position that they could afford to let a minority of 2% or 3% be represented by 15 aging Orangemen. Oh no. Even in that situation, where they are demonstrating overwhelming strength and cannot possibly claim that they are being intimidated or that their traditions are being insulted, they are looking for 100%. "We will not tolerate you. It is not a question of being intimidated by you, or having been insulted by you, we will just not tolerate you." This cantonization operates in such a way as to facilitate a growing Sinn Fein/IRA hold over areas of Northern Ireland, and thus consolidates the support base of Nationalist terrorism, and such cantonization would involve the distasteful situation of law-abiding citizens having to negotiate the exercise of fundamental rights with convicted terrorists or representatives of terrorist organizations.

When everything is stripped away from Drumcree, you have a group of Orangemen — now I am not an Orangeman — who have been to a church service. They are perfectly respectable; they are no threat to law and order, and they are having to negotiate the right to walk, to negotiate access to part of the public thoroughfare — not an estate road, but a main thoroughfare — with representatives of organized terrorism, with people who have actually been involved in blowing up public buildings in Lurgan and Portadown. This stuff is straight out of 'Alice in Wonderland'. If we stand back and look at it, it is a macabre combination of 'Alice in Wonderland' and George Orwell's '1984', where things that you do not like are put down the memory hole.

There is also an obvious strategic objective behind the relatively recent Nationalist objections to Orange parades, and I think that this is the most significant factor: it is to engineer a situation of massive conflict between Unionists and the security forces. The Nationalist calculation is that such a confrontation to create the conditions in which the mainland electorate would back a decisive move on the part of the United Kingdom Government to end what Hume and Adams call the Unionist veto, or the lancing of what has been called the Unionist boil.

After Drumcree I wrote an article in the 'Belfast Telegraph' in which I pointed out that the natural progression of the arguments of Nationalists and, I believe, Members from the Alliance Party that the decision to ban this march should have been maintained, is quite clearly, if carried to its logical conclusion, that the soldiers and the RUC would use live rounds on Orangemen. Nobody answers the question that I put to the Prime Minister on the Tuesday before the march was allowed. I said "What are you going to do if, come Thursday, there are 100,000 Orangemen there and they decide that they are going to break through the barricade and move? How are you going to stop them? "Well, he did not say, but quite clearly the decision was taken that not since the Manchester martyrs of the mid-nineteenth century did British forces fire live rounds on the population and citizens of the United Kingdom in order to maintain public order. That was confirmed more recently by the Secretary of State who said that the security advice that he had been given was that if there was a gathering of that proportion, they could not be stopped any other way, and the British Government were simply not prepared to plunge this place into civil war.

Let us look at what we have now. We have this North Commission. The North Commission has two roles — one of conciliation, or mediation, and one of adjudication. They are both mutually exclusive. You cannot have a mediator who is going in between the

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parties, acting as a facilitator, hearing both cases and then trying to conciliate. You cannot perform that role while at the same time being an adjudicator who can say to one or other of the parties "Look, if you do not like the advice that I am giving to you as a mediator, I can ultimately put it into place as an adjudicator." So it is absolute rubbish to talk of the commission's having a role as a conciliator and also being the body that will ultimately determine the outcome.

The second main fundamental objection that I have to the whole set-up is this: even if this commission does say regarding the Garvaghy Road "Our decision is that there is to be no march. It is to be banned." Who is going to deal with the situation on the ground when 100,000 people turn up again and say "We are marching." Somebody is always going to have to take the decision. It is a bit like Wolfe Tone standing in his vest on the top of the Cavehill and declaring a united Ireland. That might be what he declares, but how it is going to be put into effect is another matter. This body may declare that they will not walk, but what happens when 100,000 people turn up?

That begs the ultimate question about this whole matter. There is all this prattling — and I call it prattling — from the Alliance Party and others and also from the British Government about Unionists being very naughty people, about Unionists not observing the rule of law. What does the rule of law mean? The rule of law means a piece of legislation imposed by the Government.

But governments do not always impose just legislation. They do not always impose legislation that is proper. Indeed, think of most of the great constitutional leaps forward that have been made. John Hampden on ship money about the Divine Right of Kings simply said "I am not observing the rule of law because it is an unjust law." George III's laws about general warrants, that a general warrant could be issued to go into anybody's property without any specific reason, root about and take anything. People protested about that and it was changed. There was a time when women could not vote. The suffragette movement was a protest against an unjust law and, in more recent times, first-class citizens, as opposed to us second-class citizens, in the United Kingdom rioted and burnt and caused destruction of property, not about their basic identity, but about whether or not they would pay a poll tax. What affect did that have? Were they all prosecuted? Oh no, the law was changed, because the law was unjust.

What has happened in Northern Ireland is that the Government are unmindful of the democratic protests of the majority. There were 250,000 at the city hall in November 1985, and it was not even reported — a demonstration twice the size of the largest demonstration that we have seen in Belgrade. In fact, it was the largest demonstration on the streets of a major European city since 1945.

You cannot go on ignoring what the people want. Because if you go on ignoring the wishes of a huge number — not of criminals or layabouts — but of ordinary, decent people then, ultimately, you will force a confrontation with them and, ultimately, civil powers are called into question and, ultimately, the Government have to decide whether they are going to do a Tianamen Square on them, or whether it is going to listen to them. That is a problem that has not been before the British Government. Thank you very much indeed.

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The Chairman: Thank you very much, Mr McCartney.

I should like to seek guidance from Committee Members at this stage. Mr McCartney has spoken for the normal period of time, but we have a dilemma in that it is 1.40 pm. Our secretary has gone to check with Mr Trimble to see if we can postpone the meeting with him until next week, thus giving us a period of time to question Mr McCartney on his submission. If that is not suitable to Mr Trimble, we will then have to ask you, Mr McCartney, to come back on another occasion. Does anybody have a quick question for Mr McCartney?

Ms McCabe: I was going to clarify if North explicitly says that he does not envisage a commission having a mediation role in itself — that it facilitates. In other words, it gathers together information and brings mediators together in disputed situations. I was interested in one of the things you said, that all thoroughfares are for all of the people. I was wondering whether you felt that endorsing the right of Nationalists to march in towns such as Portadown and Lurgan would enhance the situation.

Mr McCartney: My view is that everybody who is conducting a march which is itself lawful — whether people agree with it or not — should be allowed to do so. It is on that basis that the large Sinn Fein marches which would have been against tradition were allowed to take place in the centre of Belfast. It was sad that the city council permitted Sinn Fein to have a public meeting in the Ulster Hall which has very strong, traditional Unionist associations. Many people might have thought that Sinn Fein's choice of that particular venue was a coat-trailing exercise. Nevertheless, provided the meeting was for lawful purposes, and even though many people did not agree with it, I would have defended the right for that meeting to take place or for any parade to be permitted.

If my logic is to be followed, it would be equally wrong of me to say that because a small group was threatening to wreck a hall, or threatening to obstruct a parade, and the RUC was in a position to say that if it goes on it is going to give rise to violence, that would not be valid grounds. In my view, it is wrong for the protester rather than the organizer to have the power to control a parade.

Mr Dodds: May I thank Mr McCartney for coming along today and giving evidence to the Committee? I agree with his presentation, almost 100%.

Given Mr McCartney's enormous legal experience, what implications does he see in the setting up of a tribunal or a commission such as is proposed by the North Committee? In the Forum today we moved an amendment in which we have said it is alien to the whole British constitutional system for this sort of thing to be set up to adjudicate on what should be a fundamental right and is enshrined in other constitutions. Are there other examples elsewhere in the United Kingdom of such tribunals and what are the implications of the setting up of this type of body within the British constitutional system?

Mr McCartney: I am not aware of any such arrangement, but it fits in entirely with a developing extra-constitutional attitude by this particular Government. We all know the principle of ministerial responsibility. If a decision is taken within a government department, the ultimate responsibility rests with the Minister. More recently they have been setting up things like the Prison Service which was the last example of this. They set up some sort of a

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commission or body and then there is an attempt to put a buffer in the way of this organization between the people and the Government so that responsibility can be hived off, not to the Minister responsible — in this case the Secretary of State — but to some group. They can do a Pontius Pilot and say that it is not the Government and that they are quite happy to abide by the decision of the head of the Prison Service or the head of the Marching Commission or the head of whatever else it is.

Therefore, it is a constitutional departure, and, of course, we operate under a system where we have no written constitution, but from the point of view of convention, it is something that severely to be criticized. I do not think it is suitable here because, ultimately, those who decide should be those who have ultimate responsibility for putting the decision into effect. We could have the position where a North Commission would say that this march, for example, next year should be banned and 100,000 turn up. The Government would say that it was not they who had decided to ban this but the North Commission, and we have to observe its rules. The next thing you have is an instruction to the RUC to stop these fellows, and the RUC or the military commanders say "Look, there are 100,000 of them, they are going through here, so the only way to stop them is to shoot some of them. That, ultimately, is the final test. It does not matter who makes the decision; it is a question of who has responsibility for making that decision.

The Chairman: Thank you very much, Mr McCartney. You may take it from the comments that people are very keen to have you back.

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 20 February 1997

MINUTES OF EVIDENCE

on

PARADES

Witness:
Mr R McCartney, MP

The Chairman: Thank you, Mr McCartney, for coming along to complete your evidence and take some questions from the Committee. We apologize for the delay. We have had some problems with the scheduling of hearings, et cetera. We appreciate your coming along today to take the further questions. Would you like to make any opening comments?

Mr McCartney: I would just like to make some observations. I only heard the tail-end of the last submission. One of the dangers that has to be avoided in comparing legislation in one country with that in another, or legislation in one part of a country with that in another part is the specifics are not always the same.

When one is talking about parades of any kind on the mainland, whether they be, for example, National Front parades parades by those who have a more leftist view and would be opposed to any form of racist conduct, they are limited to specific areas and can be viewed objectively in absolutely rational terms. There is little pre-history attached to them. They are a relatively recent political phenomenon.

One of the difficulties about parades in Northern Ireland is that not only do they represent in many circumstances different religions, or religious loyalties, they also reflect deep political divisions. It can be said that Orange parades, for example, are always characteristic of people who are pro-Union and who see the alteration of their political identity or their constitutional position as a source of great anxiety. This is not something which is reflected generally in the rest of the United Kingdom. Very few of the parades would be about such a fundamental issue as that of which state the marchers are ultimately going to belong to. Therefore, one has got to be careful about making such comparisons.

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The other thing it is that is not just a question of parades — it is parades against a specific political atmosphere and background. Certainly, since 1985 member of the pro-Union community has largely felt that there is a specific policy of, first of all, eroding their rights in furtherance of a policy directed to changing their constitutional status and the political identity of the state of which they see themselves as citizens. Therefore, when we look at the parades issues, as I said in my opening statement, it must be against that background.

There is a distinction to be drawn between affording new rights to people on the one hand and withdrawing existing rights from other people. This is at the heart of the traditional parades argument. What you are doing is actually taking away rights which have not only been granted, but which have been exercised in — such circumstances as in the Garvaghy Road march — for upwards of 200 years. When the withdrawal or erosion of those rights is seen against the general political background where the constitutional future of those who would claim those rights is threatened, you are, of course, in a very fundamental and highly inflammable and potentially dangerous situation.

Mr Donaldson: Thank you for taking the time to meet with us again. I know you have had to wait around this afternoon, and you must have other pressing commitments.

We have heard from various people who have an academic legal background. You obviously, having been a practitioner in the law, have a very in-depth knowledge of the law. One of the things that has arisen out of the North Report — indeed we have heard this from other witnesses who have been before us — is the idea that there is a conflict if the police have to take a decision as to whether or not a parade should go ahead or have conditions imposed upon it and then enforce that decision. That creates a conflict of interests for the police and a difficulty in terms of impartiality as perceived by people on the ground. Do you have a view on that?

Mr McCartney: Mostly where you have a political decision, that is taken by the responsible Minister, and an executive decision, or operational decision, is taken by the body or group charged with giving executive effect to a political decision taken by the Minister. Obviously a Minister may come to a decision based on political grounds — it would be a good idea, politically, if the Orangemen were not allowed to parade on the Garvaghy Road. I am taking that as a specific example. Such a political decision there would be geared to the policy requirements which some people think are dictated by the peace talks and the general strategy — because of that it would be a good idea if this parade were not allowed. That would be a political decision or a political aspiration.

On the other hand, they would have to consult with the police who would be executing that decision to see whether or not, in real terms, that political decision could be given operational effect, and, if it could, at what cost? Obviously, if the police had come back and said "Look, there is going to be no trouble about banning this march", then the political body would say "Well, ban it, it suits us." On the other hand, if the police had come back and said "There is no way you can ban this march because you are going to have a 100,000 people there and the only way you are going to be able to stop them is to shoot some of them" then, quite clearly, the political masters would say "Sorry, that is not a price that we

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can conceivably afford to pay in a democratic state. The march in those circumstances will have to be permitted."

Now, taking those principles and superimposing them upon what I think is a very misguided notion, that what you do is set up a body, an independent body — we will call it the North five wise men — the wise men take a decision and they say "Right, we think, independently, this parade has got to be banned." On the ground, ultimately, you have 100,000 people, and the Chief Constable says to the Secretary of State "Look, I cannot give effect to the commission's decision without shooting people" and the police say "We are not going to stop this parade if it involves shooting people" and they tell the Secretary of State that. You then have a real political mess because you would have the Nationalist community saying "Foul, the commission has decided that this parade ought to be banned and the police say it ought to be allowed because they cannot stop it, and the Minister is going along with the police."

You have an absolutely lubricious and impossible situation where a body such as these five wise men are given power without responsibility. They are given the power to ban a parade without also undertaking responsibility for the consequences if that decision is enforced. That, Mr Donaldson, in my opinion, cannot be a wise thing, and, therefore, the answer to your question is that those who will ultimately bear either operational responsibility or political responsibility, namely the police in conjunction with the Secretary of State, must remain, in all circumstances, the people who both take the decision and execute it.

To bring in a third factor is only to give a hostage to fortune and to create a situation where that body may well take a decision that is completely at odds with the practical reality of enforcing it. That will simply allow whichever party's ambitions have got to be disappointed a cause for saying "More discrimination, more prejudice, more oppression." I am sorry for taking a little long with that, but I think these issues have got to be sorted out.

Mr Davis: Unfortunately, I have to leave to at 2.50 pm, so you will forgive me. The question I have is one which I posed to Prof Hadden — I do not think you were in at the time. One of the great difficulties I have with all these various groups coming is that they seem to put across a very flowing address, but, at the end of it all, there is really nothing there to tell you just what you are after explaining there, but it is on the ground. Prof Hadden said the underlying principles should be that the consent of all concerned should be sought for all parades and demonstrations, but that it should not be permissible for consent to be unreasonably withheld. Would you have any comment on that?

Mr McCartney: Of course, in a perfect world parades should take place with everybody saying "I totally disagree with the objects of that parade, but I am totally willing to endorse the right to parade." The right to give expression to your views in the form of a parade is very much like the right of free speech in a democracy. So we get the situation where you hear people say "I disagree entirely and fundamentally with everything that Mr X has had to say, but I will defend to the death Mr X's right to say it." Here you could easily get the situation where you say "I disagree and fundamentally object to the purposes of the Orange Order or any other marching group. I am totally opposed to them. I think they are a collection of bigots. What they stand for is bigotry, and I am opposed to it, but I will defend

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to the death the right to parade, provided they are doing it peacefully." But it seems to me that to suggest that residents should have a right to oppose a parade which is no threat to law and order, which is not violent, which is well organized and marshalled, simply because they disagree with what the parade represents, and that for that reason the parade can only take place with the consent of the objectors, is a fundamental interference with the right of civil liberty.

Now, let me progress then to the opposite view: the right of a particular group to say, even though you are parading for something which is lawful, even though you are conducting your parade in a perfectly orderly and civilized manner, and it is well marshalled, that, because we do not like what it represents, no matter how lawfully and attractively it is presented, you are not coming through here. That seems to me to be a totally wrong position. To suggest that the opinions and approval of people should be obtained when those people are threatening violence for no other reason than that they do not like what you represent cannot be an acceptable principle.

So the answer to Prof Hadden is no, I do not think we should get to where the country is divided up into cantons or little pockets — that is a Nationalist area, that is a Protestant area, that is a go area and that is a no-go area. The country is one unit as a whole. Everybody — Protestant, dissenter, Catholic — should be able to go anywhere and parade anywhere, provided that that parade is conducted in a civilized manner and provided that it offers no violence, threat, intimidation or insult. If it is not insulting behaviour, it should be allowed to parade.

Mr Carrick: You have already touched upon the role of the RUC and the political involvement which is sort of akin to what we have now. So are you saying that, perhaps with a little tweaking, with a little refinement, what we have now is better than anything that anyone else has suggested to date, including the North Report?

Secondly, given the unique political culture and the scenario in which we find ourselves, which you are on record as having analysed very well, what do you think is the solution to the parades question?

Mr McCartney: First of all, it is easy to give an answer to the question in purely logical terms, saying that if we were living a society where there were no deep fears on the one hand in the pro-Union community about the whittling away of the constitutional position, and, if on the other hand, no long-standing and deep-seated resentment about alleged or real discrimination in the past in the minority community, one could say that there was absolutely nothing wrong with our system. But most of the attacks that are made upon the system, and one comes back to Garvaghy Road, are not made about the system in its inherent form. They are not saying that the police are the wrong people to take this decision or that the Government or the Minister of State is the wrong person to take the political decision. What they are saying is that those persons, one because he is a British Minister and the other because he is the Royal Ulster Constabulary Chief Constable are, by definition, prejudiced in the eyes of many Nationalists and so it is impossible for them to make a valid and just decision.

So it does not matter what system you have. If there is no confidence in the appointed persons to take that decision, it will not work. What they have decided in the North business is that they will introduce a group of people who will be, allegedly, independent.

First of all, the recognition of such a chain system will be seen in the eyes of the pro-Union community, at least of the concerned pro-Union community, as an acceptance that the political and policing decisions of the past were biased, and, therefore, require to be changed.

Secondly, it will be seen, because the changes in favour of a Nationalist solution, that that solution will be pro-Nationalist. Well, I say you can forget about all of those things because at the end of the day no matter who takes the decision, it is the Minister and the police who will have to accept the responsibility for enforcing it and the consequences of enforcing it. I really do not see how this can conceivably be an improvement, because no matter what happens, one side or other will view it as being an unfair system.

The present system is as good as one will get in terms of the people to take the decisions. I think the present law is quite wrong because, as I said in my initial presentation, instead of the 1987 Act providing a shield to protect the innocent and to protect those who wish to observe the law, those who wish to conduct parades in an orderly matter, it puts a sword into the hand of every malcontent who, if he does not like a parade, has only got to threaten violence, ergo the parade cannot be conducted in terms of public order, ergo it has to be banned. It seems to me that a law must be fundamentally wrong if it puts into the hands of those who threaten violence, the very result which they wish to achieve by the threat of such violence. Therefore, what we ought to be looking at is a revision of the actual law itself, rather than looking at who administers the law. We should be looking to lay down specific terms that will help to define what is a lawful parade, how it is to be conducted and what notice is to be given. If in any instance it violates those regulations — if an Orange parade is allowed in a particular area and then beats their drums, behave insultingly, are deliberately provocative and coat-trailing in circumstances where they are bound — then the Chief Constable would be quite right the next year to say that that is an end of it and an end of it because the organizers failed to conduct, service and control that parade so that it conformed with the law. That is the way to go about it.

I have suggested that perhaps one way of dealing with it is that every parade should be allowed, initially. If there is a suggestion that there is going to be a point of confrontation, the police or perhaps some other group should have a full video recording of that parade from beginning to end and a judgement should be made by the Chief Constable as to who was responsible for any violence. Was it those who were protesting, or was it attributable, in any way, to the manner in which the parade was conducted?

Mr English: Mr McCartney, thanks very much for coming again. Would you agree then that the issue of parades is now an extension of the political or religious conflict and is it now, as one of the murals in East Belfast professes it to be, a conflict about territory?

Mr McCartney: I think that is a very interesting question. One of the most profound books written about Northern Ireland, by a very distinguished Ulster historian, A T Q Stewart, is called 'The Narrow Ground'. It is deliberately called 'The Narrow Ground'

because it traces the whole conflict between orange and green, Nationalist and Unionist back to territory, back to pieces of ground which traditionally people have felt to be their own. It is to some extent about the marking of territory. And the great 19th century historian, Macauley, in his 'History of England' has a section on the annual parade of the Orangemen in Londonderry where he describes it as being a great triumphalist spectacle. Certainly, it can be seen as such and, therefore, the Nationalist community could, with some validity, say "Well look,these parades are really a marking out of territory." They are saying "We are still the boss cat here." That is one way of looking at it. It is not the only way of looking at it. Triumphalism might have been an argument when there were 10 parades in Derry. It can hardly be an argument when there is only one parade and when that is of a rather muted and benign kind.

But may I give the best example of all? If you take Dunloy itself. Dunloy is now probably — I have not got the exact figures — 90% Catholic. The Orange Hall is covered in graffiti, giving an indication that the Nationalist community in that area is, if you like, the boss cat and it can do this with impunity. There is a small church. I do not know the area, but I am told the distance from the Orange Hall to the church is a matter of several hundred yards. The people who parade come from an outlying area which is largely pro-Union. But, again, I understand they are a very small grouping. Many of them are elderly, most of them are middle-aged. Again, it is a church parade; it is not the sort of parade that is likely to attract a lot of malcontents and layabouts and people who would be involved in violence. But what is important there is that in a predominantly Nationalist area — 90% control — they could not conceivably feel threatened or intimated or feel that this small church parade was triumphalist. They feel it absolutely necessary to say "You will not parade at all." That seems to me to point out the inherent flaws in the argument that areas should be allowed to determine whether or not parades take place. Even in areas where Nationalists are totally dominant and can not conceivably be under any threat, they prevent parades being held

Coalisland is another example. I think I mentioned in my opening address that Coalisland, 20 or 25 years ago, had a 25% Protestant population. It is now has less than 2% Protestant. The 98% Catholic population in Coalisland could not conceivably feel threatened in any way by this parade and yet feel obliged to prevent it. They have destroyed one Protestant church, and groups of them have threatened people in another.

To allow Northern Ireland to be carved up into a series of cantons where only a green writ runs or only an orange writ runs is totally undemocratic. It is contrary to all the principles of democracy that have been enshrined in all the written constitutions and unwritten constitutions of western democracy. It is not something we should contemplate.

Mr Robert John White: You mentioned these cantons a couple of times. You are not saying that someone should, to prevent this ghettoization or cantonization of the whole province, have the odd foray into the other community just to prove he can go there.

Mr McCartney: No. For example, if I were placed in the position of a police superintendent or the Chief Constable and I were faced with a parade and a group of very aggressive people — shall we say a pro-Union group, we will not give them any appellation — and they decide that they were going to enforce this absolute right to go wherever they wanted and parade into the middle of Twinbrook or Andersonstown, I would

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have no hesitation in banning that march. Because, first of all, I would say that there: was no history to it and no purpose to it. There could be no lawful objective to be attained by it. It would, undoubtedly, cause a breach of the peace and worse, and therefore, it should be banned.

I believe that there is no such a thing as an absolute right, that when you have a right you can do whatever you like. There used to be a little piece of doggerel verse in the one of the Highway Codes,

"Here lies the body of wee Willie May who died defending his right of way."

Whether you have a right of way at a cross-roads or a right of way at a set of traffic lights is all very well, but if you are coming down the road and you see one of these juggernauts going through on a red light and you can stop, you would be well advised to stop. So, I am just taking that as a humble example of the principle: no rights are absolute.

But, I think that there are rights — and I take a strong view on this and I do not apologize for it — and the Orangemen's right to parade on the Garvaghy Road is one. Here was a right that had been exercised for 190 years. It was being exercised by a local group who were coming from a church service. The Orangemen were parading not through an estate road but on a public main road. It was a traditional parade and there was no suggestion that it was coat-trailing or deliberately provocative. I would not have had the slightest hesitation, were I the Chief Constable, in saying "That parade should be allowed to continue." The proof of the pudding was in the eating because when it was eventually — even after a heightened situation where the eyes of the world had been on it for three or four days and the crowds were building — allowed to go through, I do not think there was a single broken head and it went through in 10 or 15 minutes.

The severe rioting that occurred, particularly in Londonderry, was after the parade had gone through with little or no violence. It was unconnected with the parade but very much connected with the enormously-high political expectations that the policies of the two Governments had permitted to beat in the breast of every Nationalist.

I think it was Dr Paisley who in the Grand Committee this week responded to Dr Hendron — and I consider Dr Hendron to be a very reasonable and decent man, I have fundamental political differences with him, but about his bona fides as a good human being, I have none. Dr Hendron talked about the tremendous hurt that had been sustained or felt by the Nationalist community. Dr Paisley said "Look, I have heard this suggestion many times. Will you tell me what the hurt was? Will you spell out what the hurt was that justified the carry-on in Derry?" Dr Hendron had great difficulty in answering him.

You see, it is like power-sharing. There was all the talk about power-sharing, and one old boy, now deceased, said to me, "You know, Mr McCartney, if power-sharing would work, you would not need it". That was absolutely right. It is the same here. You can have all of these fancy commissions and all the rest of it, but if the people do not want to work it, it will not work.

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Ms McCabe: You talked about the right to march and that you did not think that it was an absolute right. We have heard from a number of people who would say that it is a fundamental right and that it is contained in various conventions as such, so, I think that people are generally prepared to accept that it is a fundamental right, if not absolute. I was wondering if you see a difference between the right to march in itself and the right to make choices about when you march, how you march, the direction that you march in, in other words, where you route a march? Is there a difference? Do you see a difference? Is that separate from the fundamental right to march?

Mr McCartney: I think it is separate. You see, history has been described as a seamless web — yesterday is history and the day after tomorrow, tomorrow will be history. It is all part of one seamless web and you cannot say "Well, we will apply exactly the same logical principles to a march that has gone on for 200 years to a march that is going on for the first time this year." I think what you have got to do is say that the right is a fundamental right but it is not absolute and in determining where it falls and whether we shall allow it or disallow it we have got to apply several criteria. One of the criteria that I pointed out in my example is whether or not it is part of an established tradition people feel committed to and will feel a real sense of loss about, an erosion of their rights, if it is changed, or whether it is an absolutely new right that somebody wants for the first time. Those are criteria that you have got to apply.

You see, if you were an Orangeman — and I am not an Orangeman — and belonged to the lodges that parade at Drumcree, you would say "Well look, there used to be 10 marches and we thought, not unreasonably, that since marching is not an absolute right, they should be cut down." So they were cut down from 10 to one and then somebody comes along and says "We do not want you to march here." It is not an absolute right, so you say "Oh, what do you want to do?" "Well, I do not think you should march here. You should march somewhere else." Now, it is not just a right to march. It is a right in certain circumstances to march at a certain time and in a certain place.

There is no point in having a march commemorating the Battle of the Boyne and someone saying "It would be a good idea if you had this the day after Christmas." That is a change that somebody could suggest or "It would be a good idea if you had all these Orange marches and they were all allowed to march once a year round Cavehill in the middle of the night." It is a question of how far you are going to alter the existence of the right and it is a question of degree. Now many people think, and we will hone in on the Garvaghy march, that it was the last one of 10, that the route that it was actually on was a route that had been agreed with the Chief Constable, that there was little or no record pre-1995 or 1994 of its giving any offence, that it was a church parade, that there were no party tunes played — the only tunes were hymn tunes — and that it would all be over in 15 minutes once a year. Many people would say at that stage "Hell no. Even allowing for modifying the right to march, these people have modified it to the nth degree. Then you look at the other side of the coin and you find that one of the people who is taking a lead role in opposing this march is a true democrat. He is so democratic that he has been gaoled for a long period for blowing-up a public building and he has very determined and clear views about the future of this country. He is not just attacking the Orange Order, he is attacking everything that it represents — the whole pro-Union position.

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I do not apologize to this Committee, nor would I apologize in public for saying that the Chief Constable's decision to ban that march, the original ban, was crassly and utterly wrong, as the subsequent reversal of the decision proved. So the answer to your question is "Yes, it is a fundamental right. No, it is not absolute, but in applying it as a right, in the particular instances of Garvaghy Road, the decision to ban it was totally and completely wrong.

Ms McCabe: I took from that that you were making a distinction between an established right and a new right in terms of how you apply the decisions.

Mr McCartney: Yes. I think that both are equally valuable. When you talk about established rights, you should not remove or diminish an established right unless there is very good cause for doing so. The removal of rights can very often be much more painful than the failure to grant a new right, if only because you are taking something away from somebody. As far as the granting of a new right is concerned, the right of residents or people in any area of Northern Ireland to say "We will determine who comes in and out of this place on a public road" is a new right. It has to be examined with great care lest it be expanded into something that would threaten the coherence of the state itself and the administration of law on an equal basis throughout the entire province.

The Chairman: Thank you very much indeed,Mr McCartney, for coming along. Your evidence and your responses today will be recorded as part of our report to the Forum. You will receive a copy of it in due course.

Mr McCartney: I am grateful, as always, for the courtesy of the Committee. I apologize if some of my answers were longer than you would have wished. They were certainly longer than I would have wished, but these matters are complex, and they do not admit of simply yes, no or three bags' full answers. Thank you.

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MINUTES OF EVIDENCE

MR DAVID TRIMBLE MP

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Friday 7 February 1997

MINUTES OF EVIDENCE

on

PARADES

Witness:
Mr D Trimble, MP
(Ulster Unionist Party)

The Chairman: May I thank you very much indeed, Mr Trimble, for coming along to give evidence to the Public Order Committee this afternoon. We are aware, of course, that your party has already made a submission on the parades issue to the Committee. Perhaps you would like to develop any particular thoughts you have on the parades issue — an overview of where we are — and then take some questions from the Members.

Mr Dodds: Mr Chairman, May I just apologize in advance of Mr Trimble's speaking, because Mr Rodgers, and I have to be at the City Hall for an important meeting at 2.15 pm, so unfortunately we will have to leave. There is no discourtesy intended.

Mr Trimble: Obviously, we are looking at things now post-North. That is first thing to consider and to focus on. I think there are actually some things in North that are worth looking at seriously. There is perhaps too much of a tendency to be simply negative about it. When I say there are some things that should be looked at seriously I am thinking of registration. Proper registration is a good thing. I have always been impressed, when I go to demonstrations in Scotland, by how much more effective control the institution has in Scotland over bands and conduct. That is something that the institution in Ireland suffers from by comparison with Scotland: perhaps things are not just as well organized and they need to be well organized. So I think something like the registration of bands is a good thing. Codes of conduct should not be sniffed at either. That point was made in the 'Newsletter' this morning. When you actually sit down and look at the code of conduct it is quite instructive. If you go through the proposed code of conduct, you will see that most Orange parades, to my knowledge, are held in accordance with it, and so there is no criticism at that point. That is why I say one should not throw everything out.

The National Archives reference PREM 49/114/2

I am disappointed that North did not take further suggestions with regard to the legislation. It acknowledged the flaw in the Public Order Order: that the present criteria in the legislation put a premium on who can muster the biggest threat of disorder, and that is something that should be changed. North acknowledged the problem, but then failed to produce a remedy for it. I think that is a significant failing, and that puts the finger on the problem.

I am also disappointed that North did not take further a proposal that we put to learn about classification of parades. At one stage in North it says that there was little support for this amongst the political parties, but it was the centre-piece of our proposal. I think it demonstrates a failure to assess things if it describes our proposals as having little support, but there we are.

The central proposal of North is wrong, namely to give to a commission the power to make determinations. The Government have gone out to consultation on that. I interpret their decision to go out to consultation as being part of the process whereby this Government will drop that proposal. I am not sure if anything public has been said about this, but I understand that the present Chief Constable has now had second thoughts about a commission taking decisions and is no longer in favour of it, and I think that view would be fairly widespread in the police. I think that is the better thing. At the end of day the crucial decisions — not the ordinary run-of-the-mill ones, which in 99.9% of cases can be handled on a routine basis— are of such importance that they have the capacity, as we have seen over the last couple of years, to destabilize things in Northern Ireland. They are, therefore, essentially political decisions. It is to me incredible that anyone should suggest that decisions of that importance should be hived off to someone else. As I suggested in the paper this morning, I rather fear the Labour Party's attitude in this is based on a fear of taking decisions — a flight from responsibility. The big problem with North is what happens in the next Parliament, and that depends on matters which we do not have knowledge of at the moment or any influence over.

There is one aspect of North I have not touched on, and that is the conciliation provisions. I have an open mind on this. There may very well be a function here. My experience over the last two years has left me with very mixed feelings about some of the private enterprise conciliation that goes on — people who offer themselves as mediators. They are a motley bunch, some not particularly well skilled, others perhaps a bit more so. So there may be, and I emphasize may be, some merit in having a more structured way of discussing these issues with a view to trying to arrive at agreements, but I must emphasize — and I think this is very important — that any procedures that relate to conciliation or mediation must be kept quite separate from decision-making people. You cannot be a mediator and a judge at the same time. They are two quite different functions. They cannot be mixed together, and I am surprised that the North Committee thought that they could — it has not sat down to think about the function.

I have talked mainly about North, but may I say something else which is very important. I am getting increasingly irritated at the attitude of the local media, both the broadcast media and the print media. Here we are today, and a serious terrorist incident took place in my constituency in the last 24 hours — a bomb attack on a security patrol in Lurgan. There was the discovery of a Mark 15 mortar yesterday again and further terrorist incidents

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yesterday. This morning there was a shooting attack at Aldergrove. We have a high level of terrorist activity going on. We switch on the radio, open the newspaper, and what do we get but people banging on and on and on about what is at the moment not a serious issue. It might be in six months' time, but it is not a serious issue today. And I think there are — and I do not want to put this too high — some people in the media who are deliberately closing their eyes to the terrorist campaign in order to focus attention on this other issue, and really if we had a better response to and a better focus on the ongoing terrorist campaign, these other issues would be easier to deal with. The problems we have had over the last two years were, I still believe, primarily because of the plans of the people who are running the terrorist campaign.

The Chairman: Mr Trimble, as with Mr McCartney, did not get an opportunity to question you on your very interesting presentation. Would you be happy to come back on a future occasion to take questions from the members? The problem is that we are about to lose quite a number of members from the Committee. You can imagine that there are many questions that the members would like to ask about points that you have raised, points that they would like to deliberate on further with you. Would you be happy for us to proceed in that fashion and maybe next week or the following week have another period of time for questions following on from this?

Mr Trimble: In principle I have no problems with that.

The Chairman: Just one quick question.

Mr Casey: Are you confident of a resolution of the stand-off at Garvaghy Road?

The Chairman: Now that is a simple question, could we have a short answer to it?

Mr Trimble: If you are asking me Mr Casey if it is possible to have a resolution, then of course it is possible. Whether we will have a happy outcome is a question that I do not know the answer to because it involves a range of imponderables there, chief of which is the last point I touched on that there are people there who are determined not to resolve the matter peacefully.

Now a friend of mine was in contact with people from the Garvaghy Road for something six months prior to last year — contacts, but it was done with my knowledge, it was a way of establishing links — and that friend spoke to a person who was a prominent member of what is called the Garvaghy Road Residents' Coalition a couple of days before last year's problems to be told by his interlocutor that he was not interested in a compromise, that he did not care what happened or how bad the consequences were — he did not care. Now that is the nature of the problem. A lot of these problems can be resolved with a bit of give and take, and the brethren of Portadown say they have done a lot of giving with regard to that situation and that what we need is a little bit of flexibility from others as well. But, if you have got people who say that they are not interested in any form of compromise and do not care how bad the consequences are, you cannot then be confident of the outcome. Now maybe things will be different. Actually I think there is a fair chance they will be different because the individual I referred to indirectly — I do not wish to name him — is I suspect, I am not absolutely sure, not quite as prominent in that residents coalition as he was last year.

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The Chairman: Could I thank you very much indeed, Mr Trimble, for taking the time to come here, and I apologize once again for the fact that we have not been able to get through all that we wished to.

Mr Trimble: We all have problems.

The Chairman: Thank you.

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Friday 14 February 1997

MINUTES OF EVIDENCE

on

PARADES

Witness:
Mr D Trimble, MP
(Ulster Unionist Party)

The Vice-Chairman (Mr Donaldson): May I welcome Mr Trimble, the Leader of the Ulster Unionist Party.

Mr Trimble: Just before we start. I want to establish that the verbatim text of this discussion will appear in your Minutes of Evidence. Is that right?

The Vice-Chairman: Yes, but we have not yet determined whether the body of the report will include the minutes of all the evidence that we have received which is substantial. However, it will be a matter of public record and it will be fair.

Mr Trimble: I wanted to make sure that we will be on the record.

The Vice-Chairman: We will be on the record. May I welcome you here on behalf of the Committee.

Mr Trimble, you are very welcome. Members, you have in front of you the Minutes of Evidence given last week to the Committee and on page 8 you have a record of Mr Trimble's introductory remarks. There was one question from Mr Casey, so let us pick up where we left off the last time. Mr Trimble, at this stage do you have anything you want to add to what you said or are you ready to field questions?

Mr Trimble: Let us move to questions, and if there is time I want to emphasize anything, I would be very grateful if I could do so at the end.

Mr English: Mr Trimble, what is your position, or your party's position, on the stance being taken by the Grand Master of the Orange Order in supporting people going to their place of worship in Harryville?

Mr Trimble: The position of the Ulster Unionist Party should be reasonably clear. You have seen how the Ulster Unionist Mayor of Ballymena, together with his councillors, has been very prominent in demonstrating on this matter. This is a matter of basic principle; if we are arguing for civil and religious liberty, if we are complaining about the difficulty that, say, members of the Loyal Orange Lodge are having in going to their church, we cannot make our point by behaving in the way that we are complaining about. I understand the objectives — what I think to be the objectives — of those who are protesting at the church at Harryville, but they are going about it the wrong way. They are not advancing their case. All they are doing is focusing attention on their own ill-advised behaviour and diverting attention away from what they see as the root cause of the problem. They are not behaving in the best way in the circumstances.

I endorse, entirely, the action taken by James Currie, the Mayor of Ballymena. I have not gone to Harryville, myself, mainly because this is something which is best handled locally. There may very well be circumstances, whether there or elsewhere, which assume such importance that I feel I may have to, as a party Leader, go. But I do not think that I should be rushing to every minor situation because very often in doing that I am upping the ante. I think it is best to try and leave it to local people to make whatever point they consider appropriate.

Mr Rodgers: Mr Trimble, do you believe that the Irish Republic's Government have played a leading role in trying to influence the RUC, through the Anglo-Irish secretariat at Maryfield, to ban or re-route many of the Loyalist parades throughout Northern Ireland?

Mr Trimble: I have absolutely no doubt that this has happened. It has happened in two different ways. I think we have to try to identify the ways in which it happens because, like a number of other decisions that are taken in officialdom, things are arranged in such a way that people can deny doing them while at the same time actually doing them.

I believe the issue is raised regularly at inter-governmental conference meetings — meetings between the Secretary of State for Northern Ireland and the Irish Government — but that the formal way in which the Irish Republic raises them is not to refer to individual situations but to put forward general principles and to argue that parades should not proceed in circumstances where local residents do not want them. They put something like that forward as a general principle, knowing full well that if that general principle is accepted, it will impact upon particular parades in a way that is negative to what should happen in that situation. I believe a matter is advanced as a sort of general argument at inter-governmental conference meetings.

There is then the activity of the secretariat. We do not know exactly how the secretariat operates. This is one of the great difficulties that everybody in Northern Ireland has; there is complete secrecy about that. One hears from time to time assurances by Ministers "Oh, this does not happen; that does not happen." Yet, at the same time, one is fairly certain that those assurances are not based on fact. I am not saying that the Ministers are necessarily lying. I think a large part of the time the Government's Ministers, particularly the Secretary of State, are not aware of all that is happening. I suspect that there is a degree of interaction by officials at the secretariat with people in the Administration, either in the

police or in the civil service, which may be happening without the knowledge of Ministers at Stormont Castle. And comments that I have heard from Ministers lead me to suspect that that does happen.

With regard to the specifics of last summer, I am certain that there has been intervention both at the inter-governmental conference level and at the secretariat level and my evidence for that cannot be disclosed because it comes from what people have said to me. Some of the people who have said that to me are in very senior positions and they were under massive pressure from the Irish on specific issues — and the people who were saying that would not have sympathized with me politically in all matters. But I cannot, obviously, in the circumstances, go into greater detail.

Mr Carrick: Mr Trimble, may I take you back to last Friday when you opened with the remark that obviously we are now looking at things post-North. The problem, is as we are all aware, pre-North and it is very deep-rooted. You went on to make the comparison between the Loyal Institutions and the controls over bands here and in Scotland. You went on to talk about the code of conduct. When you link those two remarks together do you conclude that there is some sort of answer to the situation in the North Report or are you trying to tell us something else? Because we would all probably agree that the deep-rooted problem that we experience is the manipulation and orchestration of the whole situation by the Irish Republican lobby to bring about further destabilization of the country?

Mr Trimble: I quite agree that the root problem is that one cannot look at this situation without looking at the decisions that the Republican movement has taken. What I was trying to say there — if you will forgive me using these terms — is that because of the beam that happens to be in the other chap's eye, we should be prepared to have a look at the motes that might be in our own eyes as well. Provisions for the registration of bands have been on the Statute Book for some time. The Orange Order itself is trying to deal with this issue by drawing up standard form contracts. We do know that there are a few bands that have behaved on occasions in a way which has not helped. We also know that there have been occasions when individuals on parade have done things that have not been helpful. In these circumstances, while knowing that the root cause of the problem is as you described, there is a very strong case for saying, notwithstanding that, that the Loyal Institutions should be doing all they can to ensure that their own behaviour is above reproach and that that all the people with them is above reproach. In doing that, the Loyal Institutions will demonstrate more starkly what the nature of the real problem is.

Mr English: Would you agree that there are certain people in certain bands and are certain individuals in the Orange Order as well who in the past have seemed to be out of order? You are saying that the Orange Order is trying to get its own house in order as well. I was a member of a band for a long time and got an awful lot of criticism, but in my period in the band I also observed within the ranks of the Orange Order people who did not hold up all its traditions and principles. Everything cannot be directed at the bands for being in breach of any orders. Would you accept the fact that there are Orangemen who misbehave in processions?

Mr Trimble: Any organization with a mass membership of human beings will suffer from the frailty and problems that you get as a result of having an organization of human

beings. The point that one was making — and this is a minor point — is that the organizers of parades, in circumstances where they are going to come under criticism or even attack, should ensure that their own behaviour is as good as can be achieved.

Mr English: I know about the band agreements that have had to be signed and discipline that has been laid down by the Orange Order and I agree with it totally. I am not trying to point the finger, but they were there long before the North Committee or anything else came into being.

Mr Trimble: The North Report does not apply in Scotland and, as I said in my comments last week, it was the conduct of parades in Scotland that impressed me.

Mr Davis: Mr Trimble, when we visited Dunloy last week the local Orangemen were very critical of the way the RUC handled the situation in the village last November when, to use their words, "the RUC were seen to be giving way to the boys who were wielding hurley-sticks". Would you agree with me that until this fair-minded section of the Roman Catholic community stands up to be counted and lets the Orangemen in Dunloy, for example, walk the four-and-a-half minutes distance to the church, it is going to be very difficult to resolve these problems with parades?

Mr Trimble: I would be delighted if there were prominent persons in the Catholic community who would behave in Dunloy in the same way that James Currie and his councillors have behaved in Harryville.

Mrs Iris Robinson: Mr Trimble, taking it at its worst scenario, and we are told we cannot have our parade this year along the Garvaghy Road to the church and back again, what do you intend to do as an elected Member for that area, and as an Orangeman yourself? I do not mean that as a loaded question. Will you accept a ban?

Mr Trimble: "Sufficient unto the day is the evil thereof." I am not going to go into detail. I have not turned my mind to that situation. May I make just a couple of points on that though?

The Drumcree church parade is organized by Portadown district and decisions on it are taken by Portadown district officers and committee, sometimes with the advice of county officers or Grand Lodge officers. I am neither a member of Portadown district nor a county officer nor a Grand Lodge officer. I am there as one of their guests and as the local Member of Parliament. If problems arise I shall certainly give them my support and my advice but, of course, it is their decision as to what goes on in that situation.

The other point that I am going to make may sound like a pettifogging point, but I think it is important that people understand this: Portadown district never defied one of these orders. It indicated its opposition; it indicated its belief that the decisions taken last year and the previous year were wrong and it declared its intention to remain there in the hope and expectation that the decisions would be reversed. It never defied them in the sense of trying to force its way through. Many people have talked about the Portadown Orangemen as if they were forcing their way through. They never did that, and, particularly last year, they went to extraordinary lengths to try to ensure that nobody else did. At the points where there

was an interface, or a potential interface, between Orangemen and those who might have come to support them, and policemen, Portadown district organized marshals who stood on the line of the interface, facing other Orangemen to make sure that nothing happened. Having taken a stint of a couple of hours duty doing that myself, I can tell you it was quite an uncomfortable job to do at times, but it was done with a considerable amount of effort and discomfort by Orangemen to ensure that there would be no violent confrontations from people who get over-excited. To suggest that people were defying orders, leads one to believe that some licence was taken in interpreting their actions.

Mr Robert John White: Looking ahead to this year, how do you see the whole thing going, around the province at large and at the Garvaghy Road?

Mr Trimble: It is difficult to tell at this stage. I am trying to tell people that the problem last year was not a specific issue about a particular road. If the real problem was just the issue of a particular road, it would have been a local problem. What we had last year was not a local problem, but a general problem. We had a general problem was because of the tension that existed in the community generally. This tension was generated by a number of factors — uncertainty about the future and a lack of confidence in the Government, particularly in the light of the IRA's resumption of violence to which there had been no effective response by the Government other than to appear to be offering fresh concessions to Republican violence. Those were the factors causing the tension which turned what otherwise would have been a fairly local problem into something that had province-wide ramifications. The real problem — and here it comes back to the point that Mr Carrick made earlier — the real problem was the general tension in the community that related partly to the actions of the Government and partly also to the actions of the Republican movement.

If we are trying, at this stage, to look forward to this summer, we would have to make some assumptions about what the position will be then with regard to the general level of tension. That involves making some assumptions as to what the Republican movement will be doing and what the Government will be doing. The unknown quantity in this, at the moment, is the Government. They could do a lot between now and then to reduce tensions by taking effective measures against Republican terrorism, by assuring people that when they talk about the consent to principle, they actually mean it and that the constitutional destiny of Northern Ireland is a matter for its people alone. Approaches at that level will do a lot to resolve tension, and if that is lowered, the specific problem has a different dimension.

Mr Robert John White: Last year, it would be fair to say, a big percentage of the population was involved with the localized thing in the Portadown area. People would have been surprised at how much sympathy there was with it, but when outsiders got involved, that was different. How do you see that?

Mr Trimble: Nobody likes the disruption that occurred and its consequences. Nobody likes that at all. Those who were organizing the demonstration did not want a lot of that disruption. When one is pitchforked into, or is in, that sort of situation, it becomes very difficult for everything to run in a smooth manner. No one wants to get into that situation. We all very much hope that the matter can be resolved in a satisfactory way between the parties. Whatever the Government can do to reduce tension in the community is important.

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That, of course, does not solve everything. Something also has to happen amongst the local people in order to resolve it. I very much hope that that will happen.

Mr Carrick: Having analysed the situation, which you must have to do, day and daily, how confident are you about there being a different situation this year? To use a word that you and I are familiar with in another context, the same dynamics are still there. You still have the Garvaghy Road people, the Orange Order and its supporters, the Government and the RUC. I have difficulty in seeing that any change in attitude has developed since last year which might give me confidence that things will be different. We certainly hope that there is going to be a change, but at your level have you seen any glimmer of hope that those dynamics are changing in some way?

Mr Trimble: Like you, I certainly hope that we will have a different outcome. Beyond that, I really cannot say very much more. I cannot point, and certainly not publicly, to any specific factor that has changed. I very much hope that things will have changed. As a general rule, people do not go through experiences without trying to learn something from them. I hope that we will see some differences in the months to come, but I am not yet in a position to point to things specifically.

Mr Dodds: Mr Trimble, going back to the evidence that you gave on 7 February, you said that there were a number of things in the North Report that are worth looking at seriously. You mentioned legislation and the code of conduct. Did anything else worthwhile come out of the North Report? Are those the only two things that you think are worth taking out of it?

Mr Trimble: There is the question of procedures relating to mediation — and I raise it purely as a question. There may very well be a function there.

In previous years the RUC complained, with some justification, that circumstances compelled RUC officers to act as if they were trying to conciliate and that they felt uncomfortable with that. I can understand their feeling uncomfortable with that. Obviously, at a certain level, if individual officers, even senior officers, can talk to people, see a solution, persuade them to do things which will bring about an accommodation, well and good. But they are not necessarily trained in conciliation procedures. It may be possible for people to act as conciliators but not many people in Northern Ireland have credibility for such a role. If anybody is acting as a go-between, he needs credibility. Under the circumstances, it may very well be that there never will be people who will have credibility, because of the nature of the problem.

I raise the question that there may not be some merit in having a structured form for conciliation and mediation. Let me make it clear that I am not saying that the North proposals, themselves, are necessarily the best way of doing that, even if they were reduced to being purely conciliation and mediation functions and the power to arbitrate and take decisions was left entirely to one side, I am not approving those proposals because, particularly with regard to the public-order legislation, the context is still defective and I might come back to that in a moment.

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There is also the difficulty that anything that happens on the back of the current context will happen against the background of the Anglo-Irish Agreement, with the problems that we mentioned earlier. The Irish Government have the right, under the Anglo-Irish Agreement, to make nominations. It is not credible to suggest that they will not exercise that right and, therefore, any commission appointed on the back of North will start off with a serious problem, because, as I mentioned earlier, if people are going to be involved in a conciliation function, they have to have credibility. I am just flagging up the prospect that there may be an advantage from having some mechanism with regard to conciliation and mediation.

This is going off on a slightly different tack but I mentioned one point last week that I would like to expand on.

Mr Dodds: These conciliation provisions are interesting. It is a reality, is it not, that any structure, any conciliation procedure or body is going to rise out of the North Report. That is a reality, and therefore it does have that major credibility problem. Even if you can separate it from the North Report, what are the draw-backs, in your view, to having such a procedure or such a body set up? Do you not see it leading inexorably and inevitably to certain inclusions, certain types of dealing and certain types of contacts? This Committee has already heard evidence — even from the RUC, I have to say — about the nature of some of the bodies that have been set up. I am talking about the so-called residents groups which are clearly not really reflective of the local community at all.

Mr Trimble: That is a problem and, of course, if you had procedures to deal with conciliation and mediation, that would be a significant problem that you would have to address in that context. This is the problem of whether a mediation structure has credibility. It depends on the context, and who is trying to mediate with whom. It is not necessary for us, at this stage, to get into that. I am merely flagging up the possibility that you may need to have some provision. Whether those provisions for conciliation or mediation are used in any specific situation, or whether they are successful in any specific situation, will depend — to borrow a phrase — on the dynamics of that situation. The possibility still exists that there will be some advantage in having a mediation procedure as a resource. One that might help in some circumstances but not necessarily all.

One drawback — and this would certainly be a serious drawback — with regard to the North proposals is that by virtue of having a structure or procedure, you might encourage complaints to be made where there might not be complaints, or problems to arise where none exist at present. That is a serious drawback regarding the North proposals. They appear to contain a pro-active element in that the North Commission would actively be going out to look for potential trouble spots. There have been cases where people on the ground have said that they did not know that they had a problem until certain politicians arrived and told them. We certainly would not want to see a development such as that occur. That is something that is seriously on the negative side. It is worth thinking about, when you have to balance the potential problems with the potential advantages, but I am merely suggesting to you that it is worth thinking about. There may be some benefit in having a structure or procedures available because we have difficulty without those procedures.

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The Vice-Chairman: We are now at 1.45 pm. Mr Trimble, is there any final remark you would like to make?

Mr Trimble: Yes. There is one point. It is more by way of argument, because it is developing a point that I did mention to you, and that is the procedures in the Public Order Order which tend to put a premium on who can muster the greater threat in terms of disorder. It is a disappointment that North did not deal with this matter in greater detail.

But to illustrate what the problem is, there have been circumstances where difficulty exists with regard to a certain parade route, where police officers have said that their intention is to let some parades through but not others. I can think of one situation where a senior police officer's idea of a compromise was to tell the Loyal Order concerned that it could go along the road on its big day, but not otherwise. This was his form of compromise. But the suggested compromise could not work because the police officer in question could not guarantee to the organization that it would go along on that day. I think the problem arises because the police seem to take a rather strained interpretation of the Public Order Order, and take the line of saying that they cannot make an agreement with people because it might be seen as fettering their discretion. While the senior police officer might have discussions with the Loyal Institution in terms of "You can go along the road on your big day, but not otherwise, and that is my intention" he cannot — and that would be acceptable to the institution if it were guaranteed to it — give it a guarantee because that is seen as fettering his discretion.

Now, that, I think, is a problem with regard to the structure of the legislation, and if we are in an environment where people are trying to make agreements, we have to have a situation where the agreements are effective agreements, and if people enter into an agreement they can have confidence that that agreement will stick, and that is one aspect of the problem with the public-order legislation.

It also raises a general problem because we have all had experience of agreements being entered into which have not stuck. I think it is important to underline the fact that the nature of the legislation has got to be such that the police are able to enter into agreements in advance of the day.

The Vice-Chairman: On behalf of the Committee, Mr Trimble, I would like to thank you for taking the time this afternoon to meet with us. We will be engaged over the next few weeks in preparing a report, and we will certainly let you have a copy of that.

The National Archives reference PREM 49/114/2

MINUTES OF EVIDENCE

PROFESSOR TOM HADDEN AND ANNE DONNELLY

The National Archives reference PREM 49/114/2

NORTHERN IRELAND FORUM FOR POLITICAL DIALOGUE

STANDING COMMITTEE A

Thursday 20 February 1997

MINUTES OF EVIDENCE

on

PARADES

Witnesses:
Prof T Hadden and Ms A Donnelly
(Centre for International and Comparative Human Rights Law,
The Queen's University of Belfast)

The Chairman: May I welcome you, Prof Hadden, to the Public Order Committee of the Northern Ireland Forum for Political Dialogue. We welcome this opportunity this afternoon for you to come along and, perhaps, expand a bit on the document that you have placed before us. Your evidence will form part of the report that we will be preparing for the main Forum. Some time late in March, I think the 14 March, we will have the report with the main body. You will, in due course, receive a copy of that report.

Prof Hadden: Thank you for inviting us. What we plan to do, if it is acceptable, is to speak for about 10 or 15 minutes and then leave ourselves open to whatever questions may be raised.

First of all, I want to apologize for the fact that there was a mistake in the original version of the pamphlet. We have corrected most of them, but the version that you got has still got two errors in it. On page nine it should be 1987 not 1981, and on page 11 it should be 1987 and 1988 and not 1981 and 1985. We are very sorry about that and embarrassed about it. We are trying to recover all the misleading copies and do our best to retrieve the error.

The background to the report was that we were asked by the Community Relations Commission to advise it, essentially, on the human rights requirements in relation to the right to march and the right of residents who wanted to protest about marches, so the kernel of the report, insofar as our expertise goes, is in that section. I want to summarize very briefly what our view of the human rights requirements is primarily under the European Convention on Human Rights. There are some other relevant international conventions, but the European Convention is the one that bites because it is the one to which all of us can make an application and have a binding ruling from.

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The first general conclusion is that the right of peaceful assembly is clearly recognized in international human rights law. There does not appear to be any difference between a right to parade and a right to static assembly. Demonstrations, meetings, parades and processions all seem to be covered in roughly the same way, but there is very considerable emphasis in the case law before the European Court on "peaceful". If you are peacefully parading, then your situation is clearly different from anybody who involves him or herself in any form of violence. The right is recognized, but it is not an absolute right. It is very clearly stated in all the conventions, particularly the European Convention, that there is wide discretion for states to regulate the time, place and conditions under which demonstrations and parades may take place, primarily in relation to public order, but also in relation to the rights of others.

There are numerous examples of the way in which other European states operate that. For example, in Belgium there is almost complete discretion on the part of communal mayors to permit or refuse to permit particular processions on particular days in relation to the circumstances in their commune. In Brussels you are not allowed to have any processions at all on Wednesdays — perhaps it is a police half day or something. In Italy, again, the police have considerable control. There is a difference. You may note in Belgium that it is the political mayor, the elected mayor, who controls the operation, whereas in Italy it is the police who control the operation. So there is considerable variation in practice in European states under the European Convention. To our knowledge neither the Italian nor the Belgian system has been subject to any adverse criticism or complaints before the European Court or the Commission of Human Rights.

Then, finally, one of the key aspects of human rights law in this area is that there shall be no discrimination. Whatever regime there is has to be non-discriminatory, it has to apply in the same way to everybody who wishes to have a march or a demonstration. There may be a problem in that, in my view. We have not put this in the paper, but it has arisen in relation to some comments that have been made since that in relation to the traditional routes area. If you accept the evidence that many people have given, and we have certainly accepted it in our report, there was a practice in the 1950s, 1960s and 1970s of restricting Nationalist parades to their own particular areas while Loyalist parades tended to be given special treatment that was provided for under the 1951 and subsequent Orders — that may be a problem under the non-discrimination point. If you are saying there is a right to traditional routes, if those routes were established under a regime which may have been discriminatory, it might be difficult to defend that regime if the case were taken before the European Court. Those are the three main conclusions that we drew from the human rights requirements.

I should perhaps also mention the situation in the United States because it is of some relevance. There, as you know, there is a strong bill of rights which protects the right of peaceful assembly. In the United States they have taken the fairly strong line that marchers or demonstrators should be protected, even though they are going through an area where they are not particularly welcome. So, in the United States they veer towards protecting the right to march against protesters, whereas in some other jurisdictions they take the view that public-order considerations should be given greater weight than the right to march in an area where you are not wanted.

With regard to the implications for Northern Ireland the general conclusion we drew from the survey which I conducted with Prof Boal and Colin Irwin before last year's Drumcree confrontation and also from the subsequent survey work carried out for the North Commission is that there is clearly a wide divergence of opinion between members of the two communities on this issue. It is very clear that most people, round about half, in the Protestant/Unionist community take the view that the right to march should be delivered and that if there are people in the way they should be moved. It is also very clear that an even larger proportion in the Catholic/Nationalist community takes the view that the views of residents should be taken into account on whether or not particular marches go ahead.

We take it as being reasonably well established that there is that divergence of opinion. The question is what you do about it. It seems to us that it would be undesirable to attempt to impose absolute rights in those circumstances, that an attempt to impose absolute rights of either kind — either an absolute right to march wherever you want on the Queen's highway, or, alternatively, an absolute right for residents to veto any particular march — would be wrong, that what we have to do is to try to find a consensus, try to find the area where there is maximum agreement in both communities as to what regime would be acceptable.

The principle that we suggested in our report has not been taken up by North, but we still think it is an important principle. This was something that my colleague devised: the consent of those through whose area a procession is going should, in principle, be sought, but that consent should not be allowed to be unreasonably withheld. That is a concept that is fairly well established in some other areas of law, and it might be a useful way of formulating the balance of rights, namely that there is a right to march but, in exercising that right, you have to take account of the views and considerations of the people through whose area you are passing, though there can be no absolute veto on the part of those people to say that you cannot march because they do not like the cause that you are marching in favour of. So we think that that is quite a useful formulation which is well established in other areas of law: consent should be sought but that it should not be allowed to be unreasonably withheld.

As to the legal implementation of these principles, we have recommended that any system of law, first of all, should be designed to encourage local accommodation. That has also been taken up fairly strongly by the North Commission. To that extent we certainly support what it is recommending: that there should be provision in the law to encourage people to discuss, to seek negotiations, to have, if necessary, publicly funded mediation, so that it is not simply left to somebody else to decide the issue — there should be pressure, encouragement and incentives for the parties to these disputes to enter into real discussions with each other and to have professional assistance, mediators, where that would help.

The second thing we think is very important is that the dual role of the police should be removed. It is very difficult for any police force to have to decide on the principle of who is to be allowed to march where, and then to have to enforce that decision. Successive Chief Constables have said that that is a difficulty from their point of view. They would prefer somebody else to make the decision and then do their best to enforce it. We accept that on the day it may not be possible to enforce somebody else's decision to the letter, but the principle should be that the disputes should not have to be resolved by the police and then the resolution enforced by the police.

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Finally, we have recommended that there should be an independent decision-making body. That follows from the idea that the police should not both make the decision and then have to enforce it. We are not committed to any particular form of independent body. We have suggested an independent tribunal or, possibly, a court sitting with assessors. The principle that is important is not so much what independent body is given power to make the decision, but that there be very clearly set out rules under which that decision is made. We have suggested that there should be a code of conduct which should be quite precise. It should lay down the conditions under which marches should be allowed to go ahead. For example, we have suggested that if it is a march of local people to a church, other things being equal, that kind of march should be permitted. Also in the code that we have drafted we laid down quite precise rules about hangers-on and about the sort of music that may be played in various places.

If a system of independent decision-making is going to work, you are going to have to have quite a tightly-drawn code, and we have made reference to other codes which are operated in that way — the highway code, the code in relation to fair employment which has, despite a bit of opposition at the beginning, now become reasonably well-established. It is a very detailed code; the Fair Employment code you know it runs to 20 or 30 pages, yet it has been possible, because it is so detailed, for the tribunal to make decisions and make rulings which broadly speaking appear to have general public support. That comes out again from the survey which Colin Irwin, Prof Boal and I did. We think that that is a useful model: quite a detailed code and then some independent body — it may be a court or a tribunal or a commission — to make decisions so that the police do not have to both make the decision and enforce it.

Finally, a brief couple of comments about the relationship of what we are saying with what the North Commission has recommended. Clearly we agree with the general drift of the North recommendations, but there are one or two points which you might want to note.

First of all, in our feeling, the North Commission does not put quite as much emphasis as it might have on the key element of the code of conduct — an enforceable code of conduct — which would lay down the rules under which whoever making the decision will have to make it. Whether it be the police, whether it be the independent commission, a tribunal, whether it be the Secretary of State, there should be clear rules and not complete discretion which can be influenced by political considerations.

Secondly, a point has arisen out of the draft legislation which, I think, the Women's Coalition presented. If you look at that carefully, you will see there is a rather awkward difference between the regime which North recommends for parades and the regime which North does not recommend in relation to static meetings. It seems to us, looking at that draft and looking at the recommendations of North, that there is a difficulty there. If North were adopted exactly as is written in his report, you would have an independent commission with power to make rulings on parades and processions, whereas the decisions to be made in relation to people sitting in the road in a static open-air public meeting would continue to be made by the police. We do not think that is a very sensible division of power. My feeling is that if we are going to go down the road of independent decision-making, it should be extended to cover everybody involved. That is all I want to say.

Ms Donnelly, do you want to raise anything?

The Chairman: Do you wish to say anything at this stage, Ms Donnelly?

Ms Donnelly: No.

The Chairman: May I just apologize. When I was commenting at the beginning, I said that you were an assistant to Mr Hadden. I know that you are co-author and a colleague.

Ms Donnelly: Do not worry about that.

Mr Ian Paisley Jnr: May I say that you are very welcome here. I got your report some time ago, studied it and thoroughly enjoyed it. I must say that in parts I found it quite brilliant and the way that the material is laid out is very satisfactory and very helpful. It was certainly helpful to my party when we drew up our own submission to the Parades Commission and we appreciate it.

In saying that, however, and given the view which you have outlined, Prof Hadden, I find it hard to accept that on the one hand you can say that you agree with the general drift of North, when what you have proposed is actually quite different, and in my view much more practical than what North proposed. The outline which you gave us is that people make an application within the seven days which could be regarded as seeking consent. The RUC takes a decision on that application and if people oppose it, they have the right to challenge it at an independent tribunal — they can seek judicial review in the courts. And then the police implement that decision. By and large that is what happens to date, maybe not satisfactorily in some cases, but that is what happens to date. That is why I find your report much more propitious than the nonsense put forward by Dr North which seems to complicate the matter so much. I just wonder if you have any comment to make on how you are different, how your proposals differ, from North.

There is one other area then that I would like clarification on and that is about the standard of law. Do you accept that Dr North's Commission is proposing a standard of law for Northern Ireland which is unacceptable and is untried and untested anywhere else in the European Community or anywhere else, indeed, in the western world? Would you agree that the standard of law which he proposes would actually turn on its head the common practice that we are used to in the United Kingdom, and, indeed, the common standard that is used in the United States of America and throughout the European Community? Indeed, it was a point which you made in your report on pages 36 and 37 where you indicate that the law provides for a clear and high priority to be given to the rights of free expression and peaceful assembly. Do you accept that really the standard which North is proposing is so fundamentally different from common practice that it is unworkable?

Prof Hadden: First of all, I will turn to the procedural differences in relation to the North recommendations. I have already tried to say that there is a difference between us, insofar as we are recommending that whoever is making decisions should be making those decisions on the basis of a statutory code. There are some parts of North which appear to suggest a much more discretionary decision on the part of the commission.

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On the procedures, I do not think there is a lot of difference between what we are suggesting and what the North Commission is suggesting. It is not entirely clear how their system would work. What we suggested is that the initial application, as you say, should be made to the police and if the police cannot find an accommodation, it could be referred to a tribunal. North seems to imply that rather more cases would go automatically —

Mr Ian Paisley Jnr: May I help you out? The cumbersome and unworkable process that is outlined in figure 2 on page 169 of the North Report is totally different from the much more practical outline on pages 70 and 71 of your own report.

Prof Hadden: I do not want to suggest that what we are proposing is that much better.

Mr Ian Paisley Jnr: You do not have to suggest that.

Prof Hadden: We would not have proposed it unless we thought that it was the best way to go about it. I do not think, myself, that there is a huge amount of difference because of the point I keep making that the key aspect of this is the code of conduct — the statutory rules which govern the decision rather than the procedures — though we recommended, and we stick to this idea, that there should be slightly more initial decision-making by the police and slightly less reference to an independent tribunal or court.

As to the standard of the law, I tried to make it clear in the presentation that, under the European Convention on Human Rights, there is a huge variation in practice in European countries. In some, like Belgium, a political decision is made by the mayor as to who gets to march where and in others it is a police decision. Maybe there are others which we have not looked at, where, as in America, it is more of a right. But there is nothing in the European Convention which prevents a state from introducing measures which are designed to keep public order and foster communal reconciliation.

I have no doubt at all that if a complaint were made in relation to the criteria which North recommended for making these decisions, they would not cause any difficulty in the European Commission on Human Rights or in the Court of Human Rights. If the North recommendations were introduced, then any of us could make an application to the European Commission and the European Court. And if there were to be a dispute about this, that would be a rather better way of going about having the matter resolved — making an application under international human rights law rather than having confrontations on the streets.

Mr English: Thanks very much for coming and for your presentation. In terms of rights, would you in principle accept that whilst consultation is desirable, that in itself is not essential and should not override the right of freedom of expression, wherever it would take place?

Prof Hadden: The suggestion that we made is that the code of conduct — the statutory code which would govern decisions — should have built into it an obligation on those who are conducting parades in areas where it is generally accepted that there is a majority of the other tradition to consult with representatives of that community. And that if

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that obligation is not complied with — if those who wish to march say "Sorry we are not talking to the residents."— that could be taken into account as non-compliance with the code and, therefore, might affect the decision of a court or tribunal. There are clear parallels to that kind of decision-making under the Fair Employment legislation. If an employer does not get the procedure right in dealing with any particular issue of contention within the workplace, that counts very heavily against the employer in the decision of the tribunal. So, the procedures would be quite important.

Mr Rodgers: Prof Hadden and Ms Donnelly, I too would like to thank you, on behalf of my party, for coming along today. What you had to say was very interesting.

From 1969 to 1994 we had continuous violence in Northern Ireland. In fact it extended throughout the United Kingdom and sometimes across into the Republic of Ireland. And yet there was very little attempt made to prevent the Loyal Orders from marching. Then from 1994 onwards we have seen the setting-up of residents' groups. Do you feel that Sinn Fein/IRA has been involved in this as part of its unarmed strategy?

Prof Hadden: I have no direct evidence on whether or not it has been. My feeling is that it probably is, but that is not the principle point. The principle point, as comes across from our survey work, and the survey work carried out independently for North, is that there is a wide divergence of opinion in the two communities. Perhaps it is that Sinn Fein and other people are taking advantage of that and stoking it up a bit — that is not unusual. But the evidence is there of that wide divergence. And it is in an attempt to deal with that wide divergence of opinion in the two communities that we think the Government, this Committee, and anybody else who is looking at this matter should make their decisions, not on whether or not it is being stoked up by somebody else.

Mr Carrick: I would like you to expand on the non-discrimination element of the human rights requirements that you referred to. I am thinking, particularly, of what are commonly described as Loyalist parades and Nationalist parades which have gone on without too much trouble in past years as my Colleague, Mr Rodgers, has indicated. However, in this non-discrimination element, would you also include the right of terrorist organizations to parade, to assemble and to incite rebellion and insurrection?

Prof Hadden: No. Clearly the state is entitled to have criminal prohibitions against anyone who is involved in incitement to violence. That is general criminal law and a parade which is designed to promote the objectives of an unlawful terrorist organization, of whatever hue or colour, should not be given any backing at all by law. I do not think that the judges in the European Court or in the Commission on Human Rights would have any truck with a complaint that a march had been prohibited or dispersed that was promoting violence. As some of you may know a case was taken before the European Commission in relation to Section 31 of the Republic's Broadcasting Act. The provision banned Sinn Fein and paramilitary bodies in the South from broadcasting. The case was thrown out at stage one by the European Commission on the grounds that it was perfectly within the rights of a state to say that those who are supporting paramilitary or terrorist activity should not be allowed space on the airways, notwithstanding that there is a general right of free expression. So, the view of the European Court and the Commission on Human Rights on that issue is quite clear.

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Mr Carrick: On the question of the enforceable code of conduct, and given that what we are speaking about is an expression of culture and identity, how hopeful are you that it is enforceable?

Prof Hadden: We have said in our report, and I think everybody else who has looked at this problem has come to the same conclusion, that you cannot resolve this issue simply by passing a law. What you have to do is strive towards a system of regulation which has broad support throughout both sections of the community, and it is that that we have tried to recommend. I do not think you solve these problems simply by passing a law. I am giving away my age now, but I was quite chummy at one stage with a gentlemen called the Rev Robert Moore who was a past Minister of Agriculture. I used to see him most Saturdays for a short time. One day I suggested that he should have less rain to suit the farmers — it was a very wet day. In his own, quiet voice he said "Yes, well I can certainly pass it but will you police it? That has not changed in 50 years or even in 100 years. It is all very well having these things written down, but policing them is the whole problem. You were talking about the Highway Code and the Fair Employment Code, and then you mentioned the hangers-on. I imagine that life would be marvellous without the hangers-on in any area of this sort of operation.

A code can be drawn up and procedures established for a parade, or whatever, taking place but nobody has legislated for or budgeted for the blood coming up, for excitement happening on the spot. The police then have to deal with the situation as it is on the ground and in this country, whether we like it or not, that that can vary with the minute.

Can you give us a bit more practical insight into the academic theory that you have expounded.

Prof Hadden: The answer to that is the football analogy which was made by Neil Jarman and Dominic Bryan. As we all know there were serious public-order problems with football crowds in Britain in the 1980s. Legislative controls on alcohol, on hangers-on, on ticketing and on stewarding were introduced to make sure that those who were involved in going to football matches were genuine football supporters, and not people who were out for a bit of aggro and carrying large amounts of drink. This was not perfect, but I think that everybody would accept that the behaviour of football crowds in Britain, under this new regime, is much better than it used to be. If similar regimes for stewarding, and the control of hangers-on were introduced in the context of parades I would hope that we would be able to get back to the situation which I remember, and you remember as well, where the various parades went off reasonably peacefully, without too much aggro.

The Chairman: May I, at this point apologize for Sir Oliver Napier. Owing to illness in his family he has had to leave — it was not out of discourtesy. Some other members have also had to leave to go to other Committee meetings. I have four more people on my list. I ask those people to keep their questions fairly short and to the point because we have just about 10 minutes of this session left.

Mr Ian Paisley Jnr: On a point of order, is it possible to extend the time for questioning?

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The Chairman: The difficulty is that we have another witness who has been given a time of 2.15 pm and who has already been waiting for some time. If the Committee agrees, could we try to keep to the time as closely as possible?

Mr Donaldson: Thank you, Prof Hadden and Ms Donnelly.

I should like to address my question to both of you as I would be interested to hear your individuals views on this. You have come along today essentially to talk about the whole issue of rights, and how that relates to the issue of parades. I am very interested in the proposals and the recommendations that you have made about parades and how that sits alongside the proposals from the North Commission.

Is there not a danger that we so heavily qualify rights that they are no longer rights, or that people, no longer regard them as rights? If you proposals were implemented, could it not be argued that the right of peaceful assembly was so heavily qualified that it was no longer essentially a right, that is had become something other than a right — and I am not sure what? Whilst there is no absolute right, there is a danger that when you place heavy qualifications on a right, it is so devalued that, in people's perception, it is no longer a right.

Is there not a danger that we are building a society in Northern Ireland where, rather than creating a body of rights to protect people — that is what rights are about and that is what bills of rights are about, protecting people — in fact what we are doing is building a society that defers to a vocal minority, a minority that wants to dilute the rights of others, rather than build a society where there is respect for rights? We might qualify rights so heavily that many people will see them as being rights no longer.

Ms Donnelly: The first line of the code of conduct that we suggest basically sets out that right — reinforcing it — and I think that that is an important way to start the code. There is certainly nothing there that is denying the existence of that right or that poses a threat to it. The aim of the code of conduct is not to deny the existence of the right. In fact, it is to protect the right itself.

Prof Hadden: All that I would add is that the right of peaceful assembly is not a right to assemble peacefully wherever you like. It is a right of peaceful assembly and that has to be guaranteed under international and human rights law. As I have said, there is a good deal of discretion for states to regulate the time and place for the exercise of that right and it may be that issues of public order and communal reconciliation would be readily accepted as criteria for deciding on times and places — just like Tuesdays in Belgium.

Mr Davis: Prof Hadden, taking into account the wide divergence of opinion in Northern Ireland — and you referred to it — do you believe that the make-up of the North Committee could be seen as impartial?

Prof Hadden: I would not like to comment on that.

Mr Davis: No comment on that? Do you see this Committee as being more representative than the North Committee?

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Prof Hadden: Well, there are some Forum Members who are not here and, therefore, to that extent, you are not as representative as you might be. It is almost impossible to get an accurate representation of everybody. There were no women on the North Committee, for example.

Mr Davis: Finally, on page 75 of your book, you say "permissible for consent to be unreasonably withheld". How do you see that actually being done?

Prof Hadden: I have said that it is fairly well-established in housing law, which I used to teach, that, in certain circumstances, a tenant has to ask the landlord's permission o do certain things like assigning and so on, but that that consent should not be unreasonably withheld. The courts have had no difficulty in making decisions on this. If you are proposing to assign your lease to a bankrupt or someone like that, the court will say that of course consent to that should not be imposed on the landlord. But if you are proposing to assign your tenancy to somebody who has good financial standing and wants to do something sensible, the court will simply say "The fact that you object to this is neither here nor there. Your consent, if it were withheld, would be being unreasonably withheld." In my view the court would not have a difficulty in deciding those issues given a clear code of conduct.

Mrs Iris Robinson: Good afternoon. I want to put one pertinent question to you, Prof Hadden.

Would you accept that Unionists are finding more and more that, since the signing of the Anglo-Irish Agreement, which was imposed against the wishes of the Unionist people and their elected representatives, this fairly recent, contentious parades issue has largely been manufactured to do down the cultural traditions of Unionists and Loyalists? Bearing in mind that we have seen the flag and emblems in dispute and the playing of the National Anthem, et cetera, all being done down, is this yet another attack on Unionists in Northern Ireland?

Ms Donnelly: I would not be writing anything that I considered to be a threat to the Unionist culture and identities. Where there is a divided society and where there is a problem, there is a need to take action but certainly not action that is going to threaten someone's culture and identity to the extent that you are worried about.

The Chairman: Mrs Robinson, would you like to clarify that?

Mrs Iris Robinson: The truth and reality is that Unionism is under threat. We have only to see all the recent events which have now led to the contentious parades issue. The Public Order Order of 1987 included traditional parades and should not, I believe, have included traditional parades. We would not have had all this bother had the Public Order Order left aside the traditional parades issue and we would not see be seeing what is happening now.

Ms Donnelly: I cannot say why the Public Order Order is the way it is.

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Ms McCabe: Your own report and the North Report do not say very much about the issue of tradition and the status of tradition. I am not a lawyer and I was wondering if you could give us some idea of how the law sees tradition.

Prof Hadden: There are a number of relatively soft provisions in international human rights law and in the International Covenant in respect of the rights of minorities in the OSCE process. Regarding respect for traditions the European Framework Convention for the Protection of National Minorities contains provisions for the exercise of minority traditions. All of those are in the context of minorities, but the same principles would apply. You can express traditions in such a way that they do not infringe unduly on the rights and traditions of other people.

Nobody is suggesting, we are certainly not suggesting, that there should be any bar on Loyalist or Nationalist parades. In fact, we are suggesting that the rules for both of them should be the same. Town centres should be open to both on a regular basis, but if you are proposing to march through an area which is occupied predominantly by the other tradition, you should have to comply with the kind of provisions that we are suggesting. I do not know of any provisions in international human rights law about traditional routes. I think that international human rights law would tend to look at the situation as it is at the moment, rather than what happened 20 or 30 years ago.

Mr Casey: Prof Hadden, may I extend my welcome to you today.

Early in your presentation you spoke about decisions to restrict Nationalist parades in certain areas, while allowing Loyalist parades *carte blanche,* as it were. Do you feel that these decisions really have any bearing on the situation, *vis-à-vis* the objections to Loyalist parades in what are deemed, by populations, to be Catholic areas?

I shall give you a couple of instances. I live in Lurgan, a town of 28,000 people — about 50/50. No Nationalist procession has ever paraded in the main street. Nationalist parades are all centred around what we call the back of the church. There are Orange parades or band parades that come right down into that area and into other areas. There has been this area of conflict in the town. The same thing would be true of Portadown where no Nationalist group has ever marched on the main street of that town. In fact on a couple of occasions we have had demonstrations and riots as a consequence of a Nationalist parade wanting to parade in the town centre. Do you feel that the restrictions on Nationalist parades have had an effect on the present attitudes in some areas to Orange parades?

Mr Hadden: I think it would have been better if we had had rules which were patently fair between the two communities and anybody else who wished to march. Yes, it probably has had some effect. Ms Donnelly may have a view on that.

Ms Donnelly: It is probably one of a number of things that have to be taken into account.

The Chairman: A few members have indicated that they would like a brief supplementary question and I will agree to it if they keep them brief.

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Mr Ian Paisley Jnr: It is really a point of clarification, something that you said earlier about the use of traditional routes and whether or not they are protected in international law. I am sure you accept that under the Public Order Amendment Act 1970, the police should have and I quote

"Regard to the desirability of not interfering with public procession customarily held along a particular route"

Certainly under British law traditional parades were always protected and, indeed, guaranteed. I just want you to comment on that. You outlined in your booklet that you studied a very interesting case in America called the Skokie case in Illinois. Would you draw any comparisons in terms of principle in law, not in terms of organizations, with regards how traditional routes and the right to march was protected there and how it ought to be protected in Northern Ireland?

Mr Hadden: First of all, in relation to British law there is not and was not equivalent protection for parades customarily held along a particular route. What we have got now under the 1987 Public Order Order is an almost identical set of provisions to those now operating in Britain. So we have got parity in this matter. There are one or two minor things which we point out in the booklet. Generally speaking the movement of the law in the two jurisdictions — that is England and Wales and Northern Ireland — has been together. The current British act copies some of the earlier Northern Ireland provisions on taking into account disruption in local areas and so on. It also copies the notification requirement. The abandonment of the special protection for customary parades follows the British model, so we have arrived at roughly the same point. That is satisfactory.

As for Skokie, we had considerable difficulty in finding out exactly what had happened there. Some people we talked to said that they proceeded along their original route. Other people said that they had not been able to do that; they had diverted to an adjacent park. It is clear that the demonstration did go ahead. We actually wrote to the municipal authority in Skokie but it said it could not remember. The belief was that they did not go where they originally intended to, but that they did have a demonstration in the general area of the park.

Mr Carrick: On a point of clarification and just for the record, Roman Catholic organizations have paraded in Lurgan and Portadown — the youth organizations. So it is not true to say that no Nationalist organizations have paraded the streets of Lurgan or Portadown. The Foresters Organizations and the AOH have paraded where they have sought to parade.

Mr Casey: I have to disagree with that.

The Chairman: Prof Hadden, may I thank you and Ms Donnelly for coming along this afternoon. You can take it from the close and interesting questions that have been raised that the public could have done with your being allocated a bit longer for your place evidence with us today. We will, in due course, let you have a copy of the Parades Committee's report, which will be presented to the Forum.

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NORTHERN IRELAND FORUM

FOR

POLITICAL DIALOGUE

REVIEW OF

THE PARADES ISSUE

IN NORTHERN IRELAND

by

STANDING COMMITTEE A

(PUBLIC ORDER ISSUES)

VOLUME I

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Note

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STANDING COMMITTEE A

L-R: Mr J Donaldson (Vice-Chairman), Mr C Wilson (Chairman) (seated), Mr J McKee, Ms G McKibbin (Secretary), Mrs I Robinson (seated), Mr M Carrick, Mr J White, Mr J English (seated), Mr N Dodds, Mr Rodgers (seated)

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REVIEW OF THE PARADES ISSUE IN NORTHERN IRELAND

VOLUME I

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Appendix B - Groups and Organisations invited to make submissions to the Committee
Appendix C - List of Written and Oral Evidence received by the Committee

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REVIEW OF THE PARADES ISSUE IN NORTHERN IRELAND

1. INTRODUCTION

1.1 At the last plenary meeting of the Forum before the Summer Recess held on Friday 26 July 1996, it was agreed, inter alia, that a Committee be set up with the following terms of reference:

> "To examine the problems which arise in relation to parades in Northern Ireland, make recommendations which would contribute to better understanding and amelioration of those problems and report to the Forum."

1.2 During the Summer Recess, advertisements seeking written submissions from interested groups and individuals were placed in the Northern Ireland morning and evening newspapers.

1.3 The Forum reconvened after the Summer Recess on Friday 6 September 1996 and on Thursday 12 September the first meeting of the Parades Committee was held at which Mr Cedric Wilson was elected Chairman. The membership of the Committee is listed at Appendix A.

1.4 Following this meeting the Committee decided to write to the specific groups and organisations listed at Appendix B inviting written submissions. In addition, the Committee decided to distribute leaflets

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seeking written submissions throughout the local libraries and Training and Employment Agency (T&EA) Branches across the Province.

1.5 On 4 October 1996 it was agreed by the Forum that the existing Committees established on 26 July should become Standing Committees whose remit, terms of reference and membership could be determined as new topics are agreed by the Forum.

1.6 The Parades Committee was designated Standing Committee A, with a current remit of Public Order Issues. The terms of reference of the newly constituted Committee covered not only the Parades issue, but also the problems of boycotting in Northern Ireland.

1.7 The Committee's findings on the Review of Boycotting were published in a report which was presented to the Forum on 13 December 1996.

1.8 As part of the review of the parades issue the Committee examined all the written evidence received, and took oral evidence from various groups and individuals; a list of the evidence received and taken by the Committee is attached at Appendix C.

1.9 Given the sensitive nature of the Parades issue the Committee is very grateful to those groups and organisations who readily agreed to give evidence to the Committee.

1.10 The 'North Report', a report by an Independent Review Team set up by the Secretary of State to make recommendations on the management of controversial parades was debated in the Forum on 31 January 1997 and

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7 February 1997. A full Record of the debate is available from the Forum Secretariat and a brief summary of the main recommendations of the North Report are contained in Chapter 4 of this report.

2. BACKGROUND

2.1 Parading has always played and continues to play an important part in the fabric of Northern Ireland society, and is a particularly important part of the Protestant culture and tradition. The main Groups in Northern Ireland who organise Parades are:

The Loyal Orders	-	The Orange Order The Royal Black Institution The Apprentice Boys of Derry
Nationalist Organisations	-	Ancient Order of Hibernians Irish Nationalist Foresters
Youth and Church-based Organisations	-	The Boys and Girls Brigade The Boy Scouts and Girl Guides
Armed forces	-	Royal British Legion Regimental Associations

2.2 The Loyal Orders and Bands are responsible for organising the vast majority of Parades as can be seen from the table below.

	Total	**Loyalist**	**Nationalists**	**Other**
1995	3,500	2,581	302	617
1996*	2,691	2,161	209	321

* to end of September 1996[1]

1996 saw a significant increase on the number of Parades being disputed, however these only amounted to approximately 1% of the total number of Parades.

[1]Source: RUC

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2.3 The following legislative changes are regarded as having a significant impact on parades:

1951	Public Order Act (NI) was introduced which required that prior notification should be given of all public processions, with the exception of those customarily held along a particular route.
1970	Public Order (Amendment) Act (NI) was introduced which increased the required notice from 48 hours to three days and required the police to take into account who gave notice first and the 'desirability of not interfering with a public procession customarily held along a particular route'.
1971	Public Order (Amendment) Act (NI) was introduced which increased the required notice to five days and extended the grounds for imposing conditions, re-routing and banning to include 'undue hardship to persons working or carrying on business' and undue demands on police manpower.
1987	Public Order (Northern Ireland) Order was introduced which increased the required notice to 7 days and extended grounds for imposing conditions, re-routing and banning to include the threat of (i) serious public disorder; (ii) serious damage to

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property; (iii) serious disruption to life in the community; (iv) intimidation and (v) undue demands on police power. This Order also removed special recognition for traditional Parades and included provisions for the Secretary of State to intervene without police advice.

2.4 Unionists/Loyalists believe that the signing of the Anglo-Irish Agreement in 1985 which allowed the Government of the Republic of Ireland to interfere in the internal affairs of Northern Ireland has been a contributing factor behind the decisions taken by the RUC to ban or re-route parades.

2.5 Parades have historically attracted an element of civil disturbances and conflicts mainly as a result of the divided society in Northern Ireland. However, a recent spate of organised disturbances and protests appear to have emerged since the cease-fires of 1994. There are many different reasons given for the commencement of these protests as can be seen from the minutes of evidence contained in Volume II of the report. However the evidence taken by the Committee shows that many believe that the disturbances surrounding parades have occurred because of the inadequacies of the Public Order (NI) Order 1987 which are explained in paragraph 3.7.

2.6 1985/86 saw the start of a re-routing controversy in Portadown. The then Chief Constable ruled that the route traditionally taken by the Orange Order on the outward journey from Portadown to a traditional service in Drumcree Parish Church passed through a Roman Catholic area and was not therefore a suitable route for the Orange parade to take. However,

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with regard to the return journey from Drumcree to Portadown he judged that the Garvaghy Road as an main arterial route with fewer houses facing onto the road itself would be suitable for the Orange parade to walk along on their return journey. Reluctantly the Orange Order accepted a re-routing of the outward journey of their parade.

2.7 Arguments over the re-routing and banning of other Orange Parades through Portadown and other areas continued throughout the summer of 1985 and 1986 with disturbances and protests in towns and villages throughout the Province. During the period 1987 - 1994 opposition to parades by Loyal Orders continued but not to the same scale as 1985/86.

1995

2.8 1995 saw the start of the current wave of protests and disturbances. In early 1995, members of the Lower Ormeau Concerned Community (LOCC) put up posters on the Ormeau Road indicating 'No Orangemen allowed on this road' in an attempt to re-launch the campaign to have Loyalist Parades re-routed away from Lower Ormeau, originally perceived to be a Unionist/Loyalist area but because of changes in demography during the Troubles, now perceived to be a Nationalist area. The issue was brought to a head when an Apprentice Boys parade was prevented by the RUC from parading along the Ormeau Road on Monday 17 April 1995.

2.9 Portadown again became the centre of attention on 9 July when Orangemen leaving Drumcree Church were advised by the RUC that their safety could not be guaranteed if they paraded along the Garvaghy Road. However the Orangemen were determined that they would remain at

Drumcree Church until they were allowed to walk into Portadown along the Garvaghy Road. A stand-off therefore developed which continued until the morning of Tuesday 11 July when the parade was permitted by the RUC to walk along Garvaghy Road following what Nationalists described as an accommodation and the Orangemen portrayed as a victory. In the meantime, agreement had been reached between the Orange Order, the Royal Black Institution and the LOCC on the evening of Monday 10 July regarding Parades through the Lower Ormeau. However following events at Drumcree/Garvaghy Road the agreement collapsed.

1996

2.10 Attempts were made to reach an accommodation for parades in Portadown in 1996. No accommodation was reached by Saturday 6 July and the Chief Constable therefore ruled that the return journey of the parade scheduled for Sunday 7 July should be re-routed away from Garvaghy Road. Following the Church Service the Orangemen did not disperse. Over the following days supporters converged on Drumcree and in addition there was widespread disorder throughout the Province. As accommodation had not been reached by 11 July the Chief Constable decided that a reduced parade should be allowed to walk along the Garvaghy Road. This decision sparked off public disorder in many Nationalist areas of Northern Ireland which became worse after the Chief Constable allowed a parade to go down the Ormeau Road the following day under a heavy police presence. Throughout the remainder of 1996 residents' groups protested against various parades throughout the Province. Unionists/Loyalists believed that as senior RUC officers had visited Maryfield prior to the parades in July, the decisions by the RUC to

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stop parades was political and influenced by the Government of the Republic of Ireland.

Independent Review of Parades and Marches ('The North Report')

2.11 Following the events of the Summer in 1996 the Secretary of State made a statement in the House of Commons indicating that he intended to set up a review that would make recommendations on the management of future controversial marches. The terms of reference for the Review were announced by the Secretary of State on 24 July with the provision that it should make recommendations by the end of January 1997.

2.12 The Independent Review of Parades and Marches was launched on 28 August and comprised of Dr Peter North, Chairman; Father Oliver Crilly and Very Reverend John Dunlop. The review reported on 30 January 1997 and Chapter 4 of this report details a brief summary of the recommendations of their report.

Review of Parades by the Forum

2.13 This Committee was set up by the Forum to look at the issue of parades following the events of the Summer of 1996. The Committee decided that in order to compile a report on this issue it was necessary to:

- understand how parades were viewed by both sides of the community;

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- ascertain if the nature, frequency or routing of parades was likely to have contributed to the protests against parades by the Loyal Orders and bands;

- attempt to establish why these protests have suddenly intensified over recent years;

- establish the role mediation had played in the parades issue, how successful it had been to date and if there was a role for mediation in future hostile parade situations; and

- ascertain the role the RUC have played and the difficulties they have faced when policing contentious parades.

2.14 The Committee therefore decided to write to a wide range of groups and organisations listed at Appendix B seeking their views and comments and took oral evidence from groups and individuals listed in Appendix C.

2.15 The Committee made substantial efforts to try to obtain the views of both communities and wrote on several occasions to groups and organisations representing the Nationalist community. The only residents group who expressed an interest in giving evidence to the Committee did not make any submissions in sufficient time and consequently missed several deadlines set by the Committee for the receipt of evidence. The Committee did all it could to hold the door open for such evidence but having extended its deadline twice decided that the offer to provide evidence to the Committee was more for public consumption than for the education of the Committee.

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2.16 The following chapters of this report summarise the findings and recommendations of the Committee on the parades issue.

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3. POINTS ARISING FROM EVIDENCE

3.1 During the Committee's examination of the Parades issue it received 34 written submissions from individuals, Loyal Orders, Churches, political parties and various organisations and heard over 15 hours of oral evidence. A list of those who submitted written evidence and gave oral evidence is provided in Appendix C.

3.2 A summary of the main points arising from evidence provided to the Committee is contained in the following paragraphs. Minutes of evidence from which this summary was taken have been included in Volume II of this report, a copy of which is available from the Forum Secretariat.

GENERAL

3.3 The fundamental right to parade was accepted by all who provided evidence and it was pointed out to the Committee in the course of the review that in other countries certain fundamental rights are enshrined in either the constitution of the country or in a Bill of Rights. However some groups cautioned that while perceived identities are important and perceived traditions should be respected , sensitivity and understanding also have to be present. It was also recognised by all that those taking part in parades should act in a responsible manner.

3.4 It was also recognised and accepted by all that the majority of parades pass off peacefully.

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ISSUES ASSOCIATED WITH PARADES AND PROTESTS

3.5 The evidence provided to the Committee identified the following issues:-

3.6 Organisers of parades consider that the authorities have chosen to take action against the legal parade rather than the illegal opposition to the parade. It was generally believed that this action was as a result of the Public Order (NI) Order 1987 which many see as being flawed. One of the problems identified is that Article 4 of this Order specifies that conditions may be imposed on a parade or march if there is a threat of serious public disorder, serious damage to property or serious disruption to the life of a community, or if the intention of the organisers is to intimidate others. The intention of this Article is the prevention of disorder and violence but the effect is that a peaceful parade may be stopped, re-routed or banned because the protest against it is deemed likely to cause civil disorder - the legislation therefore rewards those resorting to the greatest threat of violence. Additionally many are concerned about the lack of application of Article 7 of the Order which makes it an offence to prevent or hinder any lawful procession. Many now therefore see the Public Order (NI) Order 1987 becoming a lawbreakers charter.

3.7 Evidence suggested that judgements on parades has resulted in the relationship between the RUC and the Unionist/Loyalist community being damaged.

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3.8 Evidence showed that the perceived interference by the Government of the Republic of Ireland and the Maryfield Secretariat was deemed to be unhelpful by the Unionist/Loyalist population.

3.9 Evidence also showed that the Unionist/Loyalist population believe that they have made as many concessions as possible with nothing given in reciprocation - examples given by the organisers of parades during the course of the evidence include the reduction in parades, re-routing etc. However some evidence indicated that Nationalists do not understand the need for parading and view the parades issue as a symptom of domination and privilege while on the other side, Unionists/Loyalists do not understand the reaction of Nationalists to those parades and view the parades issue as symbolic of the need to defend civil and religious liberty.

3.10 It was apparent from the evidence that the visible contesting of parades has emerged since the cease-fires and that there has been an increase and a degree of co-ordination, in the efforts of parade opponents in making parades contentious. Some groups were adamant that the protests against parades are politically motivated by Sinn Fein/IRA given the history and political affiliation of some of the leaders of the residents' groups and that Sinn Fein/IRA has identified the parades issue as an area where it could create communal confrontation, manufacture a Nationalist sensitivity and engineer a situation of conflict between the Unionists/Loyalists and the security forces. This has resulted in genuine accommodation between organisers and protesters being made more complex, if not impossible, because Sinn Fein as a political organisation has identified and developed an issue it can exploit. However it was

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recognised by some groups that Sinn Fein/IRA/Residents' groups did not speak for all the residents in the area and that while there may be some residents with genuine concerns their opinion was not always allowed to be expressed.

3.11 Other evidence provided suggested that reasons for the protests since the cease-fire include the fact that Nationalists' expectations arising on foot of the 'peace process' had led them to think that parades was one area where things would be different and while they were prepared to tolerate parades in the past they are therefore unwilling to tolerate parades anymore.

3.12 Evidence also showed that the part played by certain sections of the media did not help in that they hyped up the situation and did not always accurately record the facts, examples of which included little attention paid to any compromise by the organisers of parades and Garvaghy Road continually being referred to as Garvaghy Estate.

SOLUTIONS RECOMMENDED FROM EVIDENCE

3.13 In the evidence provided to the Committee the following solutions were suggested.

3.14 It was generally accepted that improved community relations could not be achieved through the repression of legitimate expressions of culture. Evidence provided suggested that a way must be found to accommodate both communities and that both communities had to learn to trust one another and respect each others' susceptibilities and fears.

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3.15 It was apparent from the evidence that there was some diversity of views as to whether contentious parades should be brokered locally or whether a Province-wide solution would be better. It was generally agreed by those who gave evidence that while it was important to listen to genuine representatives of local communities the principle of consent was counterproductive in resolving the Parades issue. Evidence showed that people believed that the principle of consent is contrary to the right of free expression and peaceful assembly and that taken to its lowest common denominator could well result in anarchy.

3.16 Furthermore, evidence given to the Committee advocated tolerance of parades as opposed to the principle of consent as the best way forward. However it was pointed out that while the absence of consent is an important element in the decision making process the principle of consent could not be taken as an overriding or predominant principle. It was also pointed out in the evidence that it would be impossible to judge consent and decide on the level of consent ie 70%, 80% etc.

3.17 Some groups in their evidence proposed the setting up of an independent tribunal which would act as an advisory body to facilitate the RUC in considering any local conflict or to facilitate any disputes that arise over a parade and attempt to bring some form of consensus on the outcome. Other evidence suggested that such a tribunal should have the power to decide which parades lacked sufficient consensus and where there was insufficient consensus the tribunal could appoint a mediator or convene a tribunal for arbitration.

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3.18 However those who gave evidence in favour of an independent tribunal recognised that such a body would in itself bring another set of problems such as the membership, composition and impartiality of the body. One suggestion put forward in the evidence to overcome this problem was that such a body could be set up on a similar basis to the Fair Employment Commission where the people sitting on that body are not widely known and where they work to a set of clearly stated principles.

3.19 While those giving evidence generally agreed that the final decision should rest with the RUC some evidence suggested that the final decision should be a political one rather than one of Public Order. However, where it was indicated that the final decision should lie with the RUC it was noted that the RUC should have clear and unambiguous guidelines which should be made clear to the public. Evidence also suggested that the RUC should be precluded from engaging in mediation and that the role of the Police should be either to uphold consensual arrangements or to enforce rulings made by other authorities.

3.20 It was also clear from the evidence that a Code of Practice which was acceptable to both communities and which should have a legal standing should be drawn up. It was also pointed out that such a code could, inter alia, be useful in setting the standard of behaviour required from marchers and bandsmen but equally describing behaviour acceptable (or not acceptable) from protesters.

3.21 Dialogue was another solution included in the evidence provided to the Committee. Some of the Loyal Orders involved in organising Parades indicated their willingness to talk to the Nationalist community to

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ascertain what exactly was offensive to them and to attempt to come to some agreement. Indeed a few had done so previously. However experience showed attempts to broker deals had not been very successful - signed agreements had been broken at the eleventh hour, agreements reached with representatives of Residents' Groups were rescinded when they had gone back to their respective communities and reports were received that some Residents' Groups had claimed that they were not interested in a compromise.

3.22 Some groups were of the opinion that it would be useful if a formal means of mediation could be found to handle the contentious parades issue successfully and to provide clear guidance on how what have been described as competing rights can be accommodated.

3.23 Other suggestions provided in the evidence to help ease some of the problems surrounding the parades issue included:

- that the Secretary of State should adopt the existing power to register bands - by means of a simple process through the Clerk of Petty Sessions in a Magistrates Court, - the registration could be renewed on an annual basis in the absence from any objection from the RUC;

- that the required period of notification for Parades should be extended from 7 to 28 days to allow more time for discussions of issues arising, for a decision to be made and an opportunity to appeal the decision if necessary. The payment of a nominal fee or a bond was also recommended in some evidence. However the organisers of Parades

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did not agree with the payment of a fee or a bond as they felt that they had already paid their taxes.

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4. INDEPENDENT REVIEW OF PARADES AND MARCHES - A SUMMARY OF 'THE NORTH REPORT'

4.1 The Independent Review of Parades and Marches contains 43 recommendations which are proposed to form the basis for the development of processes and procedures to address the issue of conflict over parades.

4.2 The main focus of the report is on the creation of an independent body, the Parades Commission, which would act as an objective mechanism for groups directly affected by parades to articulate their concerns. This Body would have the remit to develop an educational dimension to facilitate its aims and as well as to promote mediation and encourage local accommodation on marches that are controversial. The Body would also have the function of setting up a mediation groups register and monitoring contentious Parades and Marches.

4.3 The Review also recommends that the Commission should have the final decision over the routing of marches but that in the event of the determination of the Parades Commission being defied the RUC should retain the power to intervene on public order grounds.

4.4 Other recommendations include extending the period of notice of a parade from not less than 7 days to not less than 21 days; activating the statutory provisions with regard to the registration of bands; introducing a Code of Conduct with an appropriate statutory basis to cover the behaviour of both participants in a parade and of protesters and extending the provisions which apply in Great Britain for the control of alcohol at sporting events to those people travelling to parades.

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4.5 The then Secretary of State, Sir Patrick Mayhew made a statement to the House of Commons on 30 January in response to the publication of the North Report. He confirmed that he was going to have a period of consultation, up until the end of March, on the proposal for an independent body to take over the RUC's decision-making powers in respect of parades. He indicated that he would however proceed to set up the commission with its mediation, conciliation and educational roles and with the appointment of the five members to carry out these functions. The independent Parades Commission was set up in March 1997.

4.6 Legislation has already been passed to lengthen the advance notice period for parades and to give the RUC power to confiscate alcohol being carried by individuals travelling to a parade.

4.7 The present Government which assumed power on 2 May has however decided to implement in full the recommendations of the North Report. The necessary legislation is currently being prepared.

4.8 The Committee has addressed the recommendations of the North Report in the following chapter but would, at this point, make the following general comments.

4.9 The Committee would query the body's independence given the pre-determined views which have been publicly stated by some members of the Commission.

4.10 The Committee regrets the failure of the then Secretary of State to consult with Forum elected representatives prior to the implementation of the Commission.

4.11 The Committee notes that such a Commission is being created as another Quango which is not accountable and that no consideration was given to setting up such a Commission as an elected body.

4.12 The Committee is also concerned that the involvement of this Commission could be an obstacle in finding a solution for the Parades issue and that indeed it could possibly compound the problem.

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5. FINDINGS AND CONCLUSIONS

5.1 In order to compile its report the Committee agreed that it needed to investigate certain aspects of the Parades issue and this chapter briefly sets out the Committee's findings and conclusions on the role played by those involved in the parades issue and how it has progressed to the current situation.

5.2 To begin with, the Committee needed to understand how parades by the Loyal Orders were viewed by both sides of the Community.

5.3 In order to understand the views of the Loyal Orders it may be useful at this stage to set out the background and motivation behind each of the main Loyal Orders.

Orange Order

The Loyal Orange Institution was formed in September 1795 and celebrates, by way of parades, the victory of King William at the Battle of the Boyne and other victories of the Williamite campaign in Ireland, for example, the Siege of Derry, the Resistance of the Enniskillen men and the Battle of Aughrim. The Williamite campaign in Ireland has historical importance as it brought about the transition of the British Isles from an absolute monarchy to a parliamentary democracy. The Loyal Orange Institution advise that the Battle of the Boyne is celebrated not because the victory guaranteed a Protestant Ascendancy (given that Presbyterians were never part of that Ascendancy), but rather because it guaranteed civil and religious liberty for all. This philosophy remains

central to the ethos of the Order and explains why refusal by certain groups to accept this philosophy is difficult for the Orange Order to comprehend.

In addition, the Orange Order celebrate the Battle of the Somme in memory of those from both sides of the community who sacrificed their lives.

Royal Black Institution

The Royal Black Institution was formed in September 1797 and is a sister organisation to the Orange Institution but sees itself as concentrating more on religious matters than the Orange Order. The aims and objectives of the Royal Black Institution are based on Christian teaching as found in Holy Scripture and on the principles of Reformation. The members are encouraged to study the Scriptures and to participate fully in the life and witness of the Christian Church. They are also encouraged to act charitably and to be good citizens of their respective countries. The Royal Black Institution organises processions as a public manifestation of their Christian Faith.

Apprentice Boys of Derry

The Apprentice Boys of Derry is an historical organisation which holds parades to commemorate two principal events - the closing of the city gates by 13 apprentice boys in December 1688 and the relief of the siege of the city in August 1689. The Apprentice Boys of Derry is independent from the other Loyal Orders although many members are

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also Orangemen. The first Apprentice Boys Club was formed in 1714 but the present organisation dates to 1814.

5.4 The representatives of the Loyal Orders firmly assert that parades are very much part of their tradition and heritage, an expression of their cultural identity and commemoration of their past. Evidence of this was given to the Committee as follows:

"Parades, therefore, are very much part of the Orange tradition and heritage, as 200 years ago the founding fathers decided that parades were an appropriate medium to witness for their faith and to celebrate their cultural heritage.

(Loyal Orange Institution)

"Processions to and from the service of Worship are an integral part of the public manifestation of our Faith, in an endeavour to encourage others to join us and to participate in the benefits derived by coming together for Public Worship."

(Royal Black Institution)

"We go out to remember - to commemorate our past in the manner that has been laid down for us via our tradition and our culture."

(Apprentice Boys of Derry)

5.5 The Loyal Orders also believe that the basic human right to assemble is a cornerstone of democracy and stressed that the aim of their parades is neither to exhibit triumphalism of one community over the other nor to be offensive but rather to celebrate cultural, religious and historic events.

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5.6 The Loyal Orders also believe that there is a sense of confidence and pride in taking part in a parade which gives the impression of continuity through time and therefore a security of identity to those taking part.

5.7 Only a minority of Protestants in Northern Ireland are members of the Loyal Orders but the Committee notes that the Northern Ireland-wide survey commissioned by the North Commission indicates that 86% of Protestants in the sample said that they were sympathetic or very sympathetic to the concerns of the Loyal Orders.

5.8 Unfortunately the Committee was unable to obtain any views directly from the Nationalist community, however information on their views on parades was available to the Committee from other sources. During the course of evidence given to the Committee the Community Relations Council indicated that from the Council's experience Nationalists do not understand the need for parading and that until recently parades had been tolerated by the Nationalist community. The North Report confirms this view and states

> *".....it was put very clearly to us by a broad spectrum of Nationalist opinion who commented that, in a considerable proportion of these areas (all parts of Northern Ireland) the Nationalists had not enjoyed the spectacle of parades. To quote a term that was used on a number of occasions, parades in such areas were at best "grudgingly tolerated" and had been for many years".*

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5.9 Other evidence given to the Committee indicates that Nationalists believe Orange marches to be sectarian and triumphalist and that it is the Nationalists' perception that there is a continuing attempt to show the domination and the in-state status of the Orange and other Orders (as opposed to the out-state position of Nationalists). This, the Nationalists believe, is a throw-back to the past, is associated with past wrongs and therefore intolerable.

5.10 Neil Jarman and Dominic Bryan in their discussion document, Parade and Protest - A Discussion of Parading Disputes in NI state

".....One member of a residents group explained the resentment to Orange Parades simply: it is about oppression, continued oppression.

The perception that the Orange Institution is an 'instrument of oppression' is drawn firstly from the understanding that the commemoration of the Battle of the Boyne is 'triumphalist' - the commemoration of a victory of Protestants over Roman Catholics - and secondly from the actual experiences of many Catholics since Northern Ireland was established. ....."

".....The Orange Institution, however, is seen as more than simply symbolising triumphalism. It was, and to a certain extent is, part of the Northern Ireland state, from which many Catholics feel alienated....."

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5.11 **It is therefore evident to the Committee that parades by Loyal Orders are viewed very differently by both sides of the community and that the respective groups do not understand each other's views and consequently misinterpret each other's actions.**

5.12 **The Committee concludes that, as is the case in a democratic society, the fundamental right of freedom of assembly and procession must be upheld.**

5.13 Recognising that the lack of understanding between communities was a major hurdle to be overcome, the Committee decided to ascertain if the nature, frequency or routing of parades was likely to have contributed in any way to the protests against parades organised by the Loyal Orders. There are several categories of parades held by the Loyal Orders - all of which the Loyal Orders advise have a different purpose. The main categories are as follows:

Main Commemorative Parades

These parades are regarded as the most significant events of the marching season and include for example the parades held each year throughout the Province by the Orange and Black Institutions on the Twelfth of July and 13 July respectively to mark the Battle of the Boyne; Black demonstrations at 6 venues throughout the Province on the last Saturday in August and the Apprentice Boys 'Relief of Derry' on or near 12 August. These parades are likely to attract the largest number of participants and onlookers.

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Feeder Parades

These parades are usually held by local lodges, preceptories and branches on the day of the main commemorative parades and involve a short parade by the local lodge, preceptory or branch from their hall to a point of departure for the main parade or in some cases to the start of the main parade. These parades may be through part of the local town or village.

Local Parades

These parades are in addition to the main commemorative parades and may commemorate more localised events or anniversaries. This category would also include Orange 'mini-twelfth' parades which are held from mid-June to the beginning of July and Somme commemoration parades which are held on, or near to, 1 July. Also included in this category would be parades for the unfurling and dedication by a cleric of a local lodge's new banner which would take place around a local area and to which other lodges would be invited.

Church Parades

All lodges parade to and from church services held on a number of Sundays throughout the 'marching season'. Lodges will parade from their hall to the appropriate church and usually other lodges are invited to attend these parades.

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5.14 The Loyal Orders stressed that all parades have some celebrative or commemorative motivation behind them and that they are not held to create problems, or to give offence. They pointed out that their parades proceed along main arterial routes and through commercial areas and not through Roman Catholic housing estates or streets leading off main roads as had been inaccurately reported in the media.

5.15 Evidence given suggested that the number and frequency of Loyal Order parades cause great irritation for some within the Nationalist community. Jarman and Bryan in their discussion document Parade and Protest note that:

> *"The number of parades that take place appears to many Nationalists to be threatening and a constant irritation. All the organisations seem to be the same to them - Orange, Black, Apprentice Boys - the same people with the same bands. The reasons for the parades appear to be just another excuse to impose themselves in areas where they are not wanted; it is argued that it is not necessary to hold a parade to go to church....."*

5.16 The Loyal Orders however claim that the number of parades has reduced throughout the years and gave evidence as follows:

> *"Within No 10 District, if we go back to the 1970s and 1960s, nearly every individual lodge floated its banner - which would involve a parade around various parts of the Ormeau Road. No lodge now does that on the Ormeau Road. Individual lodges only parade if they get a new banner and wish to unfurl it on parade.*

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Other parades have also been curtailed. We combined the main district parades into one district parade. When that parade became difficult to manage, we actually took it away from the contentious area."

(Ballynafeigh District LOL
of the County Grand Orange
Lodge of Belfast)

"This walk is the only one left out of a total of 10 which involved walking through areas where people claimed to be offended. In fact a decision was made by Portadown Lodges in 1995, after the first parade at Drumcree was stopped, that they would re-route themselves on 12 July morning, walk away from the Garvaghy Road area and actually go on to Northway. We, therefore, believe that we have given enough and have no more left to give."

(Portadown LOL of the County Grand Orange Lodge
of Armagh on parade along Garvaghy Road)

"Prior to 1968, up to 1970 the walls were open and the Apprentice Boys paraded. We used to parade on the walls twice a year, on 12 August and 18 December. Because of the situation we decided that we would only parade on the walls once a year, and that would be 12 August, which would be the main parade day."

(Apprentice Boys of Derry)

5.17 Nationalists further claim that certain aspects of parades could have a threatening and intimidatory effect and informed the North Commission that these include the number and behaviour of bands, their paramilitary

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appearance and colour parties, the behaviour of some of the 'hangers-on' and - on occasions - the numbers of marchers themselves.

5.18 Jarman and Bryan in their discussion document Parade and Protest also note that

> *"There is much about a parade that can be perceived as triumphalist. The banners carry images of battle and individuals deemed central to the Protestant cause. Not only is King William's sword invariably aloft, but the ranks of the individuals on parade are guarded by weapons such as swords and pikes, albeit that these weapons are symbolic and ceremonial".*

5.19 However, the Loyal Orders explained to the Committee that they view Orange Parades as a display of pageantry and that the flags carried are full of cultural, religious and political symbolism as well as adding to the colour of the occasion. They advise that each Lodge chooses the picture to be painted on the banner and they vary from historical events (eg William crossing the Boyne, Battle of the Somme); religious scenes or historical personages like Carson, Churchill, Kings and Queens; portraits of deceased members of that particular lodge and local scenes like local churches and historical buildings.

5.20 The Loyal Orders have not ignored the attacks and criticisms made on their parades, for example all bands engaged by the Loyal Orders must sign a Conditions of Engagement contract which comprises of clauses covering uniformity and dignity on parade, intoxicating liquor, bands attending church services, the use of hymn tunes and sacred march

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arrangements at church parades as well as the carrying of flags. The Orange Order confirmed that sanctions against bands breaking the condition of engagement have included for example a blanket ban on Orange Lodges engaging the offending band in the future.

5.21 The Orange Order admitted that at times there were actions by certain members which were disappointing to say the least but confirmed that disciplinary action was taken against them. All the Loyal Orders confirmed that they have an internal code of conduct in place governing the conduct of members and if contravened sanctions with varying degrees of severity are imposed which can include members being suspended or expelled. Marshals are appointed by each of the Loyal Orders for the purpose of ensuring that those who take part in the processions adhere to the strict regulations of each Order.

5.22 However, the Loyal Orders believe that while they are willing to be responsible for managing the good conduct of those participating in parades, they cannot be expected to steward observers or "hangers-on". They believe that the responsibility for ensuring good behaviour of such members of the public must properly remain with the RUC.

5.23 **The Committee notes the concerns regarding parades which have been voiced by the Nationalist community but concludes that the Orange Order have made some attempt to meet the criticisms presented by the Nationalist community. It further concludes that more work is however required to increase the understanding between the two communities and lessen the consequential**

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misperceptions and misinterpretations surrounding the parades issue.

5.24 **The Committee also believes that action taken by the Loyal Orders against the members who do not comply with the internal code of conduct should be made more transparent to demonstrate to the public that the actions of offending members are not ignored.**

5.25 **The Committee also concludes that inaccurate and insensitive reporting by the media is unhelpful.**

5.26 The Committee recognises that historically there are examples of trouble surrounding some parades but notes that even throughout the period of the troubles in Northern Ireland and the many terrible atrocities which occurred during this time, the confrontations were not of the same intensity and frequency as those which have emerged across the Province in recent years. The Committee also notes from the evidence received that the parades by Loyal Orders are carried out in the same manner or fashion as has been done over the years and that they cannot identify any factors which would have provoked this recent spate of protests.

5.27 When questioned by the Committee on this issue the Community Relations Council stated that:

"a sort of visible contestation has emerged since the ceasefires. The contestation over parades is in part at least a proxy conflict about the wider Northern Ireland conflict - so the Northern Ireland conflict has partly been played out on the streets. It is symbolic

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activity about the wider Northern Ireland conflict. That is the first thing. The second is that with many Catholics, parades were tolerated although they were not particularly liked. Part of what has happened since the ceasefires is that many Nationalists are saying we want things to be different - so the contestation about parades is partly about wanting things to be different ....."

"Just to add to that and to a certain extent a change in demography. This means that parades are sometimes going through areas that were perhaps shared - or were Protestant and are now Catholic....."

5.28 The Loyal Orders are however convinced that Sinn Fein have been instrumental in orchestrating counter-protests to legal parades by Loyal Orders and have manipulated and exploited residents' groups and the Parades issue to advance their own agenda. This is reinforced by the fact that several residents' groups are fronted by spokespersons who are members of Sinn Fein.

5.29 Confirmation of this conclusion is given by a recent report by RTE's Prime Time programme which quoted the following extract from a speech by Gerry Adams, the Sinn Fein president, to party officials:-

"Ask any activist in the North did Drumcree happen by accident and they will tell you 'no'. Three years of work on the Lower Ormeau Road, Portadown, in parts of Fermanagh and Newry, Armagh and in Bellaghy and up in Derry.

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Three years' work went into creating that situation and fair play to those people who put the work in. These are the type of scene changes that we have to focus in on and develop and exploit."

5.30 **The Committee having reviewed all the evidence placed before them concludes that Sinn Fein have been instrumental in orchestrating counter-protests to legal parades by Loyal Orders and have manipulated and exploited residents groups and the parades issue to advance their own agenda.**

5.31 **The Committee also believes that following the ceasefires community expectations were lifted to unrealistic levels and Nationalists believed that parades was one area where things would be different.**

5.32 **The Committee was also disappointed to note that the North Commission made no mention of Sinn Fein/IRA and the role they have played in creating disorder.**

5.33 The Loyal Orders have come under some criticism in the media for not entering into dialogue with members of the residents groups. However the Committee accepts that the involvement of Sinn Fein/IRA in the parades issue makes genuine accommodation between organisers and protesters more difficult because Sinn Fein has identified and developed an issue they can and will exploit. **However the Committee notes that attempts had been made by the Loyal Orders to broker local agreements between members of the Loyal Orders and concerned residents, but that these agreements were rejected when the**

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representatives of the concerned residents had gone to seek endorsement from their community or that the Loyal Orders had received reports from some residents groups that they were not interested in a compromise. These facts are however seldom reflected in the media.

5.34 Representatives of the Presbyterian Church in Ireland told the Committee:

> *"Whilst not wanting in any way to disclose the confidential nature of the discussions that we had at the time of Drumcree, there was certainly a very strong, outgoing attitude on the part of the Orange representatives who were making representations to the Garvaghy Road representatives. They were prepared to go a fair distance with what they were trying to use, not as a bargaining point, but as the basis of an agreement - how they could arrive at a just and equitable settlement of the situation. Time really was against the possibility of that succeeding then ....."*

5.35 Recognising the difficulties that meaningful dialogue posed between the organisers and the protesters the Committee set out to ascertain what role mediation had played in the parades issue, how successful it had been to date and if there was a role for mediation in future hostile parade situations. The Mediation Network advised the Committee that they had been addressing the parades conflict since being invited to Portadown in May 1995. They advised that some parade conflicts are solvable and are therefore open to what they call a process of conflict resolution; but some are not. In these more intractable situations it may be realistic to

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design strategies to manage the conflict. The Mediation Network recognise that it is unrealistic to expect dialogue to take place between the Loyal Orders and residents and that they are providing a third-party intervention to whom both sides should feel confident to speak to and who can reasonably hope to deliver on any arrangements which might ultimately be agreed. They feel that third parties should only become involved when the people concerned cannot sort it out themselves and they recognise that they have to be careful that they do not become colonised or manipulated by one side or the other in the parades conflict.

5.36 Unfortunately the Mediation Network did not feel that they were in a position at this time to give an indication of their successes to date because many of the parade situations in which they have been involved are still too recent, outgoing and sensitive. However they pointed out that in some situations which could be viewed in the immediate term as a failure they have found from experience that within these failures certain seeds get planted that people want to return to later.

5.37 **The Committee believes that mediation will have a role in promoting greater understanding but concludes that it will only be productive and worthwhile if it is initiated and carried out by those people involved in any contentious parade or protest and if the mediatory body can deliver on any arrangements which might ultimately be agreed and do not adjudicate or issue personal statements regarding any of the situations in which they are involved.**

5.38 Another organisation which has been criticised for their role in the parades conflict is the RUC. Unfortunately, while the RUC were willing

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to provide evidence to the Committee, they requested that it remain confidential.

5.39 The Committee has already acknowledged in this chapter that in a democratic society the right to parade must be upheld. With such a right the Committee has accepted that there is a responsibility on the part of the organisers but notes that additionally there is a duty on the part of the RUC to ensure the maintenance of public order.

5.40 The legislation which governs the policing of parades is the Public Order (Northern Ireland) Order 1987 . This Order provides a legal framework for the maintenance of order at public meetings and processions and is applicable to those parading and protesting. Article 4.1 of the Order sets out the legal parameters whereby a senior police officer, having regard to the time or place, and the circumstances in which any public procession or meeting is being held, or is intended to be held, and to its route or proposed route, may impose conditions. Conditions can only be imposed if the officer reasonably believes that serious public disorder, serious damage to property , serious disruption to the life of the community may occur, or if the purpose of the persons organising the parade is the intimidation of others. The purpose of conditions imposed by the police is to prevent such disorder, damage and disruption or intimidation and they can include restrictions on the route of the parade or prohibit entry to a specified place.

5.41 The Public Order (NI) Order 1987 is generally opposed by Unionists/ Loyalists because of what they see as the input of the Government of the

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Republic of Ireland into the framing of the legislation in the removal of the protection for traditional parades.

5.42 Evidence given to the Committee as set out in paragraph 3.7 of this report shows that it is generally believed that this legislation is flawed and the Loyal Orders indicate that as a result the RUC have chosen to take action against the legal parade rather than the illegal opposition to the parade. This legislation is therefore seen to be rewarding those resorting to the greatest level of violence and is additionally seen as a law breakers charter.

5.43 Unfortunately, the recent experience of the Loyal Orders is that agreements regarding parades which have been made in good faith with senior Police Officers have quickly been set aside when threats of violent protests from other groups have been initiated. The role of the police in such situations, rather than applying the powers invested in them by the legislation, would appear to have been reduced to intermediaries. This role places the police in the most invidious position and has the effect of undermining the credibility of the relevant legislation. It also places the organisers of legally notified and agreed parades under duress and feeling that the police have given no regard to the rights of those wishing to parade.

5.44 The perception by the Loyal Orders is that political decisions are dictating policing policy. They believe that all public order decisions must be clearly decided upon by the Chief Constable without interference or constraints from any political source.

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5.45 In this context the Loyal Orders also indicated that the continuing interference of the Government of the Republic of Ireland in the parades issue through the Maryfield Secretariat has been provocative and unsettling. Representatives from the Presbyterian Church during the course of giving evidence confirmed that:

> *"We as a church in our dealings with the Irish Government have said very clearly that it is unhelpful when they are perceived to be interfering in the affairs of Northern Ireland."*

5.46 **The Committee therefore concludes that for reasons already set out in this report the Public Order legislation is inadequate and provides incentives to threaten disorder in opposition to parades. It further concludes that the removal of the protection of traditional parades under the legislation is a contributing factor to the current situation**.

5.47 **The Committee accepts that the North Report recognises the inadequacies in the Public Order (Northern Ireland) Order 1987 but is disappointed to note that the report did not make any recommendations as to how the legislation should be changed.**

5.48 **The Committee further concludes that the involvement of the Government of the Republic of Ireland in the decisions about banning or re-routing of parades is unhelpful.**

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5.49 **The Committee concludes that the final decision regarding the routing of parades must remain with the RUC as it believes that decisions which could ultimately affect the stability of a community should remain with the body which has the expertise to deal with such matters.**

5.50 **The Committee believes that the RUC must take the appropriate action against the law-breakers and recognise any agreement which has been reached with those organising parades.**

5.51 **The Committee does not therefore agree with the main recommendation in the North Report that an independent Parades Commission should be established to assume the responsibility for making the final decisions on the banning of or imposing conditions on Parades.**

5.52 **The North report also recommends that the Parades Commission should have the remit to promote mediation and conciliation. However the Committee does not believe that a body can be both a mediator and adjudicator. The Committee has already indicated in this report that there may be a role for mediation but firmly believes that procedures which relate to mediation must be kept quite separate from those relating to decision-making.**

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6. RECOMMENDATIONS

6.1 The Committee recognising the lack of understanding between the two communities recommends the implementation of a programme explaining the culture and tradition behind traditional parades by the Loyal Orders.

6.2 The Committee recommends that consideration should be given, in consultation with the organisers of parades, for the implementation of a Code of Practice based on the those currently operated by the Loyal Orders. The Committee therefore recommends that in this respect it should commence discussions with the Loyal Orders without any delay. Such a Code of Practice could then be adopted by other bodies organising parades.

6.3 The Committee recommends that the Government addresses the flaws contained in the Public Order legislation so that the law will recognise the fundamental right of peaceful assembly and procession by all legal organisations not supporting terrorism, and not reward those resorting to the greatest threat of violence, which it does at present.

6.4 The Committee recommends that the RUC should ensure the proper enforcement of Article 7 of the Public Order (NI) Order 1987 and strongly urges the RUC to ensure that the law is enforced equitably and fairly.

6.5 The Committee also recommends that traditional parades should be given protection under the public order legislation.

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6.6 The Committee recommends that HMG should make it clear to the Government of the Republic of Ireland that parades should remain a matter for the people of Northern Ireland and that their interference in the parades issue is unhelpful and exacerbates tensions.

6.7 The Committee recommends that it should make representations to the Secretary of State, Minister for Security and the Chief Constable to discuss the findings of this report.

6.8 The Committee recommends that it continues to monitor the situation surrounding the Parades issue and believes that there may be merit in the Committee viewing some parades throughout the summer.

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MR C WILSON
(Chairman)

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APPENDIX A

MEMBERSHIP OF STANDING COMMITTEE A (PUBLIC ORDER ISSUES) FOR EXAMINATION OF PARADES ISSUE

Ulster Unionist Party	-	Mr J Donaldson MP - Vice-Chairman Mr R J White Mr J Rodgers Mr I Davis
Democratic Unionist Party	-	Mr N Dodds Mr J McKee Mrs I Robinson (substituted by Ian Paisley Jnr) Mr M Carrick
Alliance Party	-	#Mr S McBride #Sir O Napier
Ulster Democratic Party	-	*Mr J English
UK Unionist Party	-	Mr C Wilson - Chairman
Labour	-	ºMr H Casey
NI Women's Coalition	-	º*Mrs B McCabe

*attend the Committee on behalf of the party under Rule 14(4)(a) of the Forum Rules of Procedure.

#resigned from the Committee on 24 February 1997.

ºresigned from the Committee on 28 February 1997.

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APPENDIX B

GROUPS AND ORGANISATIONS INVITED TO MAKE SUBMISSIONS TO THE COMMITTEE

ORGANISATION	DATE CONTACTED	DATE SUBMISSION RECEIVED BY COMMITTEE
Police Authority NI	30 SEPTEMBER 1996	20 FEBRUARY 1997
The Boys' Brigade	30 SEPTEMBER 1996 16 SEPTEMBER 1996 13 FEBRUARY 1997	
The Catholic Boy Scouts of Ireland	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	
The Catholic Guides of Ireland	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	
Girl Guides	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	
The Girls' Brigade	30 SEPTEMBER 1996 16 DECEMBER 1996	
Independent Orange Order	8 OCTOBER 1996	24 OCTOBER 1996
RUC	30 SEPTEMBER 1996	7 NOVEMBER 1996
Portadown LOL	8 OCTOBER 1996	17 OCTOBER 1996
The Grand Orange Lodge of Ireland	8 OCTOBER 1996	16 JANUARY 1997
The Royal Black Institution	30 SEPTEMBER 1996	12 DECEMBER 1996
Donegall Pass Community Group	30 SEPTEMBER 1996	17 OCTOBER 1996
Lower Ormeau Concerned Community	30 SEPTEMBER 1996 13 FEBRUARY 1997	
Garvaghy Road Residents' Association	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	
Bogside Residents' Group	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	
Bellaghy Concerned Residents	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	
The Ancient Order of Hibernians	30 SEPTEMBER 1996 16 DECEMBER 1996 13 FEBRUARY 1997	

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ORGANISATION	DATE CONTACTED	DATE SUBMISSION RECEIVED BY COMMITTEE
The Apprentice Boys of Derry	30 SEPTEMBER 1996	
Cardinal Cathal Daly Catholic Church	30 SEPTEMBER 1996	
The Northern Ireland Scout Council	30 SEPTEMBER 1996	18 NOVEMBER 1996
The Methodist Church in Ireland	30 SEPTEMBER 1996 13 FEBRUARY 1997	
Green Party	30 SEPTEMBER 1996	7 NOVEMBER 1996
Church of Ireland	30 SEPTEMBER 1996 12 DECEMBER 1996	
Presbyterian Church in Ireland	30 SEPTEMBER 1996	4 OCTOBER 1996
Workers' Party	17 DECEMBER 1996 13 FEBRUARY 1997	
The Mediation Network for NI	17 DECEMBER 1996	30 JANUARY 1997
Democratic Left	17 DECEMBER 1996	23 JANUARY 1997
Cardinal Sean Brady Catholic Church	17 DECEMBER 1996	23 JANUARY 1997
Bishop Francis Brooks Catholic Church	17 DECEMBER 1996	
Bishop Seamus Hegarty Catholic Church	17 DECEMBER 1996	
Bishop Patrick Walsh Catholic Church	17 DECEMBER 1996	
Mr David Trimble MP *UUP*	5 NOVEMBER 1996 18 DECEMBER 1996	23 JANUARY 1997
Rev Dr I R K Paisley MP MEP *DUP*	5 NOVEMBER 1996 18 DECEMBER 1996	30 JANUARY 1997
Mr John Hume MP MEP *SDLP*	5 NOVEMBER 1996 18 DECEMBER 1996 22 JANUARY 1997 11 FEBRUARY 1997	
The Lord Alderdice *Alliance*	5 NOVEMBER 1996 18 DECEMBER 1996	9 JANUARY 1997
Mr R L McCartney QC MP *UKUP*	5 NOVEMBER 1996 18 DECEMBER 1996	30 JANUARY 1997
Mr H Smyth *PUP*	5 NOVEMBER 1996 18 DECEMBER 1996	20 FEBRUARY 1997
Ms M McWilliams *NIWC*	5 NOVEMBER 1996 18 DECEMBER 1996	30 JANUARY 1997
Mr M Curran *Labour*	5 NOVEMBER 1996 18 DECEMBER 1996 14 FEBRUARY 1997	
Mr G McMichael *UDP*	5 NOVEMBER 1996	14 NOVEMBER 1996

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APPENDIX C

STANDING COMMITTEE A

(PUBLIC ORDER ISSUES)

WRITTEN AND ORAL EVIDENCE

Written Evidence:

Written Evidence has been received from the following:

- Green Party
- Young Men's Christian Total Abstinence
- Grand Orange Lodge of Ireland
- University of Ulster Centre of Conflict
- Presbyterian Church in Ireland
- SACHR
- Scout Association
- Independent Orange Order
- Donegall Pass Community Group
- Portadown District LOL
- Dr Clifford Smyth
- W B Mitchell
- Ms E Calvert, Loyal Women of Ulster
- Stephen Boyd
- David Swann
- David Robinson
- Mrs Gladys Nixon
- Ulster Democratic Party
- Community Relations Council
- The Royal Black Institution
- Geoffrey Mitchell
- Alliance Party (NI)

- Democratic Left (NI)
- Cardinal Sean Brady (Roman Catholic Church)
- Ulster Unionist Party
- Northern Ireland Women's Coalition
- Democratic Unionist Party
- UK Unionist Party
- Mediation Network Of Northern Ireland
- Ms Julie Craig
- Professor Tom Hadden (QUB) and Anne Donnelly
- Police Authority (NI)
- Progressive Unionist Party
- NI Flute Band Association

Oral Evidence:

07.11.96	RUC (Evidence to remain Confidential)
14.11.96	Community Relations Council
21.11.96	Presbyterian Church in Ireland
"	Mr D Bryan and Mr N Jarman Centre for the Study of Conflict (UUC)
09.01.97	Royal Black Institution
16.01.97	Grand Orange Lodge of Ireland
23.01.97	Portadown LOL
"	Ballynafeigh LOL
30.01.97	Mediation Network of Northern Ireland
06.02.97	The Apprentice Boys of Londonderry
"	Rev Ian Paisley MP MEP/Dunloy LOL
07.02.97	Mr Robert McCartney MP
"	Mr David Trimble MP
14.02.97	Mr David Trimble MP (Contd)
20.02.97	Professor Tom Hadden and Anne Donnelly
	Mr Robert McCartney MP (Contd)

GMcK85.WM