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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

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DATE : 9 August 1999 **NO. OF PAGES (including this one):** 17

TO: Gary Ansboro
Anglo-Irish Division

FROM: Val O'Donnell

SUBJECT: Determination on Parades

Attached please find the determinations of the Parades Commission in relation to the Lower Ormeau Concerned Community parade and the Apprentice Boys of Derry Belfast Branch Walker Club parade.

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9th August 1999

At its meeting today, the Parades Commission agreed the attached determination in relation to the Lower Ormeau Concerned Community parade on the Ormeau Road on Saturday 14th August 1999.

Heather Robinson

HEATHER ROBINSON
Secretary

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DETERMINATION IN RELATION TO THE PARADE ORGANISED BY THE LOWER ORMEAU CONCERNED COMMUNITY ON 14 AUGUST, 1999

The following is the decision of the Parades Commission in relation to the above parade due to take place on 14 August 1999.

Section 8 (1) of the Public Procession (Northern Ireland) Act 1998 provides that:

> "The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it such conditions as the Commission considers necessary."

The Commission has noted the details provided on the Forms 11/1 dated 15 July 1999 and 5 August, 1999 respectively about the parade proposed by the Lower Ormeau Concerned Community on 14 August 1999.

The Commission has considered the need to issue a determination as outlined above against the factors described in its Guidelines document.

Decision

The Commission has noted that this is not a traditional parade. The purpose of the parade has been notified as to "reroute a sectarian march". The route notified in the latest application, dated 5 August 1999, is from the Ormeau Road to Artana Street. The parade is notified to set off at 5.30am and return, along the reverse of the outward route, at 7.00pm. A public meeting at Artana Street has been notified starting at 6.00am and concluding at 7.00pm.

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The Commission has further noted that the notification dated 5 August states that "Ormeau Bridge, Stranmillis Embankment will be left open. There will be no blockage of these roads". It further states "if parade by Apprentice Boys is rerouted then there will be no parade/rally held by LOCC".(sic)

The Commission is aware of the sensitivities of parading issues on the Lower Ormeau Road and the Lower Ormeau Concerned Community's view that loyal orders have in the past failed to demonstrate respect for the local, predominantly nationalist, population. In its determination of 9 August in respect of the parade notified by the Apprentice Boys Walker Club, the Commission has set out its detailed consideration of the recent series of meetings held between the LOCC and the Apprentice Boys Walker Club. The Commission has seen the verbatim minutes of these meetings and has weighed the evidence available against the criteria outlined in its statutory documents. It has concluded that the Apprentice Boys have "demonstrated a real attempt to address the legitimate concerns of others where it is within their power to do so". It is, therefore, all the more regrettable that both parties were unable to reach a local accommodation in respect of the parade on 14 August.

The Commission is on record as stating that parades are not subject to a veto by those who oppose particular parades. It calls on the LOCC to build on the solid foundation of their recent dialogue with the Apprentice Boys to strive to find a local accommodation for future parades.

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5

Determination

The Commission's determination is that the following condition is imposed on the organiser and all participants in the parade notified by the Lower Ormeau Concerned Community on 14 August, namely that the parade shall not commence before 10.00am.

Signed: Alistair Graham
On Behalf of the Commission

Dated: 9/8/99

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6

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9th August 1999

At its meeting today, the Parades Commission agreed the attached determination in relation to the Apprentice Boys of Derry Belfast Branch Walker Club parade on the Ormeau Road on Saturday 14th August 1999.

Heather Robinson

HEATHER ROBINSON
Secretary

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7

DETERMINATION IN RELATION TO THE APPENTICE BOYS OF DERRY (BELFAST BRANCH WALKER CLUB) ON THE ORMEAU ROAD ON SATURDAY 14 AUGUST, 1999

The following is the decision of the Parades Commission in relation to the above parade.

Section 8 (1) of the Public Processions (Northern Ireland) Act 1998, provides that

> "The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it such conditions as the Commission considers necessary."

The Commission has noted the details provided on the Form 11/1 submitted on 6 July, 1999.

The Commission has considered the need to issue a determination as outlined above, against the factors outlined in our Guidelines document.

Decision

The Commission has noted the details set out on the Form 11/1 submitted in respect of this traditional parade for the annual Apprentice Boys of Derry celebrations. The Commission notes that this is a small parade and that 50 participants, including one band, have been notified. The Commission further notes that the parade is due to set off at 8.30am and the notified route is Ormeau Road, Donegall Pass and Botanic Avenue. The return route is notified as Ormeau Embankment and Ormeau Road. The Commission has clarified that this route does not involve parading in the contentious area of the Lower Ormeau Road or the city side of the river. The parade is notified to disperse at Ballynafeigh Orange Hall at 6.30pm.

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8

The Commission set out its position in relation to loyal order parades along the Lower Ormeau Road in its document – "Lower Ormeau Road – A Consideration of Contentious Parades by the Parades Commission" issued on 3 April, 1998. In that document the Commission stated:

> "Our view is that the best way forward in terms of relieving inter-community tensions arising from disputes at this location is that the ground should be prepared for one or more parades to take place in a peaceful atmosphere along the Lower Ormeau road in 1998. **This will require some degree of time and a considerable degree of effort on the part of each of the loyal orders concerned and on the part of local people."**

In the Commission's determination in relation to the parade notified by the Belfast Walker Club along the Lower Ormeau Road on Monday 5 April, 1999, the Commission further noted that "We are conscious that of all the loyal orders, the Apprentice Boys alone have demonstrated real efforts to work at local level to achieve agreement and we acknowledge the result of their efforts last August in Londonderry." The Commission continued: "We understand that the Apprentice Boys of Derry have responded positively to an initial approach from the Lower Ormeau Concerned Community to begin dialogue 'aimed at finding a long-term solution to the problems which have been associated with parades in the past.' We further understand that a process may have begun which could lead to both parties to this dispute coming together to work towards a local understanding."

In explaining its decision that the evidence available in April 1999 did not demonstrate sufficient effort on the part of the Apprentice Boys and the local people and that a parade along the Lower Ormeau Road could not be facilitated, the Commission stated that "We are conscious that the main parade for the Apprentice Boys is the August parade. We would, therefore, see the time

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9

between now and August as providing sufficient time and opportunity to allow both parties to make real attempts to address the legitimate concerns of the other and to demonstrate a preparedness to accommodate those concerns where it is within their power to do so."

The Commission has monitored closely the developing process referred to in its April determination and recognises that both parties took part in the dialogue in an open and positive manner. It further commends the Chairperson of the meetings for her commitment to the process and for assisting both parties to address important but sensitive issues.

The Commission has evidence that meetings between representatives of the Apprentice Boys (Belfast Walker Club) and the Lower Ormeau Concerned Community (LOCC) took place on 10 May, 25 May, 11 June, 4 June, 16 June, 22 June, and 22 July, 1999. It has seen verbatim minutes of the meetings held on 25 May, 4 June, 16 June 22 June and 20 July and shortened minutes of the meetings held on 10 May; it has also heard a recording of the meeting held on 11 June.

Having had access to the minutes referred to above, the Commission has been able to make a considered judgment about the **detail and quality** of the discussion that has taken place between the two parties. The Commission has noted that, throughout the discussions, the representatives of the Apprentice Boys underlined their willingness to address the legitimate concerns of the residents of the lower Ormeau community. They co-operated fully with the Chair of the meeting and demonstrated that they would be willing to address any concerns raised by the representatives of the LOCC, where they were able to do so.

The Commission noted that the meetings explored the culture and tradition of the Apprentice Boys, including their distinctiveness from other loyal orders; the

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10

history of the Apprentice Boys parade along the Lower Ormeau Road; the separate perceptions of the parties to the talks, particularly that the Apprentice Boys were perceived as a sectarian organisation and the residents groups as controlled by Sinn Fein. The group also discussed the residents' difficulties with a parade by the Apprentice Boys along the Lower Ormeau Road, which the Commission accepts stem from the genuine hurt felt by the nationalist community living within the lower Ormeau area for a wide variety of reasons. This hurt has been compounded by loyal order parades. The verbatim minutes of the meetings reflect that the Apprentice Boys have acknowledged that hurt and have referred to parallel hurt within their own community.

The Commission has noted that the Apprentice Boys propose a dignified parade which would be conducted in a manner respectful of the residents of the area and which they believe would assist the process of undoing the damage caused by unacceptable behaviour by some loyal order members in the past.

The Commission has also received a copy of a code of conduct which the Apprentice Boys have passed to the LOCC and have sought to discuss with them. This code of conduct refers specifically to the conduct of an Apprentice Boys' parade on the Lower Ormeau Road and proposes **that the Apprentice Boys would process between the Ormeau Bridge and Havelock House in silence; that the parade would be timed to ensure minimum disruption to the local community; that no supporters would walk alongside the parade; that the parade organiser would permit no paramilitary displays; and that marshalling and monitoring of the parade would be agreed, thus minimising policing requirements.** Because of the importance of this document, it is attached to this determination as a separate annex.

The Commission has also taken note, as a matter of particular importance, that the Apprentice Boys have committed themselves to a winter programme of

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dialogue, regardless of the decision the Commission reaches in respect of this parade.

The Commission has also noted the LOCC's position that the process of dialogue could result in an outcome other than a parade. The LOCC has remained firm in its position that parading per se compounds hurt in the community. The minutes demonstrate that the Apprentice Boys unsuccessfully sought to draw out the LOCC's key concerns about the parade. The Commission recognises that the LOCC has acknowledged the offers made by the Apprentice Boys to promote a wider understanding of Apprentice Boys culture, possibly along the lines of the Derry pageant. It is disappointed that the LOCC has not yet taken up the opportunity to explore new means of understanding Apprentice Boys culture and tradition in a more positive manner. The Commission is also disappointed to note that the LOCC does not appear to have responded to the Apprentice Boys' requests to identify specific concerns about the Apprentice Boys' parade.

The Commission accepts fully that the long years of violence have caused loss of life and profound hurt on both sides of the community which, for the lower Ormeau community, has been compounded in particular by the unacceptable behaviour of some participants during loyal order parades. The Commission also understands the enduring sensitivities of the nationalist community about the murders at Sean Graham's bookmakers.

Following an initially unacceptable suggestion restricting the form of the parade and the regalia to be worn, the LOCC moved to a more constructive offer to facilitate the Apprentice Boys' parade crossing the Ormeau Bridge and then turn immediately left. The Commission notes that against the background of hurt in their community, the LOCC views its offer as significant and symbolic. However, against the assurances which the Apprentice Boys have given about the conduct of their parade, the Apprentice Boys do not consider the LOCC's offer to represent a meaningful response. For its part, while the Commission accepts

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that the offer to facilitate the Apprentice Boys crossing the bridge was genuine and sincere, it is of the opinion that it was inadequate in the circumstances.

The Commission reiterates its frequently quoted position that parades are not subject to a veto by those who oppose particular parades.

The Commission is in no doubt about the difficulties facing both groups in participating in the dialogue within their respective communities. It applauds the efforts made which have demonstrated that residents and paraders can, if the will is there, identify a constructive agenda and explore areas of mutual concern, even if they cannot agree on the final outcome. The Commission set out its position on parading disputes clearly in its first Annual Report where it acknowledged that direct dialogue represents the best means of exchanging views and demonstrating due respect for others' interests. In that report the Commission further stated that:

> "In proposing that engagement should take place, 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 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 is satisfied that the direct dialogue between the representatives of the Apprentice Boys and the LOCC represents substantive, sustained and genuine engagement. The Commission regrets, therefore, that it has not been possible for both parties to reach a mutually acceptable solution and that the Commission is again having to issue a determination.

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Public Disorder or Damage to Property which may result from the Procession

The Commission recognises that, because of the strength of the opposition to this parade indicated to the Commission by the LOCC, any decision the Commission makes in respect of the notified parade could cause major public disorder within the lower Ormeau area. It further recognises that the potential exists for such disorder to extend more widely.

Disruption to the Life of the Community

Due to the small size of the parade and early departure time the parade in itself is likely to cause minimum disruption to the life of the community. However, a notification for a protest parade lasting from 5.30am until 7.00pm and involving 5000 participants has been received from the LOCC. This protest action is likely to cause major disruption to the community. The LOCC has made representations to the Commission about its concerns that, were a parade to proceed along the Lower Ormeau Road, its community would be hemmed in, in order for the police to secure control of the Lower Ormeau Road. The LOCC has already demonstrated a capacity to control peaceful and lawful protest action, which caused only minimum disruption to the life of the community. The Commission is, therefore, disappointed that at a recent meeting with them, the LOCC was unable to commit itself to a lawful protest.

Impact of the Procession on Relationships within the Community

Tensions within the lower Ormeau area remain high. The Commission is in no doubt that given that the ongoing dialogue between representatives of the LOCC and the Apprentice Boys has yet to produce a local accommodation, and the subsequent need for the Commission to intervene, there will be damage to

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14

community relationships irrespective of what the Commission decides. The Commission does, however, place considerable importance on the Apprentice Boys' stated commitment to maintain dialogue with the LOCC with a view to finding a long-term solution. The LOCC has indicated to the Commission that it would like to be in a position to respond positively to this offer. **The Commission expects both parties to continue their work together in the long term interests of the community.**

Compliance with the Code of Conduct

The Apprentice Boys have not processed along the Lower Ormeau Road since 1995. Since the Commission received its statutory powers in April, 1998, the Apprentice Boys have responded in a responsible and dignified manner to previous Commission determinations which prevented their proceeding along the Lower Ormeau Road. In respect of this parade they have complied with the Code of Conduct, in particular discussing the parade with the local community.

The Desirability of allowing a Parade which has customarily been held on that Route to continue to be allowed to do so

The Commission recognises the history and tradition of this parade.

Conclusion

In addition to reflecting carefully on the verbatim minutes made available to it, the Commission has taken oral evidence from both parties to the dispute and has considered other representations. The Commission has weighed the evidence available against the criteria outlined in its statutory documents and has concluded that the Apprentice Boys have "demonstrated a real attempt to address the legitimate concerns of others where it is within their power to do so".

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15

The Commission has, therefore, decided not to impose route conditions on this parade.

The Commission is, however, mindful of the sensitivities on that part of the route which traverses the Lower Ormeau Road and particularly the area outside Sean Graham's Bookmakers. The Commission has consequently decided to impose conditions on the parade to ensure that it is conducted in a peaceful and dignified manner.

Determination

The Commission's determination is that the following conditions are imposed on the organiser and all participants in the parade notified by the Belfast Branch Walker Club, Apprentice Boys of Derry.

1. **No music shall be played between the Ormeau Bridge and Havelock Bridge.**

2. **The parade organiser shall bring to the attention of stewards the guidance for parade participants contained in Appendices A and B of the Commission's Code of Conduct, particularly Appendix B, paragraph C "Where the Majority Population of the Vicinity are of a Different Tradition, and in Interface Areas".**

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16

3. **The organiser shall make himself available to the police at the assembly point and shall ensure that all directions by police in relation to the parade are quickly obeyed.**

4. **The organiser shall ensure that the above conditions are brought to the attention of stewards and parade participants at the assembly point prior to the start of the parade**

Signed: Alistair Graham

On Behalf of the Commission

Date: 9/8/99

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17

Belfast Walker Club
Apprentice Boys of Derry
(Ballynafeigh)

The above club recognises that opposition to parades and the associated protests is causing damage to community relations along the Ormeau Road.

We are committed to addressing concerns of any local community through discussion and peaceful resolution, ignoring events and matters that are outside the local community and beyond the Club's or the community's ability to influence.

The Belfast Walker Club (Ballynafeigh) wishes to work positively to create the means by which the communities along the Ormeau Road can move forward. We believe that the principles on which an accommodation can be reached are those on which the foundation of civil society is based.

We accept the freedom of all communities in this city, of whatever race, religion or creed to express and participate in their cultural traditions, unchallenged by the use or threat of violence, intimidation or abuse, as a means of obstructing or diminishing such expressions of cultural identity.

The Belfast Walker Club (Ballynafeigh) remains committed to the Code of Conduct that was first put forward by the Club in Easter 1998. This, we believe, is a basis of assuring that a peaceful and lawful parade can take place along the Ormeau Road in a manner that is sensitive to the local communities' concerns.

The code of conduct offers:

1. To proceed from the Ormeau Bridge to Havelock House in silence.
2. That the parades are timed to assure minimal disruption to the local community.
3. No supporters should walk alongside the parade.
4. No paramilitary displays to be permitted on parade by the parade's organisers
5. Marshalling and monitoring of the parade to be agreed, to minimise policing requirements.

We hope the LOCC will be in agreement with the above.

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