

Parades Commission for Northern Ireland

Fifth Annual Report
1 April 2002 - 31 March 2003

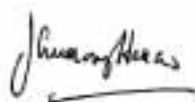
Presented to the Secretary of State for Northern Ireland
pursuant to Schedule 1 (13) to the Public
Processions (Northern Ireland) Act 1998



Rt. Hon, Paul Murphy, MP
Secretary of State for Northern Ireland
Secretary of State's Private Office
Northern Ireland Office
Block B,
Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Dear Secretary of State,

I have pleasure in submitting to you, as required by Schedule 1 (13) to the Public Processions (Northern Ireland) Act 1998, the Annual Report of the Parades Commission for Northern Ireland for the year 1 April 2002 until 31 March 2003.



Sir J. Anthony Holland
Chairman

content

chairman's report **6**

centre pull out section

commission members **11**

statistics **12**

accounts **14**



Chairman's report

Introduction

This is the fifth Annual Report of the Parades Commission. It covers the third full year of activity of the present members, from April 2002 to the end March 2003.

We entered the summer of 2002 with some hope that contentious parades could be less of an issue than in previous years. This was not to underestimate the fact that contentious parades are generally the evidence of contentious locations, which remained much as before, but we hoped that the quiet progress we had experienced was beginning to reap quiet rewards in some locations.

Taken broadly across Northern Ireland, this hope was justified. The Commission's determinations, which yet again were only imposed on a very small percentage of all parades, were generally respected. There were a small number of disappointments in terms of unlawful behaviour by protesters or by those on parade, for example in Belfast and Portadown.

Portadown has been the subject of a year-on-year de-escalation, both in terms of the police and army precautions deemed necessary in advance of the Sunday return church parade, and in the improving conduct of Portadown LOL No 1 District and its supporters.

This reflected the growing sense that the scenes of violence in previous years conveyed damaging and negative perceptions about the Orange Order, about parades and about Northern Ireland to audiences around the world – and that there was a determination on all sides that this must not be allowed to continue.

It was therefore doubly regrettable that a small number of those present destroyed the dignity and impact of the peaceful handing in of a letter of protest, by mounting a vicious attack on the police. We are all too well aware of the power of television pictures to create instant perceptions and on this occasion the

perception, indeed the reality was that Drumcree 2002 was again marred by the violent behaviour of a few.

2002 in perspective

The numbers have not changed a lot. While the parades legislation covers all forms of parade – including civic, uniformed youth organisations, pageants and ex-service – the vast majority of parades are still notified by the loyal orders and bands.

In the year under review, the total number of parades notified was 3280, a reduction of 21 from 3301 the previous year. Those considered contentious numbered 191 (220 in 2001/2) and determinations imposing conditions were issued on 137 (down from 152 in 2001/2). The figures of contentious parades and of determinations are to some degree distorted by the notification of a Drumcree return church parade on nearly every Sunday throughout the year, without which these two figures would each be lower by around 40.

Authorised Officers

The work of the Authorised Officers has really matured during the year to the extent that their ability to work on the ground in difficult areas and to provide valuable insights to the Commission on the state of community relations and the prospects for progress has assumed ever-increasing importance.

The Authorised Officers are not employees of the Parades Commission and are available for contact by parade organisers or people with concerns about parading. They can help improve communications between the various interests involved in any parading situation.

They are there to encourage and facilitate mediation where that is appropriate and possible. Their wide acceptance by the communities in which they work continues to grow, and with it their increasing value in trying to find resolution to seemingly intractable problems.

The work they do is often unrecognised and difficult, operating as they are in a frequently highly charged and emotional situation. But by building up trust and respect for their impartial efforts, they increasingly find that they are able to create a bridge of communication where none may have existed before.

Within the Commission, their input has growing value and influence and they have been able to assist the Commission's understanding of some contentious parades, particularly where local attitudes are not always reflected in the noisy utterances of some.

We continue to value their services and to be indebted to them for their unstinting work.

The Quigley Review

The Parades Commission made its views on parading issues available to the Review carried out by Sir George Quigley during 2001/2.

The Government has yet to review the results of its consultation exercise and to decide on the way in which it wishes to proceed.

That being so, it would be invidious to speculate or comment about the proposals made.



It is however valid to comment on the issue of the need for change and to see that need in the context of where the Commission has come from and what it has achieved.

When the Public Processions Act came into law, in 1998, it was to find a better way of dealing with contentious parades. Is it a perfect model? - probably not. There is no doubt that it has worked, but it could be so much more effective with positive co-operation from parade organisers. But those who most advocate change need to reflect carefully on whether a better model is available that works in the context of Northern Ireland.

The introduction into UK law of the European Convention on Human Rights has generated challenges to some aspects of the Commission's work, particularly in the areas of natural justice and transparency. We are very aware of these. However we are on record both of defending our procedures while striving to bring greater transparency into our methods – balancing this with what we see as the all important need to ensure the confidentiality of the advice, information and representations presented to us and of those who do so.

We have publicly questioned proposals to make our procedures any more legalistic than they already are. More legalistic invariably

means more time consuming procedures probably at greater expense and at the risk of expensive lawyers. It is difficult to see how, at the busiest times of the year this could be accommodated within current structures.

We would prefer to work with parade organisers and others to see how the human rights debate – which is a valid one – could be advanced to consider human needs, human interests and human dignity in a parading environment.

The Common Principles

Our work during the year led to the more recent publication of what we have called 'Common Principles'. These are detailed in full in the pull out section to this report. The idea for them arose out of discussions about how the Commission applies the criteria formally laid down in the Statutory Guidelines, and how to improve transparency of the way in which the Commission reaches its decisions. As we say in the document, these represent a general approach, rather than a specific one and are not to be seen as overriding the Code of Conduct or the Guidelines. They are common sense and have we believe been well received in providing greater clarity on what the Commission regards as important when weighing up different situations.

The Common Principles

The principles cover the

1. Communication by Parade Organisers

(favourable view will be taken of attempts to find accommodation)

2. Communication by Residents' Groups

(requested restrictions will be less likely if no positive response to organiser's approaches)

3. Peaceful Protest

(previous lawful/peaceful protest is more likely to ensure sympathetic hearing)

4. Volume of Parades

(too many parades in sensitive areas may lead to curtailment)

5. Quality Parades

(engagement and good conduct may lead to some easing of historic restrictions)

6. Timings of Parades

(morning parades in contentious areas are preferable; late evening parades in general are less acceptable)

7. Conduct of Parades

(restrictions are more likely following poor conduct or paramilitary displays)

8. Public Disorder

(threat of disorder is not automatically the only or overriding factor)

9. Responsibility for a Parade

(Organiser is responsible for conduct and all participants)

Focus on Conduct and Behaviour

We have been made increasingly aware of resentment throughout the communities about breaches of the Code of Conduct and of anti-social behaviour, both by parade participants and by their supporters on occasions.

Often, the complaint takes the form of asking what the Commission is doing about it – either to tackle actions which are illegal, or to take sanctions against those whose behaviour is deemed unacceptable.

The Parades Commission is not an enforcement agency and has no power to prosecute. This means that it is a matter for the police to gather evidence of law-breaking and to seek to prosecute the perpetrators. We

have had many discussions with officers of PSNI on this and we recognise the difficulties they experience in this regard.

Equally, reports of anti-social behaviour may on occasions be merely anecdotal and just as it is difficult to

identify minor offenders

within a large crowd at any large public event, the problems at parades can be similar. We are reassured that the PSNI does all within its power to deal effectively with this.

It would be better however if those organising parades and protests were to understand better and more precisely the nature of their responsibilities in that role. There is good evidence that this is indeed happening and – where it is not - we would encourage others to be more sensitive and aware of the impact of conduct and behaviour on the communities most affected by their event.

There is a considerable burden of responsibility in law on an organiser and we and the Authorised Officers will continue to emphasise just what this involves – from communication in advance of an event to

ensuring that all participants are aware of all details of the event (and of any determination), to managing the event in accordance with the Code of Conduct, Public Order and Health and Safety regulations, and Human Rights legislation.

When things go wrong – the costs

Whatever progress has been made on contentious parades since the introduction of the Public Processions Act in 1998, and the work of the Parades Commission over the past 5 years, there are still considerable costs to all communities in Northern Ireland arising from the failure to completely resolve all the issues involved.

Many of the human and social costs cannot be separated from the ongoing political situation, from the effects of paramilitary activities and from the widespread lack of trust, respect and tolerance which is endemic in many parts of Northern Ireland.

We recognise that it would be unrealistic to expect parades to take place unopposed and without objections in those places where communities are polarised and where the evidence of sectarianism is never far below the surface.

Contention over parades is a visible sign of tensions within communities.

At the same time where progress has been made, there is evidence that the process of communities addressing the issue can be a stepping-stone to discussions about a wider range of local social and political issues. Conversely, where communities already have common concerns which they have established mechanisms to address, the subject of parades can become another useful item on the agenda.

The costs to society of failing to resolve parading issues cover the disruption, intolerance and further strained relationships which are all too apparent. The prize for finding resolution is therefore equally apparent.



Little is generally made of the other costs – the financial and commercial ones. From time to time the negative effect of pictures and stories of mayhem in Northern Ireland flying around the world has been spelt out, only to be met with a shrug. At the same time, incidences of violence at parades has diminished considerably and that is to be welcomed.

However the financial costs remain – perhaps £20,000 to cover the police necessary for a parade of 500 in an interface area on a Saturday evening - or millions of pounds in PSNI manpower costs covering the busiest parading period from mid-June to the end of July.

Society is entitled to ask why the public purse should carry this burden when there are so many other social demands for health, education and so on. That is perhaps a wider question for Northern Ireland, but people should not lose sight of the fact that parades and associated protests have costs – in social terms, in community relationship terms and in hard cash.

The Future

The present Commission has now accumulated considerable experience in dealing with parades. We have seen locations where things are measurably better than when we started – usually because of the brave leadership of one or more individuals who have been determined to

make progress, often in the face of suspicion and opposition, but invariably quietly and with persistence.

Sadly there have also been a very small number of places where things seem to have gone backwards, more often than not as a result of growing community tensions driven by wider political or sectarian divisions.

The biggest changes have been in the growing realisation that progress starts with communication. Our continued persistence in emphasising the fundamental importance of dialogue or engagement has been seen to pay dividends to all. Particular tribute should rightly be paid to our Authorised Officers for their contribution in this respect.

Our goal is still to look forward to the day when quality parading is accepted as the norm – with the emphasis on the word quality. Parading is part of the culture of Northern Ireland and when conducted with tolerance and respect on all sides, has a valuable role to play in wider civic society.

Finally, during yet another twelve months, it has been a privilege for the Commission to work with such a dedicated team in our small Secretariat. They take everything in their stride, even at the most hectic time of the year, and deliver a service of support without which our task would be impossible. I cannot speak too highly of their commitment and dedication often in the most difficult of circumstances.



Commission members



Tony Holland, the Chairman, was appointed in February 2000. Prior to taking up his appointment, he was Principal Ombudsman with the Personal Investment Authority

Ombudsman Bureau Ltd in London, a post he had occupied since May 1997. He is a former senior Partner in a firm of solicitors in Plymouth with whom he worked for thirty five years, and is a past President of the Law Society for England and Wales. He is also Chairman of the Standards Board for England. Until October 1999, Mr Holland was Chairman of the Executive Board of JUSTICE, the British Section of the International Commission of Jurists.



John Cousins was formerly the Permanent Secretary of the Students' Union at the Queen's University of Belfast, a position he occupied from May 1987 until April 2000. He is an

associate lecturer at the Open University Business School's International Division and Director of Corporate Marketing for an I.T. company. He is also a Management Consultant specialising in Equal Opportunities. He is a member of the Community Relations Council.



The Reverend Roy Magee is a retired Presbyterian Minister who is perhaps best known for his role in helping broker the Loyalist cease fire. He is a senior research fellow at

the University of Ulster, working on conflict resolution. He was previously a member of the Parades Commission between March and December 1997. As well as assisting as a mediator in several areas of contention, he facilitated at the Drumcree talks in 1998 and 1999. He has been involved in community work for many years, being currently chairman of both Farset Youth and Community Development Ltd. and Farset Development Ltd.

Billy Martin is a farmer from County Down. A member of the Parades Commission since June 1998, he is also a General Commissioner for Income Tax and a Justice of the Peace, neither of which is a remunerated appointment.



Peter Osborne is a Management Consultant specialising in Economic and Community Development. He is a Director of the South and East Belfast Health and Social Services Trust and a lay visitor for the Policing Board for Northern Ireland. He is a member of Castlereagh Borough Council and a former Chairperson of the Alliance Party of Northern Ireland. He is involved in a number of community and voluntary initiatives.



Sir John Pringle is a retired High Court judge, having previously held the post of Recorder of Belfast. He is a former Chairman of the Bar Council of Northern Ireland. Sir John was also the Deputy Chairman of the Boundary Commission for Northern Ireland during the last Review of Northern Ireland Parliamentary and Assembly constituencies. From June 2001, he has been a member of the Investigating Powers Tribunal.



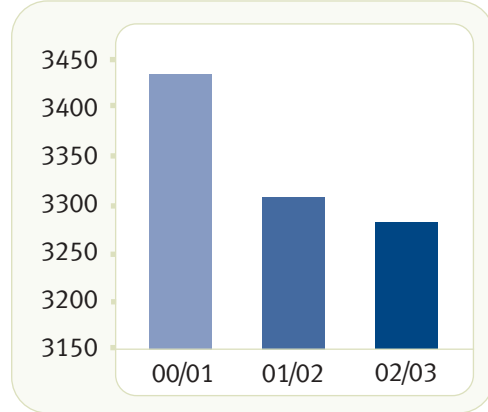
Peter Quinn is Managing Director of a consultancy services company specialising in economic analysis, strategic planning and evaluations. He was co-author of "The Way It Is" (Fermanagh Partnership in Practice 1998), an in-depth review of community relations and community development in County Fermanagh, and was a facilitator in the Drumcree talks in 1998 and 1999. He is heavily involved in sports administration and was the driving force behind the development of the biggest ever sports project in Ireland.



Parading statistics

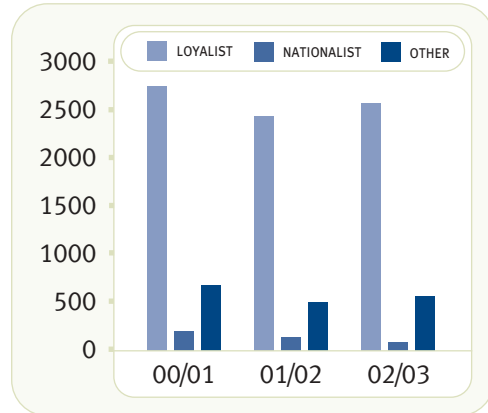
a Total parades notified

Over the past three years there has been a small drop of less than five percent in the number of parades notified. All parades with the exception of funerals and those of the Salvation Army are required to be notified to the police at least 28 days before the date of the parade. The notifications are then forwarded by the police to the Parades Commission.



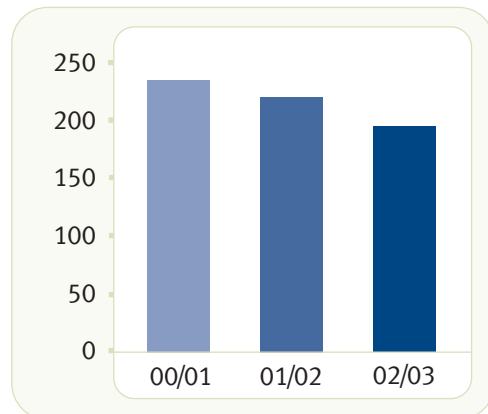
b Total parades by type

Loyalist parades, which include the loyal orders and band parades, have held fairly steady at around 75% of all parades notified over the three years. Nationalist parades increased to 7% of the total in 2001/2, but fell last year to 4.5% of the total. The category of 'other' includes civic parades and galas, ex-service organisations and uniformed youth organisations.



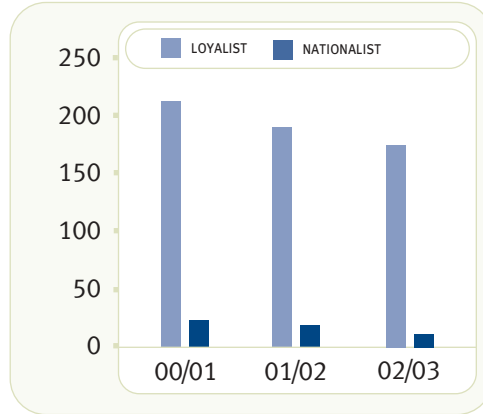
c Total contentious parades

The number of contentious parades both in total, and as a percentage of all parades notified, continues to show a steady decrease – from 6.8% of the total (235 parades) in 2000/1 to 5.8% of the total (191 parades) in 2002/3. In each of the three years, up to 50 of the parades are those notified every week by Portadown LOL No 1 District in connection with the Garvaghy Road.



d Contentious Parades by type

In 2002/3, 93% of contentious parades were loyalist parades, up from 90% in the previous two years though this reflects the drop in the percentage of nationalist parades considered contentious from 10% of all contentious parades in the previous years, to just under 7% in 2002/3.



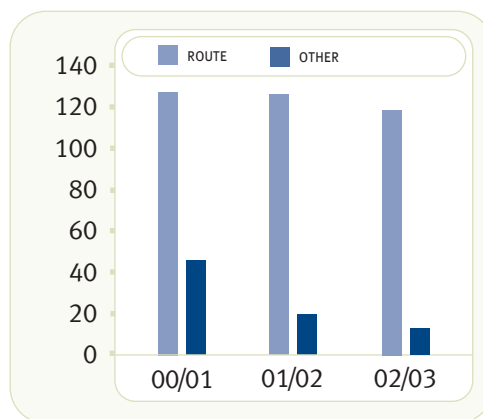
e Rulings on contentious parades

Over a quarter of all parades considered contentious are allowed to proceed with no restrictions – last year the figure was 28%, marginally down on the previous year, but more than in 2000/1. It is also worth noting that the total number on which conditions or restrictions have been imposed has fallen in the three years from 5% to 4.5% to 4.1% of all parades notified. In other words, last year almost 96% of all parades had no restrictions of any kind imposed on them.



f Types of Restriction

The most common form of condition placed by the Parades Commission continues to be a route restriction and this has been increasing as a percentage of the falling number of restrictions placed. As noted above, in the figure of 120 parades restricted by route last year, over one third represent the weekly applications in Portadown. ‘Other’ restrictions mostly concern bands, music and timings.



Accounts


The Parades Commission is financed by a budget allocated by the Secretary of State for Northern Ireland from the Northern Ireland Office Administration, Law, Order, Protective and Miscellaneous Services, Vote (Class XV, Vote 1, Section B). The account below relates to the twelve month period from 1 April 2002 to 31 March 2003.

Under paragraph 12(1) of Schedule 1 to the Public Processions (Northern Ireland) Act 1998, the Commission is required to:

(a) keep proper accounts and proper records in relation to the accounts; and

(b) prepare a statement of accounts in respect of each financial year of the Commission.

Due to the timing of publication of this report, the Commission's expenditure has not yet been audited and is subject to change. A copy of the audited account will be laid before Parliament when ready.



Andrew Elliott
Secretary to the Parades Commission


Receipts and payments account for the
Year ended 31 March 2003

	Notes	£k
Budget allocated from		
Class XV, Vote 1, Section B		1,296
Salaries and Wages	1	314
Salaries (Commission Members)	2	216
Other Operating Costs		
Travelling and Incidental Expenses:		
Commission Members		36
Staff	3	25
Rent, rates, car park etc		112
Heating, lighting, cleaning, maintenance		45
Office supplies, publications, printing, stationery		31
Telephones and postage and courier		42
Authorised Officer and related costs		185
Monitors and related costs		16
Hospitality		5
Publicity / Advertising		16
Funding of grants		13
Education/Outreach		88
Computer Maintenance/Licences		21
Consultancy and Professional Adviser's costs		125
Miscellaneous		3
		1,293
Surplus (Deficit) from operations		3

Notes:

1. Salaries figure shown is in respect of Secretariat staff only
2. Commission Members' salaries include VAT where applicable
3. Includes training costs
4. Figures shown are based on cash expenditure and not accruals due to time constraints
5. These figures have not been audited by the National Audit Office

Parades Commission for Northern Ireland
12th Floor
Windsor House
9-15 Bedford Street
Belfast
BT2 7EL
T: (028) 9089 5900
F: (028) 9032 2988
E: info@paradescommissionni.org
web: www.paradescommission.org



copies of this annual
report are available
from the Parades
Commission offices.
The annual report is
also downloadable
from the
commission's
website at
www.paradescommission.org