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REPORT OF INDEPENDENT REVIEW OF PARADES AND MARCHES

Parliamentary statement by the Secretary of State for Northern Ireland (Sir Patrick Mayhew) - 30 January 1997

1. With permission, Madam Speaker, I will make a statement about the Report of the Independent Review of Parades and Marches in Northern Ireland, which was published this morning in Belfast.

2. Last Summer public disorder occurred in Northern Ireland on a very grave scale, associated in particular, but not exclusively, with a parade at Drumcree. Immense disruption was caused, together with massive damage to property, including churches and schools. The murder of a taxi driver may also have been related. Deep and lasting injury was inflicted upon both sides of the community, and upon the Royal Ulster Constabulary, who were placed in an intolerable position. Actual and threatened force obliged the Chief Constable to reverse a previous order, in the interest of avoiding loss of life, always his first duty. The improvement in Northern Ireland's image was sharply reversed.

3. In the light of these shocking events I announced on 15 July the establishment of this review, with the task of making recommendations about the future management of controversial parades.

4. The review was asked to consider the existing arrangements for handling public processions and open-air public meetings in Northern Ireland, including the adequacy of the current legal

provisions; the powers and responsibilities of the Secretary of State, the police and others; the possible need for new machinery; and the possible role for and composition of Codes of Practice relating to parades and meetings.

5. The Review Body comprised Dr Peter North, Vice-Chancellor of Oxford University, together with the Very Reverend Dr John Dunlop and Father Oliver Crilly. We are all indebted to Dr North and his colleagues for the energy, determination and thoroughness with which they have tackled their very difficult task.

6. The report is a long and closely argued document, with over forty recommendations. It proposes, as the foundation of its other recommendations, that seven fundamental principles should form the basis for the development of processes and procedures governing parades. I should say immediately that the Government accepts those principles, which include both the protection of the right to peaceful free assembly and the need to ensure - preferably through local accommodation - that the exercise of that right takes proper account of foreseeable effects on relationships within the community.

7. The report emphasises the predominant importance of reaching local agreement in the case of every contentious parade. It goes on to recommend that an independent Commission should be established, as a focus for promoting and facilitating mediation and the search for such local accommodation in respect of contentious marches. It also proposes that in default of successful mediation the Commission

would have legal powers to issue a determination in respect of a contentious parade, but with a power for the Chief Constable, if he is concerned about it, to refer such a determination to the Secretary of State. The Secretary of State would then decide the matter, by endorsing, revising or reversing the determination, applying the same statutory criteria as the Commission. Furthermore, it is proposed that a senior police officer, on the day of a parade, could override a determination, if the police in the event found that, as a result of the likely impact on public order, they were unable to uphold it. The report recommends that a new offence be created of deliberately contravening, through force of numbers or threat of disorder, a decision of the Commission, for example by seeking to block an authorised parade.

8. The report also recommends that the statutory criteria for making decisions on parades set out in the 1987 Public Order (Northern Ireland) Order should be enlarged to enable specific consideration to be given to the wider impact of contentious parades on relationships within the community. It also makes a wide range of further major recommendations, including for example the extension of the period of notice of a planned parade required to be given to the police from the current position of not less than 7 days to not less than 21 days; and the preparation of a statutory code of conduct covering the behaviour of parade participants and protesters.

9. We recognise the Report's description of the parades issue as a microcosm of the wider political problems of Northern Ireland and

as one which has the capacity to polarise the community, and to engage levels of emotion and commitment which few other issues reach. Because of this the Government has a responsibility to take these issues forward as far as possible on a basis of widespread agreement within the community, so that whatever new arrangements are put in place may be recognised as fair and workable, and therefore acceptable. That way, they stand the best chance of being effective and successful. As Dr North and his colleagues themselves say:

"..... our shared view [is] that the way to the complete resolution of the issue is through the community working together in search of mutual accommodation."

10. It is against this background that the Government has considered the proposals contained in the Report.

11. Madam Speaker, the Government agrees that an independent body could indeed play a constructive and valuable role in helping to resolve disputes concerning contentious parades. The Government believes that a new body of this kind could valuably provide both a focus and a catalyst for mediation and conciliation efforts at local level. In respect of these non-adjudicatory functions the Government endorses the Report's recommendations, which it believes should be implemented without delay.

12. At the same time, the Government recognises that the proposal that an independent body should as part of its duties take over the RUC's decision-making power in respect of parades is a radical and far-reaching one. The Report itself notes the wide range of views it received on precisely this issue. It therefore would not, in our view, be right for Government, without further but time-limited consultation to reach a decision on so fundamental a proposal.

13. It therefore expresses no opinion either way upon it, but will seek the views of interested groups on the Report's proposal that the Commission should have a decision-making role of this kind, and if so upon the way this might be exercised. That consultation will also encompass those of the North recommendations linked directly to the role of a Commission, including those directed at the possible expansion of the statutory criteria, the publication of guidelines which the Commission would take into account, and the creation of a new criminal offence of setting out deliberately to contravene a legal determination. This consultation will not duplicate the consultation already conducted by Dr North and his colleagues, but will be a precisely-focused and time-limited exercise to give public representatives and others who are directly concerned the opportunity to comment on an important matter of real concern to them and those they represent. The Government envisages that the period of consultation will last until the end of March. In any event implementation of the recommendation, if that were to be the decision eventually reached, would require a statutory basis. While final decisions on the way forward on this issue may fall to

the new Parliament, the Government, for its part, is clear that any such provision should be provided by primary legislation - by Bill rather than by Order in Council.

14. The Government does, therefore, intend to establish, as soon as possible, an independent body of five people, to be known as the Parades Commission, with the mediation, conciliation and educational roles recommended in the Report. We intend that the new Commission should be in place ahead of this year's marching season, precisely because we recognise that it has a potentially valuable role to play of that character, and could also have the capacity to act as a valuable and reassuring channel of communication with all interested parties including the Chief Constable of the RUC and the Secretary of State. Further details of its operation will be promulgated when the membership of the Commission is announced. Legislation will not be required for this purpose.

15. Turning to those of the Report's recommendations which are not directly linked to the role of a Commission, and which do not therefore fall to be considered as part of the consultation exercise, the Government accepts them all subject to further consideration of how these might best be implemented in practice.

That is to say,

- We agree that a Code of Conduct, covering parades, protests and open-air public meetings, should be prepared and published for consultation as soon as practicable;

- We agree that a registration scheme for bands should be introduced as soon as the necessary practical arrangements can be put in place;

- We agree that the period of notice for parades should be extended from 7 to 21 days, that the amendments which the Report proposes to Article 3 of the 1987 Public Order Order should be implemented, and that consideration should be given to the changes suggested to Article 4(1)(b) and 7; and that appropriate provisions for the control of alcohol in respect of those travelling to both processions and open-air public meetings in Northern Ireland should be introduced. We shall implement these changes as soon as practicable.

- We agree that parade organisers should not be required to post bonds or provide proof of insurance cover, and that steps should not be taken to seek a contribution to policing costs from parade organisers or protesters.

16. Madam Speaker, the House will join me in thanking Dr Peter North, and his colleagues for producing this report which represents an extremely important contribution to our consideration of these complex and difficult matters.

17. The events of last summer cast a pall of fear across Northern Ireland. As the report states, an abyss of anarchy opened up. All people of good will must surely demand that there be no repetition. But no mechanisms and no procedures can be enough on their own.

There needs to be within all who live in Northern Ireland the will and the personal determination that last year's terrible events shall never again occur. To that end the Government pledges that it will play its own part to the full.