

*Strategic Review of Parading in Northern Ireland
Interim Consultative Report*

**Response by Jim Allister QC MEP
on behalf of**



22nd August 2008

I commend the Strategic Review for publishing the interim report and thus providing interested parties with an insight into its thinking.

The core of the problem unacknowledged

The right to parade is a fundamental human right in any democratic society. The scandalous denial of civil and religious liberties to the Loyal Orders in many cases should end immediately. The reasons for the difficulties surrounding parades in recent years revolve around Sinn Fein/IRA manufactured “residents groups” in an attempt to wipe out an expression of Protestant/British culture.

This was graphically illustrated in the late 1990s when a tape of Gerry Adams addressing an internal Sinn Fein/IRA meeting was secured by a journalist:

Ask any activist in the north [sic], ‘did Drumcree happen by accident?’, and he will tell you, ‘no’. Three years of work on the Lower Ormeau Road, Poradown and parts of Fermanagh and Newry, Armagh and in Bellaghy and up in Derry [sic]. Three years of work went into creating that situation and fair play to those people who put the work in. They are the type of scene changes that we have to focus on and develop and exploit (Ruth Dudley Edwards’s *The Faithful Tribe*, 362).

An insight into “residents’ groups” is provided in Ruth Dudley Edwards’s *The Faithful Tribe*:

For residents to stand up against the forces that Gerard Rice represented required enormous courage: intimidation is rife in areas dominated by republicans (or, of course, by loyalists). Rosalind Hughes, an extraordinary woman who lived within the LOCC [Lower Ormeau Concerned Community] area, went public in 1995 when Rice produced an anti-Orange march petition signed allegedly by 92 per cent of the inhabitants. Every household, she explained had been visited by several men demanding signatures; signing seemed the only option.

Malachi O’Doherty, a Belfast journalist, attended an LOCC meeting a few months later and “smelt fascism” in the use of the word “community”: ‘I hear someone claiming to represent me, and inviting me to decide whether I am in or out’. The meeting debated whether to allow the Orange parade on the Twelfth to pass through the Lower Ormeau Road. One-third of those present were in favour, ‘but the two-thirds who roared, whistled and stamped their feet in support of the protest were represented to the excluded media as representing the whole community’, and Rice announced that the decision to block the parade had been unanimous (Edwards, 363 – 4).

Sadly the reality behind the rise and true nature of “residents’ groups” is unacknowledged throughout this report.

Foreword

It is a matter of grave disappointment and some bemusement to me that the Report links the issue of devolving policing and justice to progress in relation to the parading issue. It should be recognised that parading is a cultural issue which should not be used as a political football.

In its forward the report states; ““We ... recognise that transferring responsibility for public assemblies to the Northern Ireland Executive will not happen in isolation. The transfer of policing and justice matters to the Executive is part of the wider jigsaw of politics in Northern Ireland and progress in these areas is very likely to affect progress on the transfer of responsibility for parading issues” (2).

This is unwelcome interference in the political process and goes beyond the remit of the Review. As the group is doubtless aware there is considerable unease within the Unionist community about the devolution of these powers. This revolves around two main issues:

- The possibility of convicted Old Bailey bomber Gerry Kelly or indeed anyone from the IRA's political wing holding the post and
- The role the devolution of such powers would give Martin McGuinness, as Joint First Minister, in the appointment and removal of our top Judges.

Chapter 1 – Summary of recommendations

1.1 Principles

Although there are examples where agreement could be reached with local residents who are accepting of other cultures in other cases it has been a longstanding policy of the Orange Order not to talk to Sinn Fein backed residents groups. I regret that the Strategic Review shows no understanding of why this is.

I have quoted Gerry Adams's infamous comments about “three years of work” going into manufacturing the parades problem. The individuals who head up self-styled “residents groups” betray their political nature. Gerard Rice, spokesperson for the Lower Ormeau Concerned Community, served four years imprisonment for membership of the I.R.A. and possession of arms (Sunday Life, 14th May, 1995). Brendan McKenna, who speaks for the Garvaghy Road Residents Coalition, served six years for his part in the 1982 I.R.A. bombing of the Royal British Legion Club, Portadown. McKenna was also a member of Sinn Fein.

Parading is, as long as it is exercised responsibly, a right which should not even be negotiable but the choice of individuals such as Rice and McKenna as leaders of “residents groups” makes it even more difficult for the Loyal Orders to engage with them.

The fundamental problem lies not with the Loyal Orders but with Republicans.

I regret that this point is missed when the Strategic Review stresses the importance of “dialogue and local agreement”. However, it is hardly surprising given that Sean Murray – a man who served 12 years for explosives offences and rose through the ranks of the IRA to the point where he, in the words of an ex-Special Branch officer quoted in the press, “decided whether operations in Belfast went ahead or not, when they went ahead, and how many went ahead each day and each week when he was the ops officer” - served as part of the review team.¹

Small wonder that Mr Murray’s role in parades disputes in the Springfield Road area is profiled in a section of the Grand Orange Lodge’s website headed “When the Mask Slips”²

Although the Loyal Orders wish to see local dialogue and agreement in relation to parades it is important that the Review acknowledge that there are times when this is impossible.

I welcome the Strategic Review’s commitment to transparency and openness. I hope it is genuine.

I welcome the expressed desire to reach a point where parades and assemblies are dealt with in Northern Ireland as they would be in any other European democracy. I fear, however, that the proposals as they stand do little to further this objective.

I note with concern the suggestion that the Review’s recommendations should be reflected in any future Bill of Rights. It is my conviction that Northern Ireland does not need any such Bill. Indeed, if the report of the Bill of Rights Forum is anything to go by it will amount to little more than a Republican wish list and a means to further diminish Northern Ireland’s UK nexus.

1.2 Procedures

I again note with concern the “maximum emphasis” on local contact with no acknowledgement of the difficulties this poses for the Loyal Orders which are outlined above.

I have grave concerns about the proposal to regulate all public assemblies of 15 or more people. The requirement for groups to notify a nominated officer of the local council no less than 35 days before the assembly is not just preposterous but most impractical and smacks of a police state. Many, if not most, public assemblies are organised at short notice. What about protests which may be organised in just a few days or even hours? And what of open airs organised by church groups often on a weekly basis weather permitting?

The curtailing of the right to worship and peaceful protest by the Strategic Review is a matter of grave concern to me and something about which they should retreat.

Having been in receipt of representations from vintage car enthusiasts, I am disappointed that the Review did not see fit to comment upon the frankly bizarre situation which currently affects that community.

Under the current system organisers of vintage car rallies are obliged to submit an 11/1 form and my office was recently contacted about a gentleman from the mainland who was coming over to the Province with 3 or 4 Morris Minors on a trip round Northern Ireland and the Republic. Not unsurprisingly, the gentleman was shocked to discover that he would have to complete an 11/1 form for each of the days he was in the Province.

This is a ludicrous situation and the Review should make clear that the proposed new system will result in vintage cars not being placed in the same category as parades.

More generally, I have concerns about the operation and cost of the eight stage process outlined by the Strategic Review. The process seems unnecessarily cumbersome and the key role given to OFMDFM in its operation should be reconsidered. Since the restoration of devolved government OFMDFM has shown itself to be spectacularly unsuited to deal with difficult issues. One has only to look at the debacle surrounding the appointment of a victims' commissioner / commission to see evidence of this. It is also my belief that the Loyal Orders will have little confidence in a system in which Martin McGuinness – as joint First Minister – will be given a pivotal role.

The natural and appropriate department for parading issues to rest is in DCAL. I believe all functions anticipated for OFMDFM should, therefore, be bestowed upon under-stretched DCAL. It is the department for culture and parading is above all a cultural issue. Only political prejudice could gainsay this rightful role for DCAL.

I have concerns about the third paragraph under Step 6 –

If a party is unwilling to enter mediation, OFMDFM will be notified and they will then immediately initiate the adjudication process. Where a party is unwilling to enter face to face discussions, unless that refusal is due to exceptional circumstance that can be fully justified to the satisfaction of the adjudication panel, it will be taken into account by the panel in its final deliberations.

The Strategic Review fails to clarify if, for example, the appointment of a convicted terrorist to head up a so-called residents' group would constitute "exceptional circumstance". Given that it is far from "exceptional" for self-styled residents' groups to appoint convicted felons it would appear not. This is not acceptable.

The Strategic Review should also consider ways of ensuring that objectors to a parade have a significant level of support in order for a parade to be deemed contentious. For example, people could be required to collect signatures of local residents. It is important that any such system is closely monitored so as to ensure that residents are not intimidated into signing.

In relation to Step 8 of the process, I believe the Strategic Review should reflect about its suggestion that there be a post event review no later than 35 days after the event for all adjudicated assemblies. I believe this should be left to the discretion of the parties involved to trigger such a review in all cases. This would cut down on unnecessary expense.

1.3 Structures

For the reasons outlined above, I am opposed to the “central role” for OFMDFM within the new system.

I strongly object to the second paragraph in this section –
Consistent with our desire to re-connect parading and related issues to the political process, we believe that their effective resolution can best be achieved within the wider context of the transfer of policing and justice, while recognising that the timing of these matters remains the prerogative of members of the Northern Ireland Assembly and the Government.

As outlined previously, the devolution of policing and justice is a matter which rightly concerns many Unionists and something which I resolutely oppose. It is a matter of regret that the Strategic Review has seen fit to interfere in this matter. It would be much better if the Strategic Review sought to depoliticise the issue of parading rather than seeking to link it to it to matters which have **no** relevance to the issue of parading.

I note that the Strategic Review acknowledges that their proposals “might require additional resources”. It would seem to me that there is no “might” about this and that the cumbersome system proposed by the Review will lead to huge additional cost to the public purse. The failure to conduct or promote any cost benefit analysis indicates a cavalier attitude to public expenditure.

Recommendations

1.4 The Office of the First and deputy First Minister

I strongly oppose the suggestion that overall responsibility for the administration of the regulation of public assemblies be transferred to OFMDFM because of (a) the dysfunctional nature of the office and (b) the fact that the office is jointly headed by a convicted terrorist who can command no support within the Loyal Orders.

I welcome the suggestion that an annual report be produced for the Assembly on the issue of public assemblies and the openness one assumes would accompany this. However, as outlined above, I do not believe that this should be prepared by the proposed OFMDFM Secretariat.

I welcome the proposal that public resources be made available for the training of stewards, though again there must be demonstrable cost benefit.

The suggestion that the proposed OFMDFM Secretariat establish a list of qualified mediators concerns me as does the proposal that OFMDFM administer the adjudication function, establish a register of candidates for adjudication panels and establish, recruit and retain a pool of independent monitors. As stated previously, OFMDFM has already demonstrated its unsuitability for such a role. Adding matching cronyism to dysfunctionality is hardly a recipe for progress.

The proposal that a bands strategy be formulated and the proposed “Charter for Bands” and the facilitation of band associations, require to be developed with the existing marching bands associations, rather than imposed. However, I do not believe that the responsibilities for these duties should lie with OFMDFM.

1.6 The Northern Ireland Human Rights Commission (NIHRC)

The Loyal Orders and indeed the Unionist community generally can have little confidence in the NIHRC’s ability to “raise awareness of the human rights framework relating to public assemblies and the rights of others” as its composition, rulings and advice have hitherto failed to win unionist confidence.

I do not believe that Northern Ireland needs a Bill of Rights. I therefore, logically, oppose the suggestion that the “human rights principles” articulated in the report be reflected in any future Bill of Rights.

Chapter 2 – Context

2.1 The present political opportunity

I take issue with paragraph i):

In recent years enormous efforts have been made to bring violence to an end and to build shared and agreed institutions based on the rule of law and common principles of human rights and equality for all. As a result we now have an agreed political framework alongside a common commitment to eschew violence from politics and a commitment to real equality and universal human rights.

The recent murder of Paul Quinn by South Armagh IRA and the failure to obtain convictions in the McCartney murder trial illustrate that the rule of law is **not** accepted by all. I regret that the Strategic Review has added its voice to those who seek to whitewash republican’s tactical and selective approach to law and order. Nor do I accept that republicans have displayed a commitment to “real equality”. In reality, Sinn Fein/IRA’s campaign against all things British continues. This was graphically illustrated recently with campaigns against symbols associated with Royalty and the armed forces in councils.

I would also point out that not everyone in Northern Ireland agrees with the institutions established in 2007 (paragraph ii). To suggest such is almost as contentious as the issue of parading itself.

When the report states that the Strategic Review is “visible evidence of this new context” one is tempted to ask if the fact that the Review contains within its ranks a convicted terrorist means that it reflects the situation in the NI Assembly and Executive. I do not accept the contention that that the “new political atmosphere” is leading to “continued progress towards a peaceful, fair and inclusive society” (paragraph iii). The reality is that the “new political atmosphere” is built on the suspension of justice and the appeasement of terror.

Any Review which draws inspiration from the bloated dysfunctional Northern Ireland Assembly and executive will itself be seriously flawed.

2.2 Background

I note with concern the failure of the Strategic Review to **make any mention** of the role of Sinn Fein/IRA in manufacturing problems surrounding parades. On a closely related matter, I regret the lack of any mention of the involvement of convicted terrorists in “residents’ groups”.

2.3 Our Vision

I welcome the report’s long term goal to create a situation where parades and assemblies in Northern Ireland are regarded in the same way they are elsewhere in Europe (paragraph i). However, I remain sceptical about the Strategic Review’s recommendations ability to bring us closer to this.

I note with concern the conclusion that the recommendations should apply to all public assemblies of 15 or more people and all related protests (paragraph ii). This has serious implications for freedom to protest and religious freedom – both fundamental in any democratic society.

I am concerned by the Strategic Review’s acknowledgment that the new system will have a “bureaucratic nature” (paragraph iii). Many people will be concerned by the Strategic Review’s claim that

Bureaucracy is frequently the price that has to be paid when you move from a system which relies on direction by a few, to one which depends on democratic process. But in our view this is a small price to pay in comparison to the price of continued conflict which this system aims to transform.

The Loyal Orders, groups wishing to protest and even groups holding open air religious services will not welcome a mountain of bureaucracy in order to exercise what should be fundamental rights in a democratic society.

Indeed, paragraph iv professes the hope that the “structures and processes recommended [in the report] can be simplified and streamlined”. If that is the aspiration, why not have a simplified process from the outset?

I note with concern the recognition that the Strategic Review’s proposals may lead to “an increase in the allocation of financial and other resources” (paragraph vi).

Chapter 3 – Principles

3.1 Local dialogue and local agreement

I again object to the failure of the Strategic Review to acknowledge why there may be an unwillingness on the part of the Local Orders to engage in dialogue with Sinn Fein/IRA backed “residents’ groups” (paragraphs i and ii).

3.2 Re-engaging democratic politics

I welcome the report’s acknowledgment that “political traditions and identity, including parading, will continue to be central to cultural and social life” (paragraph i).

I take issue with paragraph iii:

Devolution now provides a new and unique opportunity to move towards normality by reconnecting decisions around these difficult issues to local democratic politics. The Strategic Review believes that new structures should therefore take into account both devolution and the underpinning political agreement which it represents.

The form of devolution in Northern Ireland cannot, by any stretch of the imagination, be described as “democratic”. Northern Ireland’s voters are denied the two fundamentals of democracy – the right to vote a party out of office and the presence of an opposition to hold the government to account. Any review which draws inspiration from this flawed form of government will itself be flawed.

I oppose the suggestion that overall responsibility for the administration of the regulation of public assemblies be transferred to OFMDFM (paragraph iv) for reasons outlined previously. Why should the under-worked Department of Culture Arts & Leisure not play this role and the others anticipated for OFMDFM?

I welcome the recommendation that an annual report on the regulation of public assemblies be presented to the Assembly (paragraph v) but oppose the idea that this function should go to an OFMDFM Secretariat.

3.3 Management – Standards for the Conduct of Public Assemblies

The enforcement of the rule of law in relation to behaviour in processions is a matter in which the PSNI has been lax. I have personal experience of enquiring, without obtaining

satisfaction, as to why there has been a failure to prosecute those involved in paramilitary displays in a public parade in Belfast and a number of paramilitary displays surrounding the funerals of IRA figures. I welcome the fact that the report states that “it is in the public interest that breaches are processed by the criminal justice system without delay” (paragraph iv).

However, I am concerned that the recommendations of the report will lead to a number of new offences. For example, number 11 of the requirements applying to organizers of public assemblies (page 34) requires that “there is extra provision of amenities, where necessary, such as toilet and first aid facilities”. Does the Review intend to create a new criminal offence of not providing toilets?

The report requires that “respect and toleration are shown at sensitive locations” (number 15). There is a problem of legal definition here. What constitutes disrespect and intolerance and what are sensitive locations? What about disrespect and intolerance at non-sensitive locations?

It could be argued that all public assemblies “disrupt the life of the community” (number 16) and that anyone taking part in one would therefore be committing an offence. I would suggest that the Review draft a protocol for public assemblies rather than dealing with the issue in such a vague manner.

3.4 Improving understanding

I take issue with the report’s contention that an “immense gulf in understanding of the culture and traditions of each community” is the “primary contributor to the difficulties in reaching local accommodation” (paragraph i). As suggested previously, the primary difficulty in reaching local accommodation is Sinn Fein/IRA manufactured “residents’ groups”.

I would be sceptical about the usefulness and value of the proposed “cultural understanding education programme” to be developed under the auspices of OFMDFM (paragraph iii).

Given the perceived anti-British ethos of the NI Human Rights Commission, I do not believe that the role proposed for it in paragraphs iv to vi (i.e. “to raise awareness of the human rights framework relating to public assemblies and the rights of others” (paragraphs iv)) would command confidence in the Unionist community.

It is somewhat ironic that the a Review dealing with the right to parade should talk about human rights when the core of the problem is the denial of human rights to the Loyal Orders.

3.5 Transparency and openness

I welcome the Strategic Review's recommendations that the reasons for decisions on public assemblies be made transparently (paragraph i) and that decisions should be explicitly and specifically enumerated (paragraph ii).

3.6 Independent adjudication

I note with concern the following in paragraph i:

If local dialogue and mediation fails, or results in only partial agreement, adherence to the principle of independent adjudication is crucial. We believe that the mediator should only report to the OFMDFM Secretariat whether the mediation has succeeded or not and whether parties entered into mediation, in good faith as a refusal to do so may be taken into account by the Adjudication Panel.

Once again, there is a failure to acknowledge that there may well be genuine reasons for the Loyal Orders refusing to engage with local "residents' groups". Likewise, genuinely concerned residents may refuse to engage with those organising a paramilitary parade. A recent parade in Pomeroy to celebrate the exploits of notorious IRA terrorist Seamus Woods who met his just deserts in July 1988 when helping to launch an attack on Pomeroy RUC station is a prime example. The fact that a rally after the parade was addressed by a junior minister in the office the Review proposes giving a key role in decisions surrounding parades is most telling and something on which the Review would do well to reflect upon.

I welcome the recommendation that the mediation and adjudication function be kept separate (paragraph iv).

3.7 A rights based approach

I again express my opposition to the recommendation that the Strategic Review's principles "inform any future Bill of Rights" (paragraph v) for reasons outlined previously.

Chapter 4 Procedures and Structures

4.1 The definition of organiser, participant and third party needs to be included here.

4.2 Administration

I oppose the suggestion that overall responsibility for administration of the system should reside with OFMDFM for reasons outlined earlier (paragraph ii).

4.3 Notification

I note with concern the contents of paragraph i:

All public assemblies as defined are required to be notified to the local council where the event originates. This requirement should not apply to funeral processions or any assembly of a class or description specified in an order made by the responsible Minister.

I believe that the Strategic Review should clarify **now** that open air religious services and non-parade related protests are exempt from the reports recommendations.

I welcome the recommendations that councils maintain appropriate records of all notifications received and action taken (paragraph vi).

I welcome the recommendation that local councils maintain a list of those wanting to be informed of assemblies and that this list be publically available (paragraph vii) but believe that the publication of notification of public assemblies to interested parties on the notification list and the OFMDFM Secretariat, PSNI, emergency services, elected representatives, etc (paragraph ix) could be unnecessarily bureaucratic.

I welcome the fact that objections to public assemblies should be published in full in a publically accessible manner and that interested parties be notified directly (paragraph x). However, this paragraph should state that concerns or objections should be lodged in the format of the objection form.

The Review should clarify what action, if any, should be taken if objections are not based on an identified breach of human rights and / or a potential breach of the standards of conduct.

4.4. Local dialogue

Again, I note with concern the failure to acknowledge that the Loyal Orders have legitimate reasons for refusing to engage with “residents’ groups”.

4.5 Mediation

I again note with concern the failure of the Review to acknowledge that there are often genuine reasons why the Loyal Orders refuse to communicate with “residents’ groups” directly (ii).

I oppose the recommendation that OFMDFM establish a list of mediators (iii), that cases which cannot be resolved should be referred to that department (iv) and am deeply concerned by paragraph vi:

The Review Body believes that face to face mediation should be the norm. Where a party is unwilling to enter face to face discussions, unless the refusal is due to exceptional circumstances that can be fully justified to the satisfaction of the adjudication panel, it will be taken into account by the panel in its final deliberations.

Does the Review Body believe that the choice of a convicted terrorist to head up so-called residents’ group would constitute “exceptional circumstances”?

4.6 Adjudication

It is my view that OFMDFM is most unsuited to administer the adjudication function and establish a list of candidates for adjudication panels (ii).

I welcome the recommendation that the list of candidates suitable for appointment to adjudication panels be established through a rigorous and independent public appointments process (iii). However, I am concerned that OFMDFM is unfit to fulfil such a function – witness the debacle surrounding the appointment of a victims’ commissioner / commission. Again, I believe DCAL is the appropriate department.

I am concerned at the proposal that the panels to examine disputes should be appointed jointly by the First and deputy First Ministers (iv). OFMDFM is dysfunctional and totally unsuited for this role.

I welcome the recommendation that decisions be announced at least 7 days in advance of the assembly (ix) and that the panels should operate in an accessible and transparent manner (x).

It strikes me that the proposed post event review in all disputed cases (xv) could result in unnecessary expense to the public purse.

4.7 Monitoring

I am concerned by paragraph ii:

We recommend that a pool of independent monitors should be established, recruited and retained by OFMDFM. The training and deployment of monitors (including the writing of reports) should be funded from public resources on a per diem basis.

Again, I voice my concern about the role of OFMDFM in the process. I also fear that this will lead to unnecessary expense to the tax payer.

I am disappointed at the failure to included a clear statement that appropriately qualified members of the Loyal Orders can apply of such positions.

4.8 Bands

This is by far the best and most sensible section of the Review’s recommendations.

I welcome the acknowledgement that marching bands are “an integral part of the parading tradition” and that bands which set out to raise tension and cause offence are “a minority”. I share the Review’s belief that “the band movement is one of the unique expressions of the traditions and spirit of Northern Ireland that potentially could be further developed as a source of richness and cultural activity” (i).

I welcome the proposed creation of a framework which would enable registered bands to access funds which allow them to develop professional standards (iv).

I welcome the recommendation that

Bands should be encouraged and resourced to attain and maintain professional standards with a dedicated funding stream available to raise the standards of “marching bands” in respect of music, dress and decorum (vii).

Likewise I support the recommendation that

existing resources should be channelled to facilitate the formation of band associations, around either geographical location or commonality of interest to enhance the workings of existing Associations (viii).

I welcome the Review’s recommendation that individual bands be

able to access funding to assist the development of their musical ability, encourage young people to join, and explore ways of sharing the music played beyond being involved in parades (ix).

I share the Review’s belief that working with bands “will benefit the harmonisation of society and contribute to creating a positive and attractive image for Northern Ireland” (x).

While welcoming many of the proposals in this section of the Review I note that you propose that “existing resources” be employed to facilitate the formation of band associations (viii). This appears to be in stark contrast to the vast majority of recommendations contained within the report which have the potential to result in huge additional cost.

5 Appendices

Appendix A – Standards for the Conduct of Public Assemblies in Northern Ireland

I am concerned that the Review’s suggestion that these proposals be enacted into law. If this is done it would appear to create the following new criminal offences:

Recommendation 10 – Inappropriate behaviour.

Recommendation 11 – Non-provision of extra public toilets

Recommendation 12 – Not briefing stewards on their role prior to the assembly.

Recommendation 12 – Not carrying proof of status or wearing suitable clearly identifiable clothing.

Recommendation 12 – Not ensuring that participants comply with directions, regarding their own safety and that of members of the public.

Recommendation 14 – Not facilitating the passage of traffic and pedestrians, with due regard to the safety of others.

Recommendation 15 – Not showing respect and tolerance at sensitive locations.

Recommendation 16 – Disrupting the life of the community.

Recommendation 19 – Failure to notify a sensitive location.

I do not believe that the creation of many new criminal offences can be justified and contend that recommendations 10, 11, 12, 14, 15, 16 and 19 be included in a protocol for public assemblies.

Further Recommendations

I welcome the recommendation that a report on the recommendations in the report should be presented to the Assembly after five years (ii).

Finally, it would be amiss for this Strategic review of Parading not to take into consideration the potential impact of recommendations for innocent victims of the Troubles. Indeed, I refer to several extracts of the recently launched consultation document, entitled *Draft Strategic Approach for Victims and Survivors* which state:

'...the need for victims and survivors to be invited to play a part in building a more peaceful future, but that as people who have suffered most they should feel safe, should be treated with dignity and should move at their own pace'

'...Some local communities have suffered substantially more than others. Many of those who have lost friends or relatives or who have suffered as a result of injury, either to themselves or another, feel a strong sense of grievance towards the individual or organisation they consider responsible'

It must be acknowledged in this review that there is still enormous pain felt by victims from those communities which have suffered at the hands of terrorism. Why is it that recommendations in a victims strategy recognise the need for victims to move at their own pace, and acknowledges the suffering and difficulties in a community to engage with the perpetrators of the hurt they have experienced, yet the approach in parading to date has been to penalise those victims and communities who cannot engage with erosion of the right to parade and demonstrate. Clearly, the rights of innocent Victims must be integrated into a strategy on parading, enabling joined-up Government to follow.

Summary of key points

I welcome

- The proposed abolition of the Parades Commission;
- The recommendation that public resources be made available for the training of stewards, though on compliance with a cost benefit analysis;
- The fact that the Review wishes to see the enforcement of the law in relation to behaviour in processions;
- The commitment to transparency and openness;

- The Review's acknowledgement that bands play an important part in Northern Ireland;
- The desire to encourage professionalism in bands and the practical recommendations of the Review to achieve this goal and
- The recommendation that an annual report be produced for the Assembly.

However, I believe that the Review is **disappointing in a great many areas** including

- The fact that it fails to acknowledge the key role that militant republicans played in manufacturing the parading problem in Northern Ireland;
- The Review fails to acknowledge that the Loyal Orders legitimately have historically refused to talk to "residents' groups" because of the involvement of convicted terrorists in these groups;
- It links the devolution of policing and justice to the parading issue. This is a clear attempt by the Review to interfere in an issue which has no relevance whatsoever with its remit. Unionists who oppose any role for a convicted terrorist in the appointment of Northern Ireland's senior judiciary cannot support any review which does this;
- In a similar vein, I have opposed the suggestion that Northern Ireland should have its own Bill of Rights. The Review links its recommendations to this proposed Bill. I strongly oppose this entirely artificial link;
- I am deeply concerned by the suggestion that all assemblies of 15 or more people should be regulated by these recommendations. This constitutes unacceptable interference in both the religious and civil liberties of British subjects in Northern Ireland. The Review should make clear **now** that its recommendations will not apply to non-parade related protests and religious services held in the open air. Failure to exempt gatherings of this nature would be an unacceptable attempt to curtail civil and religious liberties and would smack of a police state;
- I believe that the system proposed in the Review has the potential to prove costly, cumbersome and bureaucratic. I do not share the Review's belief that "bureaucracy is frequently the price that has to be paid when you move from a system which relies on direction by a few, to one which depends on democratic process.";
- I do not believe that OFMDFM is suited to hold any key role within the process. OFMDFM has already proved that it is spectacularly unsuited to manage sensitive issues. Witness the chaos surrounding the appointment of a victims' commissioner / commission. The natural home for these functions is DCAL.
- I take exception to the Review's lauding of the current political set up in Stormont as "a new and unique opportunity to move towards normality". Terrorist inclusive mandatory coalition government does not represent either "normality" or any step towards it. On the contrary, the elected dictatorship which presently governs Northern Ireland is unique to the world, representing in key aspects the very antithesis of democracy. It is also inaccurate to claim that "we now have an agreed political framework alongside a common commitment to eschew violence for politics and a commitment to real equality and universal human rights". The murder of Paul Quinn and a host of other incidents illustrated that Republicans pay only lip service to the rule of law.

- Acknowledgement of the rights and particular sensitivities of innocent victims of the Troubles (as opposed to perpetrators rights) must be enshrined in any future parading strategy. An integrated approach with Government's strategy on victims and survivors will recognise that victims and some communities feel a strong sense of grievance towards an individual or organisation they consider responsible for the pain they continue to suffer on a daily basis. Determinations of parades, therefore, must start to recognise victims' rights, including the right not to be forced to negotiate with residents associations which are often fronted by perpetrators of the pain and loss they have suffered.

I would, of course welcome the opportunity to discuss these points with the Review Group in the near future.

A handwritten signature in black ink, appearing to read 'J. Allister'. The signature is written in a cursive, fluid style with a large initial 'J' and a long horizontal stroke extending to the right.

James H Allister QC MEP

Notes

¹ Ex cop and former IRA man set to join forces, Alan Murray Sunday Life Sunday, 22 April 2007 <http://www.sundaylife.co.uk/news/article2472296.ece>

² When The Mask Slips http://www.grandorangelodge.co.uk/parades/mask_slips.html