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Drumcree V - Analysis and Approach 19-1-99

This paper offers an overview of successive Drumcree crises, considers the current state of play on the issue of Drumcree within the relevant parties (and isolating the essential factors engendering the dispute), comments on the experience of the proximity talks, and sets out key factors in any approach for what is now referred to as "Drumcree V" - the anticipated attempt by the Portadown Orange lodges to return from the pre-Twelfth Church service on 4/?/11 July 1999 along the Garvaghy Road.

Analysis

Overview

1. **Drumcree I**: 1995 was remembered for the Trimble-Paisley hand-holding salute in Portadown, signalling their triumph in marching with their Orange brethren the return route from Drumcree Church along the Garvaghy Road. The residents believed that they had a deal that this would be the last parade and on that basis stood aside. The following weeks brought the realisation that no deal had been struck. Without direct face-to-face talks with the Orange, they would not consent again.

   Drumcree II: In 1996, the RUC Chief Constable proposed to prevent the parade marching on the Garvaghy and during the stand-off, the Orange Order began a Northern Ireland wide campaign of civil disorder. In response, the RUC battoned the residents off the road to the profound shock and dismay of nationalists. The British Government agreed to establish an independent commission to investigate parades, led by Professor North. His report led to the establishment (by the new Labour Government) of the Parades Commission.

   Drumcree III: In 1997 and before the Commission was statutorily established, the parade was again barred from the Garvaghy Road. Proximity talks involving Mo Mowlam failed to break the impasse. Under cover of darkness, and against a backdrop of Orange disorder, the RUC cleared the road and the march proceeded.

   Drumcree IV: In 1998, the Parades Commission ruled that in the absence of a local, agreed accommodation, community relations would suffer if the parade went ahead and it proposed a reroute. Proximity talks under Jonathan Powell failed to produce agreement. With the credibility of the Commission, the future of the RUC, nationalist confidence in the Good Friday Agreement and arguably the republican cease-fire at stake, the security forces held the ground against a violent and concerted attempt by the Orange Order to storm the Garvaghy Road. The death of the three Quinn children broke

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mainstream Orange resolve and the protest dwindled to a Portadown-based vigil and protest at Drumcree.

Irish Government's Position

2. The Government has maintained a consistent approach based on the following principles throughout the parades crises:

- the rule of law, including upholding the rights of local communities to be free of sectarian harassment.

- parades should avoid routes and areas where they are not welcome.

- contentious parades must be resolved through local dialogue and agreed accommodation.

Downing Street

3. Downing Street wants to see the issue resolved before the end of February and will mandate Adam Ingram to oversee proximity talks. However, it shares the view that such talks will not of themselves be sufficient and believes that ongoing bi-lateral contacts must support and inform the proximity talks. It also tends to believe (mistakenly) that the position of the residents is weakening because the possibility of an economic package will dissolve after devolution and the Parades Commission may change its mind come July. It appears also to believe that the "cycle has been broken" and the Orange Order (and unionism) needs relief. Downing Street are prepared to offer a major economic package to sell a deal but are aware that the dynamic within both resident and Orange groups are complex, though the latter has a singular ineptitude when it comes to negotiating. They hope that Chris Gibson (CBI Northern Ireland) will work with the Orange side, impart some expertise to their side and "winkle out" their position on relevant issues. Nationalist and republican observers privately speculate that London is "out to break the residents" and will do so through guile, manoeuvring the Parades Commission to accept "engagement" and guiding the Orange to do enough to achieve that aim.

4. The NIO were some weeks ago toying with the idea of launching a review of cultural expression in Northern Ireland. Our side objected strenuously to the notion on a number of grounds - it would be transparently a sop to the Orange side, was potentially a platform for changing the Parades Commission to include "traditionality" and should only be considered in the context of process of resolution, not offered unilaterally. We were assured that there were no imminent plans to launch such a proposal and we subsequently

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learned that the Secretary of State had cooled on the idea. (A weekend press report that such a review was to be launched on Friday is being followed up through the Secretariat.)

Orange Order

5. According to the Orange Order, the Drumcree parade of 1998 has yet to be completed and the banner of Portadown Lodge No. 1 returned to its lodge via its "traditional" route along the Garvaghy Road. Both banner and leader of the lodge, Mr. Harold Gracey, have remained at Drumcree Church since July. Orange lodges in Portadown, Armagh and from further afield have since then assembled intermittently and marched in support of Mr. Gracey's vigil - though the numbers have fallen far short of expectations. More consistently, loyalist and Orange elements in Portadown have maintained a menacing presence around the Garvaghy Road. Access to the town's commercial centre is now virtually off-limits to nationalist residents..

6. There is a fairly widespread belief amongst unionists that resident groups are the deliberate creation of the republican leadership whose purpose is seen to be to foment strife and to roll back Protestant culture. The objective, by this analysis, is to deny the Orange Order access to any "traditional" routes in nationalist areas permanently. Just as the Garvaghy Road has become the epitome of unionist fears about the future of its traditions, so has the figure of Breandán McCionnaith become for many unionists the embodiment of what they perceive as the republican campaign against them. Distilled to its essence, walking the return leg of the Drumcree parade along the Garvaghy Road remains for the Orange Order a key test of whether they can preserve their traditions in the geographical seed bed of Orangeism itself and to do so without having to secure the agreement (or "permission" as they would tend to see it) to do so - either from local residents or from the authorities.

7. The nature of the Orange Order is such that authority is derived from the Lodges and devolved upwards but not downwards. Thus the Grand Master would tend to speak *for* members rather than seek to impose views or directions on them. In the case of Portadown, the Drumcree Church service is a feature of the Lodge No. 1's calendar and other Orangemen and Lodges are invited guests. Thus the presence of Orange Order members and lodges at Drumcree in July is in support of Lodge No. 1 rather than Lodge No. 1 being the vanguard of the Orange Order's objectives *writ large*. In effect this means that the Grand Master of the Order has little or no actual power or authority to direct the affairs and actions of individual lodges. Moreover, in Portadown, the attitude and activities of the district lodges is undoubtedly influenced by the fact that the town is staunchly loyalist and there has been an influx of younger loyalists into the lodges as a result of the previous confrontations at Drumcree.

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8. A complicating factor is that key figures associated with the Drumcree issue oppose the Good Friday Agreement and may see Drumcree as part of the broader political canvass. It is certainly true to say that those at Drumcree and the rejectionist camp are mutually supporting and the resolution of the parade impasse or the establishment of the Agreement's institutions would tend to undermine the remaining issue. However, recently, Orangemen closely associated with the protest have privately emphatically rejected that they seek a double crisis (parades and Agreement from April onwards) and asserted that they want the issue "sorted". Their uncertainty, they say, is whether the GRRC want a resolution involving a parade and their fear is that of engaging in a process that advances GRRC interests without yielding a parade. Nonetheless, the extent to which the NO-unionists will work against a successful conclusion to any attempted resolution is currently very difficult to judge.

9. In private conversation with Secretary Gallagher before Christmas, Denis Watson (Co. Armagh Grand Master and secretary of the Grand Lodge) said that he personally wanted a settlement but that the Portadown Orangemen were exceptionally difficult. In the interests of movement, however, he would be prepared to meet Gerry Adams (or someone in the Sinn Féin leadership) secretly to discuss a resolution.

10. Irrespective of the trauma of events last July, there is a broad measure of sympathy with the Portadown lodges among the 70,000 odd members of the Orange Order in Northern Ireland and within the unionist community generally. The issue of contentious parades has been a lightning rod for a perception that unionist culture is under siege and has suffered serious erosion over the years. Nevertheless, Drumcree and the Orange lodges in Portadown represent the epicentre of Orange determination geographically and beyond Armagh. Orange support is evident by its absence and there seems little appetite to engage in widespread disorder. Harold Gracey has suggested to contacts that he does not want to march in the wake of mayhem - that he will do so only with the support of the Government.

11. Both objectively and in terms of the credibility of any talks process, the first test of Orange determination to search for a resolution is whether they are prepared to de-escalate their activities on the street to acceptable or tolerable levels. It is understood that the Portadown Strategy Committee are planning to mount two parades a month beginning in February. It is difficult to imagine a successful process of resolution running along side continued breaches of the law and determinations of the Parades Commission.

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Garvaghy Road Residents' Coalition (GRRC)

12. Despite, or because of, the criticisms levelled at him personally, Mr. MacCionnaith's leadership remains secure. The residents faith in and loyalty to him are unshaken. They are aware that his prominence, and that of his fellow committee members, involves a serious risk to personal safety. They have remained adamant over the years that he remains their choice as spokesman and leader. This issue of his leadership has tended at times to occlude the reality of feelings on the ground in and around the Garvaghy Road. The residents have endured considerable pain and suffering for what they believe in and they are unlikely to have done this over the years solely at the behest of any one individual or, for that matter, an outside group.

13. A clear view of *what* the residents believe is crucial to an effective approach to this issue. The residents, in common with other resident groups along contentious routes, adopted the motto "No talk, no walk". While the Loyal Orders interpreted this as a demand for residents' permission, the residents proposed it as essential act of respect and mutual accommodation.

14. Both sides would, however, agree that mere talking was not the only issue - that agreement was required and that therefore the talks had to logically embrace not walking as one of the possible outcomes of direct engagement. However, as the determinations of the Parades Commission have illustrated (and the decisions of the authorities before it) the possibility of walking without dialogue is left to be determined by force. The requirement of the residents for direct engagement - and the conferring of recognition, respect and ultimately community safety, that imparts - is all the more acute in Portadown given its long history of sectarian violence and tensions. The death of Robert Hamil was a stark reminder of the dangers for nationalists in Portadown's commercial centre, even under the eyes of the local police.

15. For the residents, their engagement in the proximity talks represented a real concession on the one hand but, at least, a start to some form of engagement on the other. (The credibility of the Orange refusal to meet them face-to-face is open to obvious question - what impression it imparts to the outside world is not hard to imagine.) The residents have honed their position during the successive cycles of crisis. They have argued that their opposition to the parade is a symptom of the underlying problems in the town which, logically, if resolved would ultimately remove the symptom. There is a unimpeachable logic to this argument - the ward covering the Garvaghy Road area is by far the most deprived in Northern Ireland. Indeed, negotiating for an economic package which ought to be theirs by right - and which would be a worthy long-term investment in community relations - in the context of the parades issue, could be deemed a further

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significant concession by the residents.

16. Key elements in any package would involve an economic package to redress the economic and social neglect and deprivation in the area (embracing both nationalist and loyalists areas), a mechanism or forum for discussing and resolving issues of community relations and confidence in the area and face-to-face engagement with the Orange Order on the issues surrounding the parade. On the latter point, Brid Rodgers of the SDLP categorically asserts that the residents want the impasse resolved. Moreover, the GRRC committee at the Nutts Corner proximity talks were open to discussing the issues surrounding the 1999 parade.

17. As with the Orange Order, the residents' interests are guarded (passively but passionately) by the wider nationalist community. Their fate is seen as a barometer of nationalist status within the state and the meaning of the aspirations to equality and parity in the Good Friday Agreement. Seeking to protect the Agreement at the expense of the residents is not an option. There is also a body of opinion within the nationalist community that holds that the worst aspects of Orange culture are on display in Portadown, that these are intolerable in the new dispensation and must be purged. That can only come about by enforcing the law and the authority of the Parades Commission and waiting - years if need be - for the Portadown lodges to show a new attitude to their nationalist neighbours. In this context, nationalists support the Parades Commission. Trimble's call for the end of the Parades Commission causes nationalist alarm as a) essentially an Orange Order demand and b) an unwise demand for someone aspiring to head a Northern Ireland executive.

18. The notion of the fate of the Garvaghy residents as a barometer is particularly true for republicans. Had the Orange broken through the lines in 1998, they would most likely have met armed republican resistance on the Garvaghy Road. (As an illustration of the explosive nature of the parades issue, a leading member of the North Belfast Cliftonville Residents Association has fled Northern Ireland because he handed a cache of IRA arms to the CIRA in anticipation of a forced 'Tour of the North' parade in May 1998: had a march been forced, the CIRA would have undoubtedly tried to maximise the violence engendered. Such a scenario could not be discounted in any parades flashpoint in 1999. In the event the Parades Commission rerouted the march. If anything directly threatens the cease-fires, it is the parades issue.)

Proximity Talks

19. The most obvious point about the proximity talks - other than the fact they were proximity and under the aegis of Downing Street - was that they lacked any design or

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clear objective. The residents sought progress on their economic package and forum while the Orange delegation remained focussed on a date for a parade and assurances for future parades. Discussion by one group of the immediate concern of the other was avoided and both tended to slip by one another. Neither the chair, the facilitators nor the talks format could help break this determined evasion. One or both sides would find themselves idle for long periods of time either because the chair group was with the other side or embroiled in internal discussions. No mediative experts were there to guide the process and exchanges. The process was not consistent enough to make progress on areas of interest to the delegations nor did it allow for referral back to the constituencies. Little or no spade work, for example on the economic package or forum mechanism or on how to ease the situation on the ground, appeared to be done in the long periods between the convening of the proximity talks. This was starkly evident at the Nutts Corner session last December. The process is running low on credibility and both the GRRC and the Orange may be wary of entering another phase without a clear sense of design or even purpose.

Parades Commission

20. The Parades Commission is the statutory agency whose responsibility it is to consider applications for parades (11/1's or eleven bar one's) and to make determinations on those they deem potentially contentious. The determinations can impose a range of conditions, including on numbers and conduct and, of course, on the route. The right to ban a parade is reserved to the Secretary of State. Breaches of these determinations are grounds for prosecutions under the Public Processions Act. The Commission is also charged with mediation and encouraging local accommodations. It employs authorised officers on the ground in contentious areas to monitor developments, make contacts and liaise with the RUC. While the determinations have the force of law, the RUC on the day can alter them in the interests of public safety. The Commission stands ready to take account of an agreed outcome between the residents and the Orange Order. By enshrining the principle of agreed outcome, the Commission has won the support of the nationalist community - though it remains provisional on maintaining the 1998 determination on the Garvaghy Road. Equally, the Orange Order wishes to rid itself of the Commission.

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Approaching Drumcree 1999

21. It is too early yet to make detailed or accurate forecasts or prescriptions about July 1999. However, based on past crises, the following are obvious key points informing any approach to Drumcree V:

- a succession of decisions by the Chief Constable and Secretary of States, and last year by the Parades Commission, endorsed the position that the parade should be rerouted in the absence of agreement.

- the parades were forced through in 1996 and 1997 only under threat of massive public disorder (and possibly disaffection within RUC ranks).

- 1998 demonstrated that the authorities and security forces (with the Paras taking the lead) were able to hold the line against the Orange Order.

- after the tragedy of July 1998, the Orange Order has not been able to generate support for the Drumcree protest except in the immediate Portadown area.

- the failure of the Portadown lodges (comprising Trimble's bitterest critics) may have been painful to him but did not appreciably damage him.

- while the RUC are currently willing to hold the line, they are unwilling or unable to take proactive measures to discourage disorder and appear content with a containment exercise, despite the impact this has on public safety, community rights, confidence in the rule of law and in the authority of the Parades Commission.

- unstructured proximity talks will not deliver an agreement.

- crucial ingredients to an agreed settlement include rectifying the economic and social deficit, face-to-face dialogue and the agreement of the residents.

- there is a significant body of nationalist opinion that believes that 1999 would be too soon to engineer a parade along the Garvaghy on the basis that the worst aspects of the Orange Order will not have been purged sufficiently from the movement.

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- the credibility of the Parades Commission on the nationalist side is contingent on maintaining the position that it will not reroute in the absence of local agreement (i.e that it is not acceptable to allow the parade on what the Commission might deem sufficient **engagement** as opposed to **agreement**.

- a parade forced through without the agreement of the residents will lead to determined opposition by them with inevitable clashes with the security forces, possibly involving republican supporters, with serious consequences for the institutions established by (and the import of) the Good Friday Agreement.

- a repetition of the 1998 decision to reroute will meet with determined opposition from the Orange Order and its more violent fellow-travellers which, after July, will settle into another year of protest and disorder, though its momentum will continue to decline.

Eamonn McKee
Security Section
Anglo-Irish Division
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