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FROM: QUENTIN THOMAS
Political Director
17 April 1997
QT/MR/23

L. Riffa *North Report*

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18 APR 1997
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MR LEACH

ASST/
SEC
21 APR 1997
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cc

PS/PUS(L&B)
PS/Sir David Fell
Mr Steele
Mr Bell-M'field-MUFAX
Mr Stephens
Mr Watkins
Mr Beeton
Mr Hill
Mr Brooker
Mr Perry
Mr T Smyth POB(MH)
Mrs Collins
Mr Maccabe
[REDACTED]
Mr Webb
Dr P Smyth PAB

Mr Cafaro
Subject to the last point.
This looks attractive.
What do you think?
Q
18.4

PARADES: PROHIBITING PARADES AND DETERMINING CONDITIONS

Under the North Committee's scheme the Commission will determine whether conditions need to be applied to parades and what they should be. The power of prohibition remains in the Secretary of State's hands though he can be moved to exercise it as a result of information from any source which would include the Commission as well as the Chief Constable. (I imagine that, in practice, under any future parades regime banning will seem appropriate as rarely as it does now.)

2. The Labour Party is committed to implementing the North Report, though it is likely that they will see the arguments against attempting to do it all in time for this year's marching season, even if that could indeed be brought off. They are also likely to see arguments for varying the North's approach provided such variations are compatible with the general commitment to implement North.

3. The big issue is of course the North Report's recommendation of the Commission's central role of determining conditions for parades. The Chief Constable appears to have strong reservations about this, though on one account they are primarily directed at giving the Commission this power for this year's marching season. Certainly last year the RUC seem to reach the point of recognising that there was strong arguments of merit for the police losing the power.

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An incoming Government is likely to be exposed to compelling arguments for hesitating about giving the Commission this central role. The Commission

itself may by then have developed some doubts; and the RUC view may harden against it (though again this year's marching season may work to remind them of the possible merits of this approach).

5. Implementing North is unlikely to remove all our problems; and indeed implementing North has become more difficult. (Many of those who argued in the office for an early commitment to implement did so on the basis that delay would only make it more difficult as the opposition was marshalled. That seems to have been a fair assessment.)

6. I have been struck by one point, and the purpose of this minute is really to canvass its implications with you and other colleagues who know more about these matters than I ever shall. The UUP and the Orange Order proposed to North a scheme whereby parades might be classified and registered. (Indeed I remember Ken Maginnis advocating this kind of approach in Castle Buildings last summer even before the North Committee was established.) North discusses this idea in paragraphs 12.51 to 12.54 of the Report, concluding that the arguments are against it. But the idea was clearly played again into the recent consultations reported in Ms Kirk's minute of 14 April. Of course the form in which the idea was proposed by the Orange Order and the UUP would have had the effect, as North noted, of safeguarding a very high proportion of existing parades, most of them being Unionist/Loyalist, rather than Nationalist.

7. I wonder however whether there may not be considerable merit in the idea, though not necessarily in the ambitious form in which it was, naturally enough, promoted by the UUP and the Orange Order. Part of the concern of Unionists is that the Independent Commission may serve to whittle away progressively traditional parades. That it will have some negative impact on them seems undeniable - the invention of the new criterion must serve to have this effect to some extent. Whether the erosion is progressive might be less certain, and Unionists and Loyalists might receive considerable reassurance from some system of classification giving parades a differential status according to various factors including their longevity etc. The loyal orders here suffered considerable attrition, at least in some places - not least at Drumcree. A dispensation of the kind proposed might give them the defensive bulwark behind which they could rally, in place of the slippery slope on which they now feel themselves to be.

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8. It may be that the guidelines "Setting out the factors which the Parades Commission will take into account in determining whether a parade be made subject to conditions" could be developed to involve this kind of classification. This does not seem to be what North had in mind in recommending the guidelines in paragraph 12.34 of the Report; nor, naturally enough, is it the approach in the first draft which Mr Webb has heroically prepared and circulated. On the other hand Guidelines could be adapted to serve this

purpose. It seems to me clear from Mr Webb's helpful draft, and his account of the "Underlying Assumptions", that it would not be an enormous leap of principle to attempt some system of classification or some indicative criteria.

9. In any event it is not hard to see that there may be the basis for an implicit deal: the Commission is given an important role in determining the conditions of parades, but it operates within a framework - whether self-imposed or deriving from Parliament or Ministers - which creates some safeguards, or at least a level of expectation and reassurance - for some parades. The deal would of course work in the other direction: community resistance to a particular parade would be given less weight where the parade was long established and of particular importance in the hierarchy of Orangeism (or whatever other criteria applied); in respect of parades which did not meet these and whatever other criteria might be developed, their hostile views would be given much greater weight.

10. My starting point is that a Labour Government, if that is what we get, will want to honour its commitment to implement North but may need considerable help in finding a way of doing so which takes account of the genuine concern about what this will imply for Unionism and Orangeism. I mention this idea which (like North) you may already have canvassed and rejected in case it helps. I recognise, of course, that getting the system of classification right and "doing a deal" on it would be difficult!

(Signed)

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