

Second Meeting on Flags
02 March 2004
Stormont House

This meeting followed a more general meeting convened in December aimed discussing various problems connected with flags. Representatives from SPOB, PSNI, PAB and NIO Civil Representatives attended the last meeting. They were joined in this meeting by representatives from the Community Relations Unit, the Community Relations Council and the Community Safety Unit.

At the last meeting it was concluded that a community-oriented approach to the problem of flags was more preferable than a police-only response using provisions of the Terrorism Act 2000, although there was a role for both. The Community agencies present were therefore given an opportunity to explain both the nature of their present work and how they felt that the problem should be tackled.

Section 13 of the Terrorism Act 2000

Gary White (GW) of PSNI informed the group of his discussion with the DPP's office relating to the use of s.13 of Terrorism Act 2000. Again, the issue of what is or isn't acceptable behaviour became an issue but GW believes that the DPP are in favour of using the provision generally and this is easiest when a flag or mural illustrates an explicit level of support for a paramilitary organisation.

Obviously, there will be areas where there is doubt as to the nature of a flag. GW suggested that this should be a matter for the Courts and that a comprehensive caselaw could be developed to provide a clear line between what is acceptable and what is not. He also reminded the group that there is a great deal of sympathy for the notion that what was acceptable during the worst phases of the Troubles, may not be acceptable now.

Both BG and GW reminded the group of the test case currently going through the Courts relating to the display of paramilitary flags in Holywood **[Note – this case has resulted in the convictions of four people under section 13, sentencing due at the end of March].**

CRU/CRC Analysis

Billy Gamble (BG) of CRU informed those present that CRU had already commissioned research from the Institute of Irish Studies at QUB on the issue of flags and emblems. CRU are hoping to publish a policy document on proposed action on divisive community issues, including flags, in the next few months. He did however provide an analysis of the key issues as CRU saw it at the present time.

BG reminded the group that public authorities have statutory duties when it comes to these matters but that two key questions must be addressed:

- When should a community demand that the Government should take action?
- When should the community take responsibility itself?

Duncan Morrow (DM) of CRC also addressed the differing extent of the problem to particular areas. The *offendee* is often difficult to define and offending flags and the extent of the offence caused is often defined by the intentions of the *offendor*.

As noted in the last meeting, there are numerous reasons for putting up a flag ranging from the innocent to the sinister, such as:

- ◆ Celebrating a particular religious or national holiday – it was mentioned that in a great deal of cases, the erection of flags is very much a seasonal event but that often some flags remain after the festivities for reasons mentioned below;
- ◆ Alerting “outsiders” that a particular area is exclusively protestant/catholic – it was asserted here that this is very much a practice within the loyalist communities who fear that their communities are under threat;
- ◆ Illustrating that a particular paramilitary organisation has particular (perceived or otherwise) influence over a certain area – this is often considered to be the central problem and one which the community by itself may be reluctant to challenge.

DM spoke of particular often under-addressed aspects of the problem such as the effect of such behaviour on those who have no option but to pass through areas on their way to work. This may contradict equality obligations.

CRU/CRC Approach to Resolution

BG stated that his preference was for the community to resolve such matters by itself. However, he felt that there must be a threat of final sanction.

DM elaborated and called for a sophisticated policy response encompassing District Policing Partnerships, PSNI, Community Safety Partnerships, local councils and other Government Agencies and groups who have a role to play.

DM pointed to Belfast City Centre as a starting point – noting that there are few, if any, flags of any persuasion displayed there. A move to common zones such as the arterial routes would then be appropriate.

DM was careful to point out that he believed that any action should commence in the more moderate areas. There will obviously be a greater chance of success in this approach and the ‘reformed’ areas can act as an example to the other less moderate areas.

Education was also considered to be a top priority. DM & BG felt that it was right to inform communities of their right to fly flags and paint murals – if these are done at a particular place, at a reasonable time for an acceptable reason, e.g at festivals, holidays. But communities should also be given an indication of how they are portrayed by others and why the excessive use of flags and murals may be harming inward investment and the subsequent knock-on effects of such harm.

CSU Approach

Ward Erwin (WE) of CSU gave the group an insight into the work of Community Safety Partnerships (CSP's), of which 23 out of the proposed 26 are now in place.

Of particular interest was that Communities would undertake 'Community Safety Audits' in their respective areas. If the issue of resolution of flags disputes could form part of these audits, this would ensure that attempts would be made to resolve the flags issue at local level.

It is not clear as yet whether any of the current audits contain references to flags disputes, but this is something WE will investigate further.

Challenging Community Groups

Mary Lemon (ML) of Political Affairs Branch felt that the groups who provide analysis to paramilitaries should be challenged continuously on the flags issue and reminded that this behaviour is ultimately detrimental to the communities they seek to serve.

Conclusion

The group was clearly impressed by the approaches of the CRU/CRC and await the outcome of the policy document in June. The additional benefit provided by CSU should also be utilised.

It is clear, however, that there will be times when the community simply cannot prevent paramilitaries from indulging in this activity. In such circumstances the PSNI are content that they have the necessary powers under the Terrorism Act to deal with the situation.

In short, there is no one size fits all policy that can resolve the flags issue. The issue itself is too complex and differs significantly in individual areas. The challenge will be to have a range of solutions available so that they can be applied to individual problems. From this meeting, it is clear that there are a number of options currently available and that other options are currently and proactively being examined.

Action Plan

- ◆ The PSNI to continue discussions with DPP on taking further action under s.13 of the TA 2000
- ◆ The Community Safety Unit to recommend to CSP's that flags form part of CSP audits
- ◆ The Community Relations Unit to distribute to working group draft of policy document on action plan to better community relations
- ◆ The Political Affairs Branch to ensure that the issue of flags is put high on the agenda of discussions with various groups