

[REDACTED]

Saturday 22nd Feb '97.

[REDACTED]

Dear John,

A slightly revised version of my note from last week — probably closer to what Mike was in fact suggested, but put into place voluntarily. (Hope springs eternal!)

I spoke to Philip Heymann yesterday — he was very interested and willing to help or put us in contact with others who may be able to help. He is teaching at Harvard currently, has a week off before Easter and is then travelling again until early May, so he is not sure what time he may have available. We talked through the present situation & I would send him a copy of the summary of work. He was sympathetic to the idea of an interim agreement, & explained you hoped to branch the idea with the other party leaders initially to see what the response might be & that where we went after that would be dependent to some extent on their reaction & that of the Govt. He said he didn't think there would be any problem with the Government as long as they kept involving him along with a Govt. Minister who is in the neighbourhood!

This suggestion was for an international panel to look at the handful of parades which are

emailed & to give their report to (whichever instructed  
member) - I suggested the talks, rather than the Forum.  
I suspect that might be time-consuming at this point,  
with Easter only a few weeks away, but it might be  
feasible for the July marketing season proper.

Anyway, he is happy to discuss it further. So let me  
know if I can do anything else or if you would like  
to talk this through I should be around this week.

Hope Copenhagen was interesting!

Kind regards,

Edalbert.

PS. Thank you for the  
copy of Hansard on the  
Race Relations Order -  
it arrived this morning.

## THE NORTH REPORT AND MAKING IT WORK IN 1997

### INTRODUCTION

The Summary to the North Report highlights the major costs to Northern Ireland of the Summer of 1996 :

- 2 deaths and a substantial number of injuries;
- polarisation between the two parts of the community;
- damage to the relationship between the police and the community;
- public expenditure of at least £30 million;
- losses to trade, tourism and inward investment.

There is a strong desire in the community at large to avoid Drumcree III. The intentions of the main protagonists at this point remain unclear - whether they will genuinely strive to reach an accommodation which respects the civil liberties of all our citizens, or whether their own "rights" are to be set above those of their neighbours.

In South Africa, the Goldstone Commission in 1992 set up an international panel of experts to consider the whole issue of public demonstrations and the most desirable rules and procedures for their conduct. They heard evidence from all interested parties, including the South African Police, the ANC, Cosatu and the SA Communist Party alliance.

The inquiry took place against a background of

- violent demonstrations, numerous deaths and countless injuries,
- deep-seated territorial rivalry between the ANC and Inkatha in particular,
- street violence impacting on the economy, which was disintegrating, and
- huge antipathy towards the police.

Nevertheless, at the end of the process, all parties were so convinced of the seriousness of the issue that they were able, with the Panel, to negotiate an interim accord. This accord was followed in advance of the implementation of new legislation. (See copy attached.) The agreement is brief, but it recognises certain fundamental principles :-

- the right of the public to hold peaceful demonstrations and the duty of the police to protect this right;
- the duty of the local authority, the organizers and the police to ensure that demonstrations are peaceful and that inconvenience to others is kept to a minimum;
- Demonstrators should not be in possession of dangerous weapons;
- Reasonable, detailed notice of demonstrations should be given to allow negotiations to be held with the police and local authority regarding the conduct of demonstrations;

-that prior negotiation to reach an agreement, if necessary by compromise, is essential to ensure that demonstrations are held peacefully.

#### HOW COULD NORTH SHAPE THE SUMMER OF 1997?

In advance of amended public order legislation, which is now unlikely before a General Election, some steps can be taken to avoid Drumcree III. It may even be possible to reach an interim accord for Northern Ireland. (Parties might include the Loyal Orders and various residents' groups in areas where there was trouble in 1996. It is questionable if the RUC could join since they will continue to make directives regarding the conduct of parades pending the new law, although it is desirable they should be involved in the process.)

The following are basic requirements and could be implemented voluntarily :-

1. It is essential that all parties involved in the organisation and conduct of parades express their commitment to the right of peaceful demonstration, subject to certain qualifications.
2. Organizers would agree to notify parades to an arbitration service and the RUC at least 21 days in advance, rather than the 7 days currently required. They would also agree to publish notice of the parade in 2 newspapers circulating in the locality where the parade is to take place. This would give ample opportunity for objections (if any) to be raised and for negotiations to take place to avoid confrontation.
3. Notice would include:
  - proposed date, time and place of the parade;
  - purpose of the parade;
  - route of the demonstration;
  - the anticipated number of participants, including names of bands;
  - starting and finishing points of the parade;
  - name, address and telephone number of the person authorized to represent the organizers in relation to the conduct of the parade;
  - details of any vehicles to be involved;
  - proposals for marshalling the parade.
  - proposals for the control of alcohol en route to, during and after the parade.
4. Participants in demonstrations should not be in possession of offensive weapons;
5. Once notice is received by the police, they must decide within 5 days (less if only statutory notice is given) if there are potential difficulties with a proposed demonstration and refer the matter to the Chief Arbitrator who in turn would

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nominate a mediator from a register to negotiate with all parties, including the police. The Chief Arbitrator might also act on a request from any other interested party. Objectors to a proposed parade would have to notify the arbitration service of their objections within 5 days of the notice being published and mediation would then follow.

6. A structure for negotiation of disputes must be set in place. HMG should consider funding mediators or facilitators to promote accommodation between the parties. (It must be cheaper than \$30 million !)

7. If, following negotiations, no solution is found, the police will make a determination under the present legislation, and Parliamentary action is needed to alter this. However, if no solution were found by the 5th day before the parade and the parties agreed to be bound by the outcome, disputed parades could be referred to the Chief Arbitrator for resolution, although he/she would have to be sure that the decision arrived at would be accepted by the RUC on public order grounds. (The Law Society is currently promoting Alternative Disputes Resolution, although it has not yet really taken off.) It would probably be necessary to have a panel of arbitrators who are apolitical - e.g. businessmen, retired judges and some international input, although anyone from GB or the Republic of Ireland would probably be perceived as partial. The important thing is that once the players agree to go through the arbitration process, the arbitrators should be of such standing that it would be very difficult to ignore them.

If there were a commitment to an interim accord as suggested and commitment from the Secretary of State to funding of mediators once the accord was in place, then with effort and goodwill it should be possible to defuse potentially explosive situations at Easter and in the Summer. Perhaps Easter would be a possible test, to see if this type of process is effective over the Easter Rising and Apprentice Boys parades?

E.M.M.C.

22 February 1997