

# Imperial Grand Black Chapter of the British Commonwealth

(INSTITUTED IN IRELAND 1797)

Our Ref. WJL/EQ

27th May 1997

ASST/ SEC 1/6  
- 2 JUN 1997  
C.C.R.U.

SECRETARY OF STATE  
28 MAY 1997  
To 999/97

UNDER/ SEC 906/S  
29 MAY 1997  
CENT SEC

Rt. Hon. Dr. M. Mowlam MP.,  
Secretary of State for Northern Ireland  
Stormont Castle  
Belfast  
BT4 3ST

Dear Secretary of State

In advance of any proposed meeting representatives of the Royal Black Institution may be privileged to have with you. I take the liberty of forwarding for your perusal, copies of our response to the Report of the North Review Body on Parades and Marches.

Yours sincerely

W.J. Logan  
Imperial Grand Registrar

- hcc: PS/S of S (BOL)
- PS/Mr Ingram (BOL)
- PS/Mr Murphy (BOL)
- PS/PUS (BOL)
- PS/Sir D Fell
- MR Steele
- MR Thomas
- MR Leach
- MR Bell
- MR Watkins
- MR Smyth
- MR Maccabe
- MR Perry

*W. Logan*  
2.6

*My Name*  
North Report  
file

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SOVEREIGN GRAND MASTER  
The Rt. Hon. Sir James H. Molyneaux, K.B.E., M.P.

IMPERIAL GRAND REGISTRAR  
W. J. Logan

IMPERIAL GRAND TREASURER  
Joseph W. Trueman, B.A., J.P.



Our Ref. WJL/EQ

24th February 1997

Rt. Hon. Sir Patrick Mayhew QC., MP.,  
Secretary of State for Northern Ireland  
Stormont Castle  
Belfast  
BT4 3ST

Dear Secretary of State

A deputation from the Royal Black Institution met with the North Review Body and was received with courtesy. Having perused the Review Body Report in-depth, we wish to make the following comments.

While we acknowledge and appreciate the volume of work accomplished by Dr. North and his colleagues in preparing such an extensive and complex document, we nevertheless consider that the Report contains some very radical proposals on an extremely sensitive issue affecting the entire Northern Ireland community.

Whilst we are conscious of the urgency of the situation, in the light of recent events, due time and consideration must be given to sift the recommendations of the North Review Body. We base our concerns on the inconsistencies evident in the Remit proposed for the new Commission ( page 140 para 12.29). To elaborate on this we will refer to relevant points.

a) Education Role

There is already a proliferation of community and public bodies, too numerous to mention, which strive to improve understanding at local level. The brief treatment of this topic at page 142 para 12.37 sets out the Review Body's ideals on the subject, but offers no practical solution. We can understand why.

b) Mediation Role

We can accept the statements on page 142 para 12.38. However, successful mediation does not require the complex managerial structures as outlined on page 142 para 12.39. The recommendation on page 144 para 12.47 to establish 'a register of groups and individuals who can act as mediators' is commendable but scarcely requires the full apparatus of a 'Commission'. We also find it extremely difficult to reconcile the idea of effective mediation being married to a process which carries the threat of punitive legal action in the event of non-agreement.

c) Reactions to failure

We are glad to read that the North Review Body 'do not believe that it would be right to require the Parades Commission to look at every parade' (page 145 para 12.50) but they must surely realise that the complex machinery now proposed will inevitably result in a multiplication of vexatious and contentious complaints.

The notion that an imposed solution ( page 161 para 12.101) can hope for any success where people have diametrically opposed views speaks well for the optimism of the North Review Body but hardly accords with reality. This proposal forgets that the primary responsibility for the maintenance of the Queen's peace rests with the police, and indeed it appears to us to be a device simply to remove the police one tier further away from making a decision. It is difficult to see how an authoritarian decision imposed by a Commission could be helpful to the operational policing requirements of any given situation.

The powers outlined on page 163 para 12.111 item b, would effectively undermine the authority of the Chief Constable of the RUC, although it is acknowledged by the Secretary of State in his statement to Parliament on 30 January 1997, that a senior police officer may on the day of a procession take a different decision based on what is actually happening on the ground. This clearly shows that at the end of the day, the police will have to take the final decision based on the best interests of Public Order. We must therefore question the value of any 'Commission Determination' if it can be ignored by those with a hidden agenda who could make a legal procession the occasion of creating public disorder. Experience has shown that those intent on causing disruption will not be deterred by a further legal stricture as outlined on page 167 para 12.126.

d) Code of Conduct

The Royal Black Institution has an excellent record of well conducted disciplined processions. This is acknowledged by the Review Body (page 185 para 13.44). Experience teaches that 'the possible elements' as listed from page 181 onwards, would prove to be impracticable and indeed would create more problems than they are intended to solve.

The points outlined on pages 184 and 185 for those participating in lawful protest are highly commendable. However, experience, as detailed in our submission to the Review Body clearly shows that those who have orchestrated and participated in protests demonstrate scant regard for current legislation or for those empowered with the task of keeping the peace. This does not give us confidence that the Commission's Statutory Code of Conduct would cause a sudden and necessary change in attitude or conduct by those who protest against our lawful processions.

The proposal for a Code of Conduct is also open ended (page 181 para 13.41) in that amendments can be made without any consultation. This function in any democracy must surely be the duty of the properly elected public representatives of the people, and not the remit of a select appointed group.

e) Monitoring

The presence of monitors would encourage new and more vociferous protests in order to influence future decisions of the Commission. This will lead to an increase in the number of so called 'contentious parades' thereby exacerbating the problem. During 1995/1996 this tactic was used by supposedly 'concerned residents' aided by an insatiable media to ensure that traditionally peaceful processions suddenly became a focus for contention and protest.

In contrast with the statement on page 187 para 13.49 we have positive knowledge of the value of an internal code of conduct. Indeed this is conceded on page 185 para 13.44 in reference to internal discipline being exercised.

The conduct of our members whilst in procession is governed by our Rules and Regulations which have been proved to be more than adequate in dealing with any infringements.

The possibility of video coverage being used (page 187 para 13.51) in the decision making process to determine whether parades may be deemed to be contentious is a very dangerous precedent. Such evidence could be contaminated and open to successful challenge.

We therefore conclude that monitors would not serve any useful purpose. This recommendation should not be considered further.

## CONCLUSION

The views of the members of the Royal Black Institution is that the proposal to appoint a 'Parades Commission' is highly undesirable for the following reasons:-

1. The proposed remit for this 'New Body' is already covered in current legislation i.e. The Public Order(NI) Order 1987. The addition of another tier to the decision making process adds little value to the final decision which must lie with the Chief Constable and the RUC.
2. The creation of a 'Parades Commission' clearly undermines the role and function of the Chief Constable who would be required to take cognisance of yet another unrepresentative and unelected group.
3. The idea that a 'Parades Commission' would reduce the number of so called contentious parades is a complete mis-conception. Indeed there is ample evidence (\*) to show that such a body would encourage the types of protesting activities from which the Northern Ireland community has suffered during 1995 and 1996.

We would respectfully ask that the views and concerns of our membership as outlined in our written submission to the Review Body (copy enclosed) and the opinions expressed above be fully taken into account when final decisions are being taken by Her Majesty's Government.

We therefore urge you Secretary of State, **not** to proceed with the appointment of a 'Parades Commission' as proposed by the Review Body.

(\* see pages 26 to 29 of our written submission)

Yours sincerely

W.J. Logan  
Imperial Grand Registrar

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