



**MANAGEMENT OF DISPUTED PARADES
NOW AND IN THE FUTURE**

SDLP PROPOSALS

AUGUST 2009

The SDLP is publishing this paper to reframe the issue of disputed parades following the events of 13th July, in anticipation of the remainder of the parading season and in advance of political developments in the autumn. There are two essential issues that should be addressed.

Firstly, many in the community are concerned about the price that the DUP will extract for the devolution of justice. The SDLP believes the price will be high and include the abolition of the Parades Commission, to be replaced by the flawed proposals of Lord Ashdown. This is not the way to go. The SDLP will campaign, and outlines in this paper, for this not to happen and urges others to adopt the same course.

Secondly, the events of 13 July in Ardoyne and elsewhere require an immediate, measured, political and community response. There is a need to stabilise issues around parading to ensure disputes neither escalate nor are subject to the destructive ambitions of small elements. This document outlines what can be done now to help achieve this objective.

CONTENTS

- 1) Introduction – how to better manage parades this summer and in the longer term**
- 2) Protecting the Parades Commission – devolution of justice should not be on DUP terms**
- 3) The Orange Order (and other marching orders) must be flexible**
- 4) Nationalism must be calm**
- 5) Dialogue can be deepened**

INTRODUCTION – HOW TO BETTER MANAGE PARADES THIS SUMMER AND IN THE LONGER TERM

- 1) **The SDLP is publishing this paper to reframe and address the issue of disputed parades** following the events of 13th July, in anticipation of the remainder of the parading season and in advance of any political developments in the autumn. There are two essential issues that need to be addressed.
- 2) Firstly, **many in the community are concerned about the price that the DUP will extract for the devolution of justice.** As outlined in this document, the SDLP believes the price will be high **and include the abolition of the Parades Commission, to be replaced by the flawed proposals of Lord Ashdown.** The SDLP believes that the Ashdown recommendations are a backward move, with the potential to destabilize parading, elevating parading disputes to both local council and regional Assembly levels. **This is not the way to go.** All of this is contrary to best practice that local parading disputes should be resolved locally. **The SDLP will campaign for this not to happen and urges others to adopt the same course.** (The full SDLP response to Ashdown can be located at: www.sdlp.ie).
- 3) **Secondly, the events of 13th July in Ardoyne and other locations require an immediate, measured, political and community response. There is a need to stabilise issues around parading to**

ensure that disputes do not escalate. Parading cannot be subject to the destructive ambitions of small elements in the communities. This document outlines what can be done now to achieve this outcome.

4) **This document, therefore, has three objectives:**

- **To respond** to immediate parading disputes that have a negative potential and to help calm the situation.
- **To urge** local communities, the Orange Order and marching organizations, political parties and governments not to adopt the Ashdown proposals around the future management of parades that may create new risks.
- **To warn** against devolution of justice on DUP terms which will further damage the Good Friday Agreement.

PROTECTING THE PARADES COMMISSION – DEVOLUTION OF JUSTICE SHOULD NOT BE ON DUP TERMS

- 5) In a letter to the Assembly and Executive Review Committee of 8th May the Secretary of State endorsed the Ashdown Report and stated:
- “I can confirm that Lord Ashdown’s Strategic Review is nearing completion. However, as the review body is independent of government it is for that body to decide when it is in a position to report. I am however confident that when the report is published **it will***

***offer a sustainable long term solution** (SDLP emphasis) to the issues surrounding parading in Northern Ireland*.*

The SDLP considered this letter of some significance. It was curious that, after a period when the Ashdown Review had dropped off the radar, it re-emerged with the explicit imprimatur of the British Government.

There is an obvious explanation for this warm embrace by Shaun Woodward of the Ashdown proposals. There are some signs that the DUP may, in coming months, lift their veto on the devolution of justice. But, not least with the European Election result and with the DUP's continued strategy of unpicking the Good Friday Agreement, Peter Robinson will extract a price. **When it comes, devolution of justice will be on DUP terms and with a big price tag.**

6) **The British Government** – and the Secretary of State is making little secret of this – **conveys a sense that whatever it takes to get the DUP over the devolution line will be done.** The price to be extracted could well include:

- limited or little outcome from the ongoing review into the expansion of North-South arrangements;
- rejection of the proposed Bill of Rights;
- undoing the work of the Human Rights and Equality Commissions;
- a wholesale review of the architecture and workings of the Good Friday Agreement.

- 7) There have been and will be further lost opportunities if devolution of justice continues to be part of a political barter by the DUP and political mismanagement by Sinn Fein. Devolution of justice was needed long before now to enable local representatives to design the new laws and policies needed to respond to community safety issues, knife crime, the management and accountability of the Public Prosecution Service, the reform of prisons, further reform to policing, an all-Ireland criminal assets regime etc. **Nonetheless, a barter is what will emerge on DUP terms with Sinn Fein out of their depth.**
- 8) **Centre-stage in this barter is the abolition of the Parades Commission**, a long-term object of hostility from the DUP and UUP, with Sinn Fein broadly on the same page.
- 9) **The SDLP believes that the Parades Commission (whatever its evident recent flaws and failures) has, in the round and over the years, helped manage parade tensions better and move parading issues on.** Clearly, this has not had the support of all, particularly in the marching orders. Bad decisions were and are still made. **But while the SDLP differs at times with the commission, the SDLP continues to assert that its authority should be accepted.**
- Otherwise, the SDLP, other parties or the community merely imitate the wrong views of elements in the marching orders which refuse to respect the authority or accept the decisions of the Parades

Commission. **At this stage in the current marching season – and for the future – the SDLP urges all to adopt the same approach.**

10) Given the evident risk of devolution of justice on DUP terms (and in this regard the particular vulnerability of the Parades Commission)

the SDLP makes three proposals:

- (A) **Calls on Sinn Fein** to reconsider its enthusiasm for the Ashdown proposals and its antipathy to the Parades Commission, and to recognise the commission has, in the round and over the years, played a strategic and positive role around parading disputes;
- (B) **Calls on the Irish Government** and on the other parties to work with the SDLP to protect the concept and authority of the Parades Commission.
- (C) **Asks the leadership of marching orders** (and unionist parties) to pull back from their historic resentment of the Parades Commission and to recognise that, given the political environment, the Commission is a better model to manage parades than any represented by the Ashdown recommendations.

THE ORANGE ORDER (AND OTHER MARCHING ORDERS) MUST BE FLEXIBLE

- 11) The SDLP knows, including from meetings with the Orange Institution, that there are people in and around the marching orders with fresh thinking about the future of the Order and about relationships within and with others.
- 12) There is, however, some evidence of another tendency, one where **elements in the Orange Order believe (as they see it) that they can recover ground lost in recent years.** The vulnerability of the Parades Commission on Shaun Woodward's watch (referred to above); the 'success' of Portadown Lodge in getting the First Minister to parachute himself and his office onto the Garvaghy Road; and few meaningful outcomes in dialogue with community representatives over disputed parades in the last year, may **lead some in the Orange Order to consider they have a relative position of strength. As such, they may conclude they have no incentive to be flexible on disputed parades.**
- 13) It is not easy to read all of this. Therefore, the SDLP has asked to meet the leadership of the Orange Institution as soon as possible to explore relevant issues. In advance of any meeting and independently of a meeting, **the SDLP asks the Orange Order to demonstrate flexibility in its approach to disputed parades, acknowledge the unstable environment that may develop and identify measures to moderate and defuse tension.** Marching orders have a responsibility, as with all others, and a mutual need with other

communities not to allow any parading dispute to escalate. **The SDLP believes this is a reasonable request and a realisable goal.** That is why we urge the Orange Order to consider how it might be flexible around disputed issues in the coming weeks.

NATIONALISM MUST BE CALM

- 14) People are angry at the riots of 13th July and subsequent days and people remain deeply unhappy about parades proceeding without agreement. This is the view of people across nationalism. It should not be regarded or diminished as the view of a minority. At the same time, people in nationalism should not be misled either by dissident or dissenting views within republicanism or those in Orangeism who demonstrate inflexibility. **Nationalism must not allow itself to put at risk the significant advances on parading disputes over the years, while acknowledging that more progress is still required in respect of certain parades.**
- 15) In this regard, the SDLP met with the Parades Commission on 29th July 2009. The SDLP proposed that the 8th August Orange parade which passes Ardoyne should have particular restrictions placed on it, due to the impact on community relations and the risk to public order and to acknowledge and record the failure of the Orange Order to seriously attempt to secure agreement with the local community.

The SDLP considers further restrictions to be a proper and proportionate response consistent with the statutory powers of the Parades Commission.

- 16) The SDLP also believes – as we have consistently argued and outlined in this submission – that decisions of the commission (whether agreed or not) should, nonetheless, be accepted. While the SDLP has more reason to differ with this commission than any previous commission, the party again strongly urges that determinations of the commission are accepted. To do otherwise, further damages the commission, further undoes good work on parades issues over years and further makes the marching issue about the destructive conduct of small elements rather than those in marching orders that are inflexible.

DIALOGUE MUST BE DEEPENED

- 17) **The SDLP also proposes an escalation in dialogue efforts.** This is not an argument for the presumptuous approach by Sinn Fein that if marching orders talk to them, disputes can get resolved. Rather, **the SDLP argument is about face-to-face, sustained, meaningful dialogue between marching orders and local communities, who are represented by the full spectrum of opinion within those communities.**

However, the SDLP is concerned that elements in the marching orders may believe that rather than meet the Parades Commission and meet local communities, there is another show in town (First Minister and Garvaghy, Ashdown and devolution) and sit back in the belief that the cards will fall their way. This is a wrong approach. **There should be face to face, sustained, meaningful dialogue now. The SDLP will be talking to relevant people privately to encourage this approach.**