



House of Commons
Northern Ireland Affairs
Committee

**The Parades
Commission and Public
Processions (Northern
Ireland) Act 1998:
Government Response
to the Committee's
Second Report of
Session 2004–05**

**Third Special Report of Session
2005–2006**

*Ordered by The House of Commons
to be printed 19 July 2005*

HC 395
Published on 21 July 2005
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

Current membership

Sir Patrick Cormack, MP (*Conservative, South Staffordshire*) (Chairman)
Mr David Anderson, MP (*Labour, Blaydon*)
Gordon Banks, MP (*Labour, Ochil and South Perthshire*)
Mr Gregory Campbell, MP (*Democratic Unionist Party, East Londonderry*)
Rosie Cooper, MP (*Labour, West Lancashire*)
Mr Christopher Fraser, MP (*Conservative, South West Norfolk*)
Mr John Grogan, MP (*Labour, Selby*)
Mr Stephen Hepburn, MP (*Labour, Jarrow*)
Lady Hermon, MP (*Ulster Unionist Party, North Down*)
Meg Hillier, MP (*Labour/Co-op, Hackney South and Shoreditch*)
Dr Alasdair McDonnell, MP (*SDLP, Belfast South*)
Stephen Pound, MP (*Labour, Ealing North*)
Sammy Wilson, MP (*Democratic Unionist Party, East Antrim*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at:

www.parliament.uk/parliamentary_committees/northern_ireland_affairs.cfm

Committee staff

The current staff of the Committee are Dr John Patterson (Clerk), Hugh Farren (Attached Second Clerk), Dr Aileen O'Neill (Committee Specialist), Tony Catinella (Committee Assistant), Julia Kalogerides (Secretary), Jessica Bridges Palmer (Media Officer), Jim Lawford (Senior Office Clerk).

Contacts

All correspondence should be addressed to the Clerk of the Northern Ireland Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 2172/3; the Committee's email address is northircom@parliament.uk

Third Special Report

The Committee published its Second Report of Session 2004-05 on 11 January 2005. The Government's response, and covering letter from the Departmental Select Committee Liaison Officer, Northern Ireland Office were received on 6 June 2005. The letter and response are published as an appendix to this report.

Appendix

LETTER FROM NORTHERN IRELAND OFFICE

Thank you for sending the report of the Committee into the Parades Commission and Public Processions (Northern Ireland) Act 1998. We are appreciative of the Committee's work on this issue and have given its contents careful consideration in deciding on the way forward.

We responded to this report and also to the Quigley Review on Parades and the consultation on that report, in a written ministerial statement on the 22 February 2005 (attached). This set out the policy package that the Government is adopting in relation to the parades issue.

We concluded that, as advised by the Committee, the case had not been made to make fundamental changes to the parading arrangements in Northern Ireland. Parades have been increasingly peaceful over the years. The number of contentious parades has fallen. This shows the success of the arrangements we have in reducing tension. However there were issues which needed to be addressed and thus, in the statement, we announced a small policy package.

Firstly, we laid an Order in Council, the Public Procession (Amendment) (Northern Ireland) Order 2005. Both the Committee and the PSNI had urged that the position of supporters and followers be addressed urgently. This clarified that the Parades Commission can make determinations with regard to supporters. It also, in line with the Committee's recommendation, extended the remit of the Parades Commission to include protests and protesters. This Order in Council has gone through the Parliamentary process and came into force on the 23rd March 2005. The changes apply to parades and protests from the 15th of May 2005.

Secondly we launched a wide-ranging consultation exercise on mediation. We think there is a great deal of potential for mediation to help to defuse the tensions surrounding parades, however we agree with the Committee, that this process may be in need of revitalisation. The consultation which closed on the 31 May sought views on the best way to deliver mediation.

I understand that the Committee would like a formal response to the specific recommendations that it made. I am pleased therefore to attach a formal response to the

Report and would like to apologise for any delay in sending it to you. I understand that the Parades Commission are aware of the content of the report and have been considering its recommendations. I shall therefore only respond to those points directed to the Government. I have also attached a copy of the Order in Council and of the written ministerial statement for your information.

I trust you and the Committee will find this response useful. I look forward to establishing and maintaining a good working relationship with the new Committee when it is selected.

GOVERNMENT RESPONSE

The Long Consultation Process

“Although we understand that at first the government extended the consultation process to give some organisations more time to respond to the report by Sir George Quigley, the process has been running since November 2002 and was then ‘left open’. This has been an excessive consultation period. That a response from the government in an extremely important area of policy has taken two years so far and has still not emerged despite the Minister’s evidence to us in April that the government intended to issue its response for public consultation in the Autumn, is deeply unsatisfactory. We urge the government to respond to the issues raised by Sir George Quigley in his report without further delay. (Paragraph 23)”

The Quigley Report was issued for consultation in November 2002. Following representations from both sides of the community, including the Orange Order, it became apparent that many organisations would benefit from extra time to consider the report. Ministers therefore decided to extend the consultation period in order to give all interested parties an opportunity to respond.

When giving evidence to NIAC, Ian Pearson committed to responding to both Quigley and any recommendations from NIAC after NIAC had reported. NIAC reported in January 2005 and a response was made in February 2005 by written ministerial statement. This was within six weeks of NIAC reporting.

We believe this is not an excessively long consultation period. The Government wanted to take on board the views of all stakeholders and NIAC before coming to a balanced decision on how to proceed.

The Structural Arrangements

“The evidence we received indicates that the work of the Parades Commission has been broadly successful in ‘holding the ring’ in contentious parades. Others have been involved in helping to ease the tensions surrounding parades, especially at local level, and this has been stressed by several of those who gave evidence to us. However, this does not detract from the Commission’s contribution. Replacing the Commission with new organisational arrangements for which there is no broad consensus could undermine progress and place at serious risk the fragile stability which appears to have developed. The relative peacefulness of the 2003 and 2004 marching seasons is solid evidence that disputed parades are increasingly being resolved without recourse to violence. While the achievements to date should not be overestimated, we believe that the Parades Commission has made encouraging progress, and that retaining it offers the best hope for developing the peaceful resolution of disputes. (Paragraph 36)”

Parades have become increasingly peaceful over the past few years. The number of contentious parades has fallen. Out of approximately 2000 parades notified last year, only 200 were regarded as “contentious” and two resulted in serious public disorder incidents. The Government believes that this shows the success of the current arrangements in reducing tension. The Government’s position is that the case has not been made to make fundamental changes to the Parading arrangements and agrees with the Committee that the Parades Commission remains the best hope for developing the peaceful resolution of parades.

Extension of Remit Of Parades Commission to Include Protesters

“Opinion we heard was divided sharply on whether the same body should have responsibility for decisions about parades and protests. On balance we recommend that the same body should be responsible for such decisions, but government should consider the arguments and take a view on whether or not changes to the present arrangements could assist in lessening the tensions surrounding parades. (Paragraph 50)”

The Government is also of the view that the time is right for the Parades Commission’s remit to be extended to include protests and protesters. The recently enacted Public Processions (Amendment) (Northern Ireland) Order 2005 will ensure that from the 15th of May 2005, the Parades Commission will be responsible for making decisions about all protest meetings related to all public processions, as well as the processions themselves.

Clarification of the Position of Supporters

There is a lack of clarity about the status of followers which requires immediate consideration. The government needs to ensure in its review of the existing legislation that there is sufficient clarity about followers in advance of next year's marching season. (Paragraph 62)

Some doubts had been raised about the Commissions remit in regard to supporters of Parades. Both the Committee and PSNI had requested that the matter be clarified in advance of the Summer of 2005. The Public Processions (Amendment) (Northern Ireland) Order 2005 makes clear that the Parades Commission can make determinations that include supporters and will apply to Parades from the 15th of May 2005.

Band Registration

“We note with concern the disruptive effect of some band parades and the lack of formal oversight arrangements. The Commission should make its proposed discussions with the police about the register of bands a priority. When these discussions are concluded, the government should consider exercising the power available to it under section 12 of the 1998 Act to introduce a scheme of registration for bands. (Paragraph 90)”

The Government looks forward to seeing what proposals the Parades Commission and PSNI bring forward on the issue of band registration. Such a scheme would have potential merits but the Government would want to be sure that it would effectively tackle the problems of badly behaved bands.

The Role of the Police

“It is our strong view that the responsibility for decisions on restricting parades based on public order considerations should not revert to the police. If this were to happen, it is likely that the perception would grow that the police were again directly involved in the parades determination process. This would undermine the recent strides made to provide Northern Ireland with a police force anchored securely in all parts of the community. (Paragraph 92)”

The Government agrees with the Committee on this issue. It believes that the Parades Commission remains the right organisation to consider all the relevant factors in regard to parades and related protest meetings. It will make a balanced judgement and where necessary make determinations that impose conditions on them.

Mediation

“We believe that the Commission’s involvement in mediation needs to be revitalised. A review of the process needs to be undertaken urgently, and the Commission’s Authorised Officer cadre strengthened as a key part of a vigorous, proactive and, we trust, progressively successful mediation operation. The government must ensure that there are sufficient funds available to the Commission for this purpose. (Paragraph 95)”

The Government believes that agreed outcomes that reflect a mutual respect for each others’ rights, traditions and sensitivities remain the best solution for contentious parades in Northern Ireland. Mediation is an important mechanism that provides a basic framework within which competing and conflicting interests can be negotiated to reach mutual understanding that is essential to resolving parading disputes. However there has not been agreement about how best to deliver mediation.

Accordingly the Government launched a consultation exercise on the 22 February 2005 that sought views on the most effective way to provide and support mediation for contentious parades. It considered the following questions:

- How parties to mediation can be encouraged to engage meaningfully?;
- What the most effective way to deliver mediation will be ?;
- Whether the Parades Commission should be informed of what goes on in the mediation process and, if so, how ?;
- Who should participate in mediation? ; and
- Who should appoint mediators ?

This consultation closed on 31 May 2005 and the results will receive careful consideration by the Government.

WRITTEN MINISTERIAL STATEMENT ON PARADES

22 FEBRUARY 2005

The Parliamentary Under-Secretary of State for Northern Ireland (Mr. Ian Pearson):

I have been considering Sir George Quigley's Review of Parades, the subsequent consultation on his report, the Northern Ireland Affairs Committee (NIAC) report of January this year and the events of last summer. Each of these offers different perspectives on how to go forward and I have come to a balanced decision about how to respond.

I have decided that a case has not been made to make fundamental changes to parading arrangements in Northern Ireland. Parades have been increasingly peaceful over the last few years. The number of contentious parades has fallen. Out of approximately 2,000 parades notified last year, only 200 were regarded as 'contentious' and two resulted in serious public order incidents. I think this shows the success of the arrangements we have here in reducing tension. I want to echo the words of NIAC, which concluded that the Parades Commission remains the best hope for developing the peaceful resolution of disputes. I will therefore not be pressing forward with the changes recommended by Sir George Quigley at this time. I am, however, indebted to Sir George for his insightful and intelligent contribution to the debate around parades in Northern Ireland. Although I am not adopting his recommendations, my thinking has been greatly influenced by his work and I am, indebted to him for his insightful and intelligent contribution to the debate around parades in Northern Ireland.

I shall be laying an Order in Council to amend the law on parades. The Order makes clear that the Parades Commission can make determinations that include supporters and followers. Some doubts have been raised about the Commission's remit. The police and NIAC have asked me to put the matter beyond doubt before the summer.

At the same time, I intend to take on board Quigley and NIAC's recommendation that parades and related protests should be considered by the same body. The Order will bring protestors within the remit of the Parades Commission. I have been persuaded that the time is right for the Parades Commission to take on this function.

I am also launching a wide-ranging consultation exercise on mediation. I think there is a great deal of potential for mediation to help defuse the tensions surrounding parades and I firmly believe that agreed outcomes are the best way to resolve disputes. However, there has not been agreement about how best to deliver mediation. I have today published a consultation paper on these issues. The consultation will close on 23 May 2005.

NIAC's report contained other recommendations about how the Parades Commission could make the way it carries out its work more effective. I am aware that the Commission are examining these and I look forward to hearing their response.