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3 July 2000

Dear Foreign Minister

PORTADOWN DISTRICT LOL No 1 CHURCH PARADE, 9 JULY

The Parades Commission will be publishing its determination on this parade later today. I hope that you will find it helpful to have the enclosed copy.

As you will see, the Commission has gone beyond making a determination on the 9 July parade itself. We set out a scenario which we believe has the potential to resolve the dispute over the Drumcree church parade on a fair and equitable basis while also clearing the ground for a determined effort to establish good community relations in the Portadown area.

We will be urging all interested parties and those with any influence in the area to consider our determination with the same care that we have devoted to the subject and to play their part in bringing it to fruition.

Yours sincerely

Tony Holland

TONY HOLLAND

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THE PARADES COMMISSION'S DECISION IN RELATION TO THE PORTADOWN DISTRICT LOL No 1 CHURCH PARADE ON 9 JULY 2000

The following summary is not a part of the Commission's decision.
The Commission's analysis and determination is set out in full below.
The Commission urges all concerned to read it carefully before commenting.

Key Points

The 9 July church parade is prohibited from entering the Garvaghy Road.

The Parades Commission sets out the circumstances in which it believes that an orderly parade could take place along the Garvaghy Road in a peaceful and lawful atmosphere, ideally within the next 3-8 months. For this to happen, it would be necessary for the Portadown District and the Orange Order more generally to

Comply with the terms of the Commission's determination

Introduce an immediate moratorium on Drumcree-related protest parades and demonstrations

Avoid any actions that could reasonably be perceived as an incitement to break the law or intentionally designed to raise intercommunal tension

Engage, along with representatives of the Garvaghy Road residents, in the Currin initiative and in any civic forum that may be established, and

Undertake that following any parade the protest vigil at Drumcree would not resume.

In such circumstances the Parades Commission would look to the nationalist residents of the Garvaghy Road to demonstrate that they were genuine in seeking a long-term resolution of the inter-communal tensions in Portadown, by taking steps to facilitate the proposed parade.

The Parades Commission cannot envisage circumstances in which any subsequent Orange Order parade could take place along the Garvaghy Road except on the basis of a local agreement

The Parades Commission's proposals are designed to

- Build on the efforts of all those throughout the community who have been working to achieve a fair and equitable resolution of the Drumcree parade dispute
- End the feeling of tension under which the residents of the Garvaghy Road area have been living
- Create circumstances in which the Currin initiative and other efforts to improve community relations in Portadown could flourish, and
- Recognise the right of the Loyal Orders to celebrate their culture

The Parades Commission expects the Government, the Northern Ireland Executive and Assembly, Craigavon Borough Council and other agencies to play their part in helping to create the circumstances in which its proposals could be successfully implemented

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(3rd July 2000)

THE PARADES COMMISSION'S DECISION IN RELATION TO THE PORTADOWN DISTRICT LOL No 1 CHURCH PARADE ON 9 JULY 2000

Introduction

1. The Portadown District LOL No1 church parade in early July has come to epitomise the conflict over public processions in Northern Ireland.

2. The question whether the parade should be allowed to complete its traditional route by returning from Drumcree Church to the centre of Portadown along the Garvaghy Road is of huge political and symbolic significance to people in both main parts of the community throughout Northern Ireland.

3. In recent years the dispute over this parade has demonstrated its capacity to provoke massive public disorder and damage to property throughout Northern Ireland. At one end of a spectrum of unacceptable behaviour, the conflict generated by the dispute over the Drumcree church parade has claimed several lives.

4. That dispute stems from, and has in turn worsened, the inadequate relationship between the two main parts of the community in Portadown; but it has also served to worsen relationships within the wider community throughout Northern Ireland.

5. It is against that background that the Parades Commission must yet again decide what conditions, if any, to place on the Drumcree church parade.

6. In preparing to take the decision, the Commission reviewed its previous determinations, visited the location, studied a detailed analysis of the dispute commissioned from the Mediation Network for Northern Ireland and sought a series of meetings with interested parties. One of the difficulties we face (and which we discuss in more detail later in this document) is that, by virtue of a resolution of the Grand Orange Lodge of Ireland, members of the Orange

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Order are forbidden to have any formal contact with the Parades Commission. We are most grateful to all those with an insight into the thinking of the Portadown District and of the Orange Order more generally who have been prepared to give us the benefit of those insights. We have tried to give due weight to the views of the Portadown District as we understand them, but our understanding of the position of the Portadown District is necessarily indirect and incomplete.

Background

7. The origins and history of the dispute over the Drumcree church parade are set out in the Commission's determination of 26 June 1998, and further developed in its determination of 28 June 1999. Today's determination, as will be seen, builds on what has been said before and incorporates the Commission's strategic thinking on how the dispute could be resolved.

8. It is immediately clear that the dispute is about far more than competing interests. The Drumcree conflict has become a symbol for issues that are at the heart of the sense of identity of both main parts of the community in Northern Ireland. It has therefore come to have a significance that transcends the confines of the Garvaghy Road and the town of Portadown. It may be that the Drumcree conflict will only be finally resolved as relationships within the wider community in Northern Ireland move on to a stable and constructive footing. Conversely, a resolution of the Drumcree conflict could make a major contribution to healing the divisions that run right through Northern Ireland's society.

9. For the Portadown District, as we understand it, the maintenance of the Drumcree church parade has become a touchstone for civil and religious liberty – their right to demonstrate their faith and their culture by maintaining an age old tradition. The dispute has also acquired a strong political overtone because they believe the Garvaghy Road residents' opposition to the parade is manipulated by Sinn Fein and designed to inflict a "defeat" on a bastion of Unionism. There is also a strong sense that Unionism and Protestant culture generally are losing out, politically and in a variety of other ways. As they see it, the pattern has been mirrored in the history of the Drumcree church parade:

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having been re-routed away from Obins Street in the mid-1980s, the number of parades along the Garvaghy Road had been reduced to a single return parade each year by the mid-1990s and that sole remaining parade has now been re-routed for each of the last two years. By many in the Orange Order the fate of this remaining parade is seen as symbolising the prospects for preserving Protestant culture as a whole.

10. For nationalists living in the Garvaghy Road area of Portadown, the fate of the Drumcree church parade has become a touchstone for the principles of equality and parity of esteem between the two main parts of the community in Northern Ireland. They do not see how their opposition to the return parade passing through their area could interfere with the civil or religious liberties of the members of Portadown District, or undermine Protestant culture. In their eyes the Orange Order is sectarian and anti-Catholic and represents a strand of Unionism which sought for decades to deny Catholics their civil and political rights. As there is an alternative route for the return parade, they see the Portadown District's insistence on returning along the Garvaghy Road as little more than a coat-trailing exercise, designed to be deliberately provocative. So far as they (and probably most nationalists in Northern Ireland) are concerned, if the parade is allowed to proceed along the Garvaghy Road it would expose the "equality" provisions in the Belfast Agreement as a sham and call into question the commitment of the Unionist community to fair treatment for all parts of society in Northern Ireland within the new consensus on constitutional issues.

11. The second obvious feature of the background to the Drumcree dispute is that relationships between the main parts of the community in Portadown have virtually broken down. The town has become increasingly segregated and many nationalists living in the Garvaghy Road area say that the town centre has virtually become a "no go" area for them. Until these fractured relationships are healed – which would be a long-term process – it is very difficult to see how the conflict over the Drumcree church parade could be finally resolved.

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12. A third lesson from the past is that previous attempts at "mediation" have failed, often because they were not sufficiently well structured or took place at the last minute, in "crisis" conditions. They have also tended to focus on the "win/lose" question of whether the church parade should be allowed down the Garvaghy Road; and many of the initiatives were seen by the residents (and probably the Portadown District) as designed only to secure an accommodation which would allow a parade to take place. We welcome the mediation effort now under way, involving the South African human rights lawyer Brian Currin, which seems designed to avoid these difficulties. One cannot be more than cautiously optimistic at this stage, but we fervently hope that the initiative will bear fruit. It is already clear, however, that any long term improvement in inter-communal relations that may emerge from this exercise will not come in time to help resolve tensions over this year's church parade.

The Events of 1999

13. The Commission's determination in respect of the 1999 parade alluded to the meetings chaired by the Prime Minister's Chief of Staff, Jonathan Powell in the immediate run-up to the parade, and to the discussions which took place on Monday, 28 June 1999 in which the Prime Minister was involved. The Portadown District now say they formed an impression that while the return parade on 4 July 1999 would be re-routed, there would be a return parade before too long if they kept protest to a minimum. On the day, protest against the re-routing of the parade was low key. The estimated 5,000 Orangemen who turned up at Drumcree church were encouraged to leave after a rally. There was no repetition of the serious rioting and other illegal activity throughout Northern Ireland that had happened in 1996 and 1998. The Portadown District complied with the Commission's determination, but maintained its protest vigil at Drumcree and continued to notify its intention to parade along the Garvaghy Road each week.

14. It should be noted that the Parades Commission – the relevant statutory authority - was not party to any understanding there may have been with the Portadown District in 1999. The Commission has continued to impose restrictions on the weekly notified parades, in line with the criteria in the Public Processions Act 1998.

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The Commission's Position

15. The Commission has consistently taken the view that the freedom to parade is an important one that should only be constrained for compelling reasons.

16. A feature of contentious parades in Northern Ireland is that the organisers of parades and those who oppose them often fail even to acknowledge, let alone address, the genuine and legitimate concerns of the other side. Reasonable efforts by the organisers to minimise the disruption or offence that might be caused by a parade would at least demonstrate a degree of respect for the interests of residents. The Commission has always urged those involved in parading disputes to "engage" with each other, preferably through direct dialogue. We continue to give due weight to evidence that those involved (whether parade organisers or residents' organisations) have made a real attempt to address the legitimate concerns of others and shown a readiness to accommodate those concerns where it was within their power to do so.

17. In the case of the Drumcree church parade, there has been insufficient effort by the Portadown District to address and accommodate the legitimate concerns of the residents of the Garvaghy Road. The Portadown District does its case no good by refusing to face up to the reality that the Garvaghy Road Residents Coalition enjoys widespread support from nationalist residents of the Garvaghy Road. The District's refusal to engage with the residents' representatives tends to reinforce the residents' view that the Orange Order sees nationalists as second class citizens.

18. Another key feature of the Drumcree dispute is the violence that has been associated with it. The Orange Order cannot wholly escape responsibility for bringing thousands of people on to the streets in circumstances which led to serious large scale rioting, assaults and other unlawful acts across much of Northern Ireland in 1996 and 1998. The ongoing protest vigil and the applications to complete the parade route which have been submitted each week since July 1998 provide a constant stimulus to the high level of tension in the Portadown area. Regular "support" parades in Portadown and elsewhere in Northern Ireland also exacerbate inter-communal tensions. The

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atmosphere engendered in sections of the loyalist community by these protests has created a climate of fear and intimidation in Portadown. We have received disturbing evidence about the stress that this has imposed on residents in the Garvaghy Road area.

19. The Parades Commission has tried time and time again to alert the Orange Order to the unacceptable nature of the strategy it has pursued. That strategy has progressively undermined whatever hope there might have been for securing a local agreement in relation to the Drumcree church parade.

20. The Commission's 1999 determination said that:

> "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 Portadown that the residents were genuine in their intention to find a long term solution.
>
> "A moratorium or even a significant reduction in the numbers of parades, would have been viewed by all involved as a positive contribution and would have indicated some degree of respect for the rights and liberties of local residents, particularly while efforts were being made to resolve the dispute."

21. In the event, the Portadown District's decision to comply with that determination was welcome; but the continuation and recent intensification of its protest action and irresponsible comments which have been made by spokesmen for the Portadown District about the prospects for a peaceful outcome to this year's parade, do not suggest any fundamental shift in the Portadown District's position.

Engagement with the Parades Commission

22. There are signs that some in the Orange Order, including in the Portadown District, believe it would be right to resume dialogue with the Parades

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Commission. We would welcome that as a modest step towards a more constructive policy. Direct contact between the Parades Commission and the Orange Order would certainly assist us in our work and give the members of the Portadown District an opportunity to ensure that we gained a full appreciation of their point of view. But such contact would need to be sustained and genuine if it was not to be seen as a purely tactical ploy, designed to secure Parades Commission approval for a particular parade.

23. In any event, meetings between representatives of the Portadown District and the Parades Commission could be no substitute for real engagement – preferably in the form of direct dialogue – between the Portadown District and residents of the Garvaghy Road.

24. We were naturally disappointed by the Grand Lodge decision on 14 June 2000 to re-assert its opposition to contact between the Orange Order and the Parades Commission. We hope this policy will soon be reviewed and that we will be able to develop a constructive dialogue with the Orange Order in the months ahead.

The Future

25. In the light of the points set out above, the Commission's decision should come as no surprise to anyone.

26. However, we do not want to leave it there. There are some positive elements in the situation that we would like to encourage. We want to make what contribution we can to the success of the mediation initiative led by Brian Currin. We want to encourage those in the Orange Order and in the wider community who are looking for a fair and equitable resolution of the Drumcree conflict. We also feel a responsibility to the community in Portadown to point a way forward in the hope that this could help bring to an end the constant tension and sense of alienation that many of them feel – especially those living in the Garvaghy Road area.

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27. As a first step, we appeal to the Portadown District and the wider Orange Order to comply with the Commission's determination on the Drumcree church parade in the same disciplined way as last year. We also again urge them to introduce an immediate moratorium on protest activity and support parades, including anything that could serve to stoke up inter-communal tension or perpetuate the fear and intimidation to which the nationalist residents of Portadown are exposed.

28. If that is done, the Commission would – as it promised in 1999 – look to the Garvaghy Road residents to take whatever positive steps were needed to build the confidence of everyone in Portadown that they were genuine in their intention to find a long term solution.

29. If it were clear that all Drumcree – related protest activity had ceased; that officials of the Portadown District had engaged with the Garvaghy Road residents in both the Currin initiative and any civic forum; and that the Portadown District's protest vigil would not be resumed, we believe that a limited, orderly parade by the Portadown District could take place along the Garvaghy Road in a peaceful and lawful atmosphere, ideally at some point in the next 3-8 months.

30. We feel that such a parade may be necessary in order to facilitate sustained, substantive and genuine dialogue between the two main parts of the community in Portadown. Such a dialogue may in time alleviate the damage which has been caused to inter-communal relations by the Drumcree conflict and create the circumstances in which a local agreement can be reached about future parades.

31. It is only fair to point out, however, that we find it impossible to envisage circumstances in which there could be any subsequent parade by the Portadown District along the Garvaghy Road in the absence of such a local agreement.

32. In presenting this scenario, we trust that the Government, the Northern Ireland Executive and Assembly, Craigavon Borough Council and everyone else in a

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position to facilitate a sensible resolution of the Drumcree conflict will consider carefully what contribution they could make which would help to initiate the necessary dialogue.

Decision

33. The Commission has taken and considered evidence about the parade notified by the Portadown District LOL No1 for Sunday, 9 July 2000 against the criteria set down in its statutory documents.

Public Disorder or Damage which may Result from the Procession

34. The Commission is aware that whatever decision it reaches there may be serious public disorder and damage to property. Feelings on both sides of the community, in Portadown and throughout Northern Ireland, run very deep. Nationalists would be affronted by any decision to force the parade through against the wishes of the local residents and without any serious attempt by the Orange Order to address their concerns. Experience suggests that any such course of action would trigger sustained rioting throughout nationalist areas of Northern Ireland. Equally, there are those in the loyalist community who would be likely to use any decision to re-route the parade as an excuse to mount a violent response.

Disruption to the Life of the Community

35. It is clear that the parade - if unhindered - could pass along the Garvaghy Road in a very few minutes without, in itself, causing any significant disruption.

36. The issue, however, is not the manner and the duration of the parade but the context in which it would occur. The police and army presence required to maintain order in the event of a contested parade would inevitably have a hugely disruptive effect on the life of the local community. Disruption could occur elsewhere throughout Northern Ireland. There is also a potential for supporters of the Portadown District to cause significant disruption throughout Northern Ireland as part of a campaign of protest against any decision to re-route the parade.

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Impact of the Procession on Relationships within the Community

37. This is the heart of the matter. Given the history and the connotations of this parade, we do not believe the Portadown District can walk down the Garvaghy Road in current circumstances without having a hugely damaging effect on inter-communal relationships, not only in Portadown but throughout Northern Ireland.

Compliance with the Code of Conduct

38. The Commission has welcomed the fact that in 1999 the Portadown District complied with its determination in respect of this parade. There is, however, continuing evidence that parades organised by or in support of the Portadown District LOL No1 have breached the Commission's Code of Conduct. Despite making adherence to the Code a condition for such parades taking place, offensive language and gestures continue to be used by participants; and music that is perceived to be sectarian is played at sensitive inter-face areas and outside churches.

The Desirability of Allowing a Parade which has Customarily Been Held on that Route to Continue to be Allowed to do so

39. We acknowledge the long tradition of Orange Order parades in Portadown and in particular to and from the church at Drumcree.

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DETERMINATION

The Commission's determination is that the following conditions are imposed on all persons organising or taking part in the parade organised by Portadown District LOL No 1 on Sunday 9 July 2000.

1. **In respect of the outward route, the parade is prohibited from entering that part of the notified 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 and Market Street, before turning into West Street. From West Street it shall turn into Northway and join the Corcrain Road. It shall then process along the Corcrain Road into Charles Street, along Charles Street to the Dungannon Road – Moy Road roundabout, along the Dungannon Road to the Rectors Turn, Drumcree Road to Drumcree Church.**

2. **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.**

3. **In addition the following conditions are imposed:**

   a. **When the parade is in progress there shall be no undue stoppages or delays.**

   b. **The organiser shall arrange for the presence of an adequate number of stewards to ensure that all parade participants behave in an orderly manner.**

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c. The organiser shall ensure that only the three notified bands, namely the Star of David Accordion Band, the Edgarstown Accordion Band and the Mavemaculien Accordion Band shall accompany the procession.

d. The parade organiser shall ensure that all directions by police in relation to the parade are promptly obeyed.

e. The parade organiser shall ensure that these conditions are drawn to the attention of all participants including bands at the assembly point.

Signed: .....
On Behalf of the Commission

Date: 3rd July 2000

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