

6th annual report

of the Northern Ireland Parades Commission



2003 – 2004



Parades Commission for
Northern Ireland

Sixth Annual Report

1 April 2003 - 31 March 2004

Presented to the Secretary of State for Northern Ireland
pursuant to Schedule 1 (13) to the Public Processions
(Northern Ireland) Act 1998

Rt. Hon.
Paul Murphy, MP
Secretary of State for Northern Ireland
Secretary of State's Private Office
Northern Ireland Office
Block B,
Castle Buildings
Stormont Estate
BELFAST
BT4 35G

Dear Secretary of State,

I have pleasure in submitting to you, as required by Schedule 1(13) to the Public Processions (Northern Ireland) Act 1998, the Annual Report of the Parades Commission for Northern Ireland for the year 1 April 2003 until 31 March 2004.



Sir J. Anthony Holland

Chairman



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chairman's report



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Introduction

This is the sixth Annual Report of the Parades Commission and it covers the period April 2003 – March 2004.

The current Parades Commission is an independent body of seven individuals drawn from across civic society and appointed by the Secretary of State. The terms of reference under which the Commission operates are precisely defined by Parliament, as is the range of considerations that must be taken into account during deliberations.

Just as each summer brings with it a degree of trepidation surrounding the marching season, 2003 was no exception. Hopes were also high that a more peaceful way around much of the contention associated with parading could be found.

As it transpired that hope was well grounded. Through the excellent ongoing efforts of community activists, parade organisers, police, authorised officers and others throughout our society, the parading season in 2003 was among the calmest in recent memory. There were exceptions to this and the Parades Commission was ultimately forced to impose determinations on a small percentage of parades. Generally and encouragingly when such conditions were imposed they were respected. Away from the headlines associated with the

parading season effective work has continued quietly beneath the surface. For example the South Africa initiative which was a bold step on behalf of the Commission yielded benefits in the form of improved relationships with protagonists in the parading issue. A small number of Commissioners took part in the study visit and they were joined by representatives of the PSNI and individuals from the Orange Order in Poradown. The venture was a success.

Last year also saw a continuation of the close working partnerships the Commission has established with all the players involved in the parading issue including political representatives, local community activists, individual members of the loyal orders and the PSNI.

I cannot understate the importance of the tireless work undertaken by numerous representatives of the community and the more forward-looking parade organisers who commit themselves to ensuring that their interests are served in a way which does not bring violence and tension onto the streets. Their input has been and continues to be of value to the entire community of Northern Ireland. It is worth pointing out that the Parades Commission only becomes involved in a parading dispute when a local accommodation has not been reached. In these circumstances the Parades Commission has to make difficult and unpopular decisions. The

Parades Commission was established to decide what restrictions, if any, should be placed on parades taking place around Northern Ireland. In the late 1990s society here had moved to a point where the tensions surrounding the issue were becoming unbearable and questions over the right to parade or protest were being decided largely on security considerations. Parliament established the Parades Commission to move discussion of the issue away from security concerns and into a less confrontational and more constructive forum.

In all of its discussions under my Chairmanship the Parades Commission has never and will never make a decision based upon explicit or implicit threats of violence. Indeed, the opposite is the case. Those who seek to introduce threats into the decision making process of the Parades Commission can be sure that the validity of any case they are making will be totally undermined by such threats. Genuine and meaningful dialogue leading to improved relationships in the community will continue to be a vital issue for the Commission – but in its absence parades that are contested are more likely to be restricted.

Northern Ireland is a place where people are sharing space with neighbours with whom they may not agree, but with whom they must live nevertheless. The Parades Commission will continue to do what it can to facilitate accommodation on the issue of parading but ultimately, the pace of its progress relies on those groups and individuals most closely involved. Everyone involved is required to take risks, but ultimately all of Northern Ireland will enjoy the rewards.

The marching season of 2003 and the work which went on in securing a relatively peaceful summer will I am sure have benefits which will be seen for a long time to come in Northern Ireland. As new partnerships are built and relationships are developed over time, organisations and individuals will inevitably gain a better understanding of how it is to live in the other persons shoes. Some small signs emerged during 2003 of an increase in the level of willingness and ability to reach out to 'the other side'. We hope to build on that in the future. No matter the supposed rationale behind a policy of non engagement which is indulged by some leaders in the loyal orders, there has to be a realisation, in time, that engagement on the issues is the only way forward. If people and organisations do not present their case in an environment which has been created to facilitate and promote dialogue, their argument is inevitably weakened.

It is frustrating to the Commission that there continues to be a knee-jerk reaction by some when it comes to parades. A small section of the

community here, and in some cases those who represent their views to the Commission, display a default setting which is either 'anti parade' or 'anti residents.' Such positions, when they are adopted without true regard for the opposing point of view serve no long term creative purpose. Similarly there are occasions when people seem to deliberately misunderstand the role of the Commission or seek to use the judgements of the Commission to suit their own agenda. This is disappointing and unhelpful.

The Commission is sometimes accused of working to various 'agendas'. The truth is that the only agenda the Parades Commission has ever worked towards is to encourage meaningful dialogue and facilitate accommodation between the various parts of our community on parading issues. While the Parades Commission is legally obliged to look at each and every parade or protest parade on its own merits and in isolation, it recognises that the wider community looks at the issue in more general terms.

The Parades Commission has made a marked contribution to the continuing easing of the issues around parading in Northern Ireland. Our work has not proven to be particularly comfortable and is by no means easy. The right to parade and the right not to be subjected to what some see as inappropriate parades are genuinely and sincerely defended positions in Northern Ireland and they are not always compatible positions. This is the job we have undertaken and it is one which requires a patient and balanced approach. The Commission is well served by a team of dedicated Authorised Officers and parade monitors whose job it is to observe events on the ground. Authorised officers are contracted to work with protagonists in specific areas to ensure as far as possible that peaceful outcomes can be ensured. Each of the Commissioners is indebted to the authorised officers and also to the Parade Monitors, who perform their job in sometimes difficult circumstances.

This is the fifth full year in which the incumbent set of Commissioners has discharged the legal obligations of the Parades Commission. My colleagues on the Commission are dedicated, hard working local people with a genuine determination to make a contribution to the betterment of Northern Ireland through their work on the Commission. I stand in admiration for the fact that they have embraced this work and I am continually impressed with the skill and thoughtfulness with which they carry out their role. As Chairman of the Commission I am in their debt and it is appropriate that I acknowledge that debt in this report.

education, understanding and capacity building

- an international perspective



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The Parades Commission believes that one of the key features of the move towards progress in Northern Ireland on parades related issues is the development of mutual understanding, and the enhancement of capacity to address and resolve conflict issues.

The Commission has been engaged in a number of specific pieces of work, research and facilitation to further better understanding between people involved in these difficult and delicate issues across Northern Ireland.

One example of this work was the study visit to South Africa organised by the Commission for key players in the Portadown area; an initiative funded by the Parades Commission and the Community Relations Council. The study trip which took place in February 2003 was an attempt to contribute to and facilitate where possible a context where meaningful dialogue could take place between all those involved in the parading situation in Northern Ireland.

The visit included some of the key people and groups involved from Portadown, including district officers of Portadown LOL No.1, church and businesses representatives, voluntary sector representatives, Commission members and officers of the Commission. Unfortunately nationalists, including the Garvaghy Road Residents Coalition felt unable to attend. Given the rationale underlying the initiative it was regrettable that some important interests in the parading situation were not present.

The study visit was highly successful, with participants exploring some of the key moments and factors in the milestones of South Africa's emergence from a conflict situation to a more stable society. The initiative also allowed for the development of relationships between those individuals and groups taking part.

On a wider front the trip also exposed some of those involved in wider parading issues to other ways of thinking about parades; about how local communities might regard parades emanating from another part of the community and in turn how those wishing to parade might regard the areas where they are not welcomed.

The Commission is determined to continue exploring means of building trust between all the parties concerned in the Drumcree situation. It is our very firm belief that only sustained and meaningful dialogue can create the circumstances where resolution to parading problems in Portadown can be achieved.

The Commission is determined to continue to build on this and other such education, understanding and capacity building projects in which it is involved. It engages in outreach to communities who are opposed to

parades as well as to those who support parades, not just through its team of authorised officers, but also through visits involving members of the Commission.

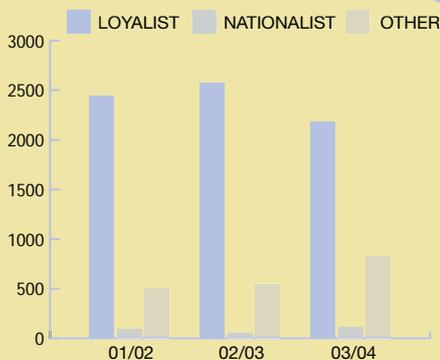
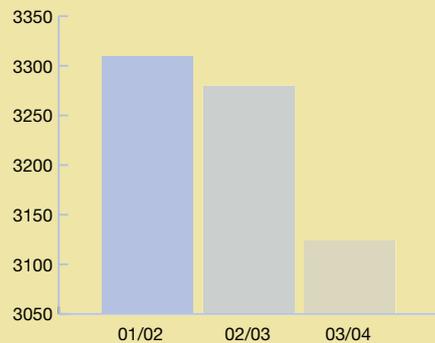


parading statistics



A. TOTAL PARADES NOTIFIED

During the 2003 marching season there was a small drop of 4% from the number of parades notified in the previous year. All parades with the exception of funerals and those of the Salvation Army are required to be notified to the police at least 28 days in advance of the date of the parade. Such notifications are then forwarded to the Parades Commission.



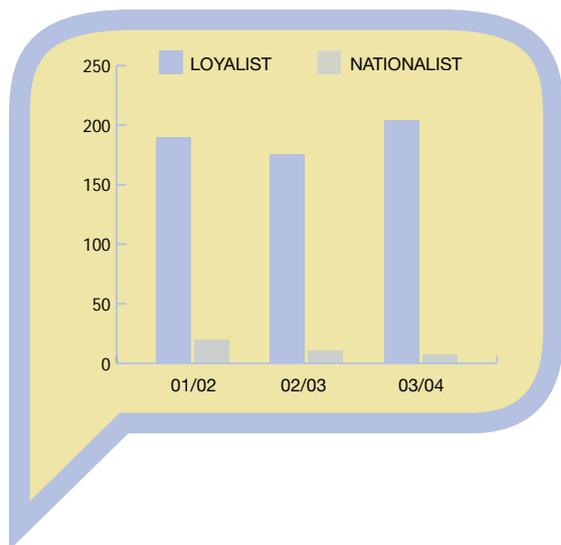
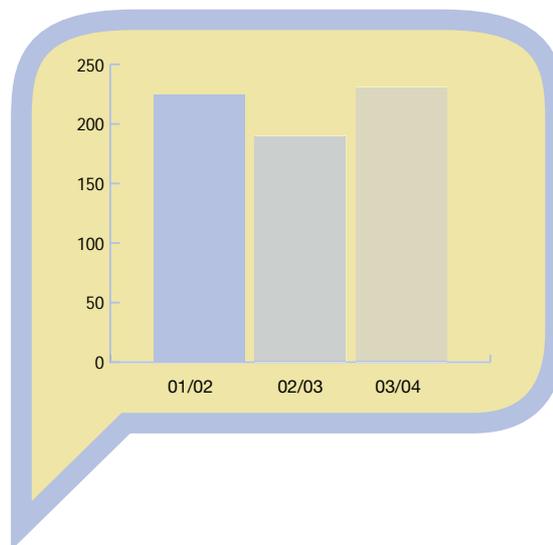
B. TOTAL PARADES BY TYPE

Loyalist parades continue to account for the majority of all parades. In 2003 / 04 they accounted for almost 70% of parades while parades organised by nationalists accounted for 3.5%, a slight drop from the percentage figure of 4.5% in 2002 / 03. 'Other' parades accounted for 26%. These might include civic parades, galas, youth clubs and ex-service organisations.

C. TOTAL CONTENTIOUS PARADES

The number of contentious parades overall rose in 2003 / 04 (231 compared with 191 in 2002 / 03) while the figure as a percentage of the total number showed a slight increase from 5.8% to just over 7%.

In 2003 / 04, just as in all recent years, up to 50 of the contentious parades relate to those notified each week by Portadown LOL No 1 District in relation to the Garvaghy Road.

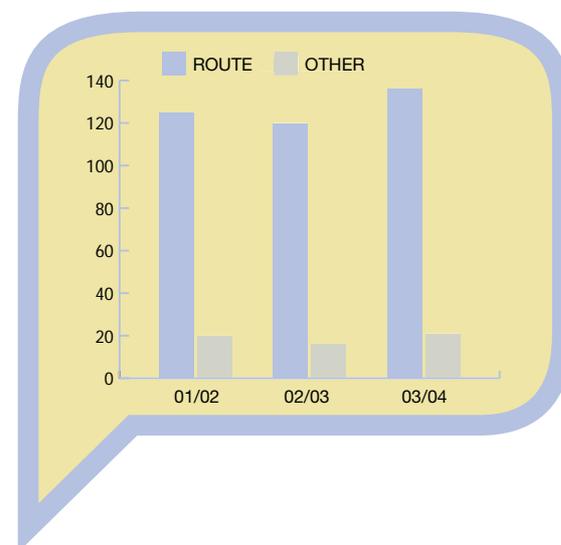
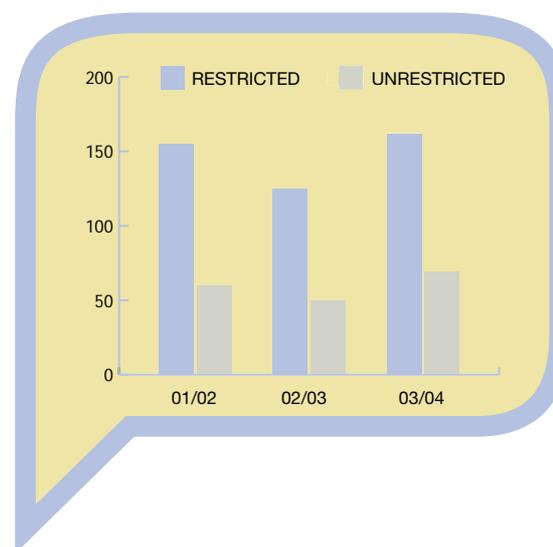


D. CONTENTIOUS PARADES BY TYPE

The number of contentious parades emanating from the loyalist community as a percentage of the overall number of contentious parades was similar to 2002/03 at just under 93%. In 2001 / 02 the figure was 90%. The number of contentious parades from nationalists also remained similar at some 7%.

E. RULINGS ON CONTENTIOUS PARADES

In 2002 / 03 25% of contentious parades were permitted to proceed with no restrictions. This year that figure rose by 4% to 29%, some 69 parades. 70% of contentious parades were restricted in some way in 2003 / 04, a total of 162. It is worth pointing out that up to 50 of the restricted parades are those which are applied for each year by Portadown LOL No 1 District in relation to the Garvaghy Road. In total only 95.% of parades notified had no restrictions of any kind applied in 2003 / 04.



F. TYPES OF RESTRICTION

By far the most common restriction applied to parades concern the route. This was the case in over 83% of restrictions which were applied in the last year to the 136 parades which were restricted. Again the number of routes restrictions in total includes the almost 50 which are applied to the weekly notification of parades by Portadown LOL No 1 District in relation to the Garvaghy Road. Other restrictions which are applied may apply to music (7%) or bands or timings.

reviews



"the Commission may review its final decision in the light of any fresh information or representations received."

When can a decision of the Parades Commission be reviewed?

The Procedural Rules under which the Parades Commission operates state clearly "the Commission may review its final decision in the light of any fresh information or representations received."

Throughout each marching season the Commission receives numerous requests for decisions concerning particular parades to be reviewed and there are certain circumstances under which the decision may be reviewed. The Commission has discretion on whether or not a review will be granted but in any circumstance a review is more likely to be granted if new evidence relating to a parade is made available to the Commission. A request for a review should include an indication of the nature of the new or fresh information and should also indicate why the information if available was not presented as part of the original consideration. In the light of experience, the Commission will be increasingly reluctant to consider evidence which is presented as new or fresh if in fact such information was available and could have been presented as part of the initial consideration but was not supplied to the Commission at that time. If fresh evidence which is demonstrably new is not supplied to the Commission in support of a review application, the review request is much more likely to be rejected.

Inevitably, however understanding the Commission has tried to be in its early years of operation, there is a price to be paid where one interested party or another fails to engage with the Commission at the appropriate time.

If a decision is reviewed the Commission may uphold, amend or revoke its previous decision. Any party with an interest in the particular parade will be informed that a review is to take place and they will normally be afforded the opportunity to have an input into the review.

Should the Commission decide to change its decision as a result of a review it will provide the earliest possible written notification to the parade organiser, other parties associated with or concerned with the parade and the PSNI. When the central protagonists have been informed of the outcome the review decision will be placed on the Commission website.

The Commission is conscious of the unhelpful effect that a change in determination can have in the immediate run-up to a parade, and strongly urges interested parties, including parade organisers, to ensure that they participate in the process at the outset, as there is no guarantee of a review simply because new evidence or information has been provided.

ACCOUNTS

The Parades Commission is financed by a budget allocated by the Secretary of State for Northern Ireland from the Northern Ireland Office Administration, Law, Order, Protective and Miscellaneous Services, Vote (Class XV, Vote 1, Section B). The account below relates to the twelve month period from 1 April 2003 to 31 March 2004.

Under paragraph 12(1) of Schedule 1 to the Public Processions (Northern Ireland) Act 1998 the Commission is required to:

- (a) keep proper accounts and proper records in relation to accounts; and
- (b) prepare a statement of accounts in respect of each financial year of the Commission.

Due to the timing of this report the Commission's expenditure has not yet been audited and is subject to change. A copy of the audited account will be laid before Parliament when ready.



Andrew Elliott
Secretary to the Parades Commission

Year ended 31 March 2004	Notes	£k
Budget allocated from Class XV, Vote 1, Section B		1,292
Salaries and Wages	1	382
Salaries (Commission Members)	2	229
Other Operating Costs		
Travelling and incidental Expenses		
Commission Members		51
Staff	3	31
Rent, rates, car park etc		111
Heating, lighting, cleaning, maintenance		40
Office supplies, publications, printing, stationery		13
Telephones and postage and courier		33
Authorised Officer and related costs		180
Monitors and related costs		15
Hospitality		6
Publicity / Advertising		9
Funding of Grants		7
Education /Outreach		55
Computer Maintenance/Licences		13
Consultancy and Professional Advisors Costs		109
Miscellaneous		8
		1292
Surplus (Deficit) from operations		0

Notes

1. Salaries figure shown in respect of Secretariat staff only.
2. Commission Members' salaries include VAT where applicable.
3. Includes training costs.
4. Figures shown are based on cash expenditure and not accruals.
5. These figures have not been audited by the National Audit Office.

commission members



Sir Anthony Holland, the Chairman, was appointed in February 2000. Prior to taking up his appointment, he was Principal Ombudsman with the Personal Investment Authority Ombudsman Bureau Ltd in London, a post he occupied since May 1997.

He is a former senior Partner in a firm of solicitors in Plymouth with whom he worked for thirty five years, and is a past President of the Law Society for England and Wales. He is also Chairman of the Standards Board for England and Chairman of the Northern Ireland Legal Services Commission. Until October 1999, Mr Holland was Chairman of the Executive Board of JUSTICE, the British Section of the International Commission of Jurists.



Billy Martin is a farmer from County Down. A member of the Parades Commission since June 1998, he is also a General Commissioner for Income Tax and a Justice of the Peace, neither of which is a remunerated appointment. He is also Chairman of

Family Farm Development Ltd and Director of UAUS, the umbrella organisation for agricultural co-operatives.



The Reverend Roy Magee is a retired Presbyterian Minister who is perhaps best known for his role in helping broker the Loyalist cease fire. He was until recently a senior research fellow at the University of Ulster, working on conflict resolution. He was previously a member of the Parades Commission

between March and December 1997. As well as assisting as a mediator in several areas of contention, he facilitated at the Drumcree talks in 1998 and 1999. He has been involved in community work for many years, being currently chairman of both Farsset Youth and Community Development Ltd and Farsset Development Ltd. He also serves as a Board Member of the Irish Peace Institute.



Peter Osborne is a Management Consultant specialising in Economic and Community Development. He is a Director of the South and East Belfast Health and Social Services Trust, a member of the Legal Services Commission, and a member of

Castlereagh Borough Council. He is a former Board Member of Enterprise Ulster and of the Northern Ireland Partnership Board. Peter helped found and Chairs Landmark East, a major not-for-profit community regeneration initiative, and is involved in a number of other community and voluntary initiatives.



Peter Quinn has recently retired from the position of Managing Director of a consultancy services company specialising in economic analysis, strategic planning and evaluations. He was co-author of "The Way It Is" (Fermanagh Partnership in Practice 1998),

an in-depth review of community relations and community development in County Fermanagh, and was a facilitator in the Drumcree talks in 1998 and 1999. He is a director of a number of businesses in the media, pottery, cold storage and tourism sectors, as well as of Quinn Group Ltd. He is heavily involved in sports administration and was the driving force behind the development of the biggest ever sports project in Ireland. He was recently awarded a Doctorate by the University of Ulster in recognition of his services to sport, community development and business.



Sir John Pringle is a retired High Court judge, having previously held the post of Recorder of Belfast. He is a former Chairman of the Bar Council of Northern Ireland. Sir John was also the Deputy Chairman of the Boundary Commission for Northern

Ireland during the last Review of Northern Ireland Parliamentary and Assembly constituencies. From June 2001, he has been a member of the Investigating Powers Tribunal.



John Cousins was formerly the Permanent Secretary of the Students' Union at the Queen's University of Belfast, a position he occupied from May 1987 until April 2000. He is an associate lecturer at the Open University Business School's

International Division and Director of Corporate Marketing for an I.T. company. He is also a Management Consultant specialising in Equal Opportunities. He is a member of the Community Relations Council.

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Copies of this Annual Report are available from the Parades Commission offices.

The Annual Report is also downloadable from the commission's website at www.paradescommission.org