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News from the Parades Commission 28 June 1999

PARADES COMMISSION RULES ON DRUMCREE

The Parades Commission today issued its determination in relation to the Portadown District LOL No1 parade on Sunday July 4, the Drumcree Church Parade.

The Commission has imposed restrictions regarding sections of the notifies route on the organisers of and participants in the parade, the most significant of which is that the parade is prohibited from proceeding beyond Drumcree Parish Church or entering that part of the route which includes the entire length of the Garvaghy Road.

Commission Chairman, Alistair Graham welcomed the positive movement by the Orange Order in recent discussions. **" If their more flexible approach had been introduced at an earlier stage in the year as part of a genuine and sustained attempt to engage with the nationalist community, we might have seen a different outcome,"** he said. He urged the Portadown Orange Order to lift its protest activity and to continue its engagement with the Garvaghy Residents Coalition. He stressed that no group has a right of veto over parades.

(for Editors – the full determination and decision can be found on the Commissions Website : www. Paradescommission.org)

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Remarks by ALISTAIR GRAHAM,

Chairman

Parades Commission

At the announcement of the Commission's Determination on the 1999 Drumcree Church Parade

28 June 1999

check against delivery

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Good afternoon ladies and gentlemen

Before getting to the decision for Drumcree, I would like to review some of the background this year

A year ago I started by saying that we had hoped not to be standing in front of you issuing a determination on this Drumcree parade.

If that was true then, its even truer today.

A year ago we had experienced the euphoria and excitement of the Good Friday agreement, the referendum and the Assembly elections.

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Ruling on Drumcree was, as I said at the time, a case of failure. Failure of those involved to find a resolution. Failure on both sides to establish the trust and the respect which are essential ingredients if any process of engagement is to work. And as we have seen in the intervening period, trust and respect are, sadly still pretty elusive.

In 1998 we explained that we were breaking the cycle which had seen successive parades forced down the Garvaghy Road. A breathing space was needed and we urged all those involved to demonstrate greater responsibility in moving forward whatever processes were necessary to resolve the problem.

We spelled it out.

There has been plenty of time.

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But until late in the day, despite earlier initiatives, there has been little sense of movement.

Instead we have all watched, with growing frustration and disappointment, the way in which the Portadown District has used that available time;

- They, like the rest of the Orange Order have refused to meet with or to recognise the Parades Commission

- They have applied week after week to complete last year's parade while doing nothing to change the circumstances which led to our ruling

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- They have held other parades and marches adding to a collective pressure to change the Commission's decision through a series of support parades, demonstrations and protests, some of which have degenerated into sectarian disorder and violence.

And until very recently, this has been the background against which any process of talks on resolving the issues has started.

At the heart of the matter is and has been the question of rights and the Commission understands the strong sense of a threat to rights which is at the core of much of the Orange Order's position on parades and how they view the work of the Commission.

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I have to spell it out very clearly. All judicial opinion, in UK and European law, is unanimous that there **is a right to parade, as there is a right to protest, but these rights are NOT ABSOLUTE.** I strongly believe that it will be the acceptance of that position in law which will allow both sides to understand our second core principle – that only by dialogue will resolution to contentious parades be found.

Until that position is reached, both sides will have to accept that under the Act, the Parades Commission will have to continue to rule on Parades where there is no local accommodation. Our role at that point – working not on a whim or a notion – is to apply the law; to apply the guidelines laid down; and to balance the competing rights of the parties in reaching a decision.

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And if either party feels that we have got it wrong, then the courts are there to be used. We have been consistent in saying that we want people to feel free to challenge us in court, rather than on the street. Indeed we have been taken to judicial review three times to date, two of which went to Appeal, and our approach – which includes the matter of how we have dealt with this issue of rights - has been upheld every time.

Within the more recent past, we have welcomed a greater input from some with wider community interests in the Portadown area, which have alarmed, even if they have not surprised us.

No one should be in any doubt about the serious impact which this ongoing failure to resolve the situation is having

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on the commercial, social and economic life of Portadown. Public disorder on a frightening scale. Sectarian hatred spilling over into violence, even tragic deaths. Families traumatised on both sides. Businesses which are just about hanging on by their fingertips. Commercial rents have dropped through the floor – ever fewer want to rent space in the city centre. Continuing parades and protests deter shoppers and casual visitors. These activities put jobs at risk.

Jobs of Catholics - jobs of.Protestants – jobs of everyone

Next let me refer to the often-repeated accusation that the Commission is somehow out to destroy Orange Culture and Heritage by banning marches. I have said from the day I was appointed that this is a Parades Commission, not a No Parades Commission. It is our job to try to find ways to facilitate parades whilst balancing the rights to which I have referred.

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And if you look at the results, I would say that we have done just that. Over 4500 parades have been notified to the Commission since the first of July last year.We have looked in detail at 259 of these, and in turn have imposed route conditions on only 141 parades. 141 out of 4500. And when I tell you that over a third, 55 to be precise, of that 141 were for Portadown No 1 District, I do not believe that accusations of anti Orangeism really stand up.

Nor can we accept that the Commission, through its decision last year has contributed to heightened tensions or to worsening community relationships. The difficulties over the Drumcree church parade are a symbol of a fractured community, and it is the failure of all sections of that community to come together to find solutions, that leaves the Commission no option but to arbitrate.

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There has been real progress elsewhere: for example by the Apprentice Boys in both Derry and on the Ormeau Road where real engagement is underway. In other places more modest moves towards local resolutions are cautious but real. There are the beginnings of a momentum, which if it can be sustained and shown to work, could have an enormous impact across Northern Ireland.

Have the events of the past few days been sufficiently significant to alter the Commission's view that the Orange Order has failed to adequately engage in order to address the legitimate concerns of the nationalist community in Portadown ?

First of all, we would like to pay tribute to all those who have attempted to resolve the Drumcree dispute; Jonathan Powell, Frank Blair, David Trimble and the Prime Minister himself. Given the experience and authority they have

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brought to the process, it is particularly disappointing that agreement has not been reached

Recent discussions came to a head yesterday and the Commission was briefed, on the progress made, by the Chairman, Jonathan Powell and representatives of both parties. Despite obvious differences between the parties, we did feel it was appropriate to allow space for the Prime Minister to attempt to close the outstanding differences while, at the same time keeping to our five day rule for announcing decisions

The Commission welcomes recent proposals, which were tabled during the face to face talks between those authorised by Portadown District LOL No 1 and the Garvaghy Road residents.

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These included proposals that Portadown District would call a halt to its protest activity and that it would be willing to have further discussions with local residents to try to reach an accommodation about future parades. The Commission further understands that Portadown District LOL No1 was no longer seeking to complete its curtailed 1998 parade.

The Commission also understands that Portadown District LOL No1 had made these proposals conditional on a parade down the Garvaghy Road on Sunday 4 July. It understands that the Garvaghy Road residents considered such attempts at resolving the situation to be a "cynical eleventh hour bid" to have a parade on the Garvaghy Road on Sunday 4 July, and that the Garvaghy Road residents would wish a period of time to verify the cessation of protest action.

The Commission is disappointed that, despite the direct involvement of the Prime Minister, both parties were unable

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to reconcile their positions, which the Commission considers, from previous experience, have moved closer together.

The Commission expects that, in the interests of all the people in Portadown who want and deserve to have normal life restored in their town, both parties will, irrespective of the Commission's decision, continue to seek opportunities for dialogue.

The Commission would exhort Portadown District LOL No1 to implement the proposals it made during this process. An immediate cessation of protest activity would remove significant tensions and pressure from the local community.

In those circumstances, the Commission would look to the Garvaghy Road residents to take whatever positive steps were needed to build the confidence of everyone in

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Portadown that the residents were genuine in their intention to find a long-term solution.

The Commission wishes to reiterate that the parading tradition is not subject to a veto by those who oppose particular parades. As it said in its first Annual Report " the Commission makes a distinction between engaging and seeking permission. Engagement by either party represents a real attempt to address the legitimate concerns of others and a preparedness to accommodate those concerns, **where it is within their power to do so....**had there been such engagement regardless of whether it had resulted in accommodation, the nature of that engagement would have been of significant influence in the Commission's decisions in the past year and will continue to be in the future".

The Commission expects both parties to maintain direct dialogue as a demonstration of mutual respect and as the

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only means of securing local accommodation for future years.

In the current circumstances, however, with the absence of local accommodation, and with the late hour at which these discussions have been brokered, the Commission considers that it does not have evidence that sufficient steps have been taken to demonstrate a substantive and sustained process of engagement on the part of Portadown District LOL No1 and the Garvaghy Road residents.

The Commission reiterates its view that such substantive and sustained engagement is required to stabilise and restore community relations in Portadown.

The Commission's determination is therefore as follows:

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1. The Commission imposes the following conditions on the organiser of, and all participants in the parade organised by Portadown District No1 on Sunday 4 July, 1999

2. In respect of the outward parade, the parade is prohibited from entering that part of the route between the junction of High Street and Woodhouse Street, and the junction of Obins Street and Charles Street, or any part of that route.

   The parade shall process from its point of departure at Carleton Street into Church Street, Market street and High Street to the junction of Castle Street, turning back along High Street, Market Street, West Street and into Charles Street. It shall then process along Charles Street to the Dungannon Road – Moy Road roundabout, along the Dungannon Road to the Rector's Turn, Drumcree Road to Drumcree Church

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3. In respect of the return parade, the parade is prohibited from proceeding beyond Drumcree Parish Church, Drumcree Road, or entering that part of the notified route which includes the entire length of the Garvaghy Road, including Parkmount and Victoria Terrace. The return parade shall, therefore, retrace the outward route as detailed above, or alternatively parade participants shall disperse no later than 2.30pm from Drumcree Parish Church.

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