

Parades, Politics and the Peace Process in Northern Ireland

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Abstract:

The marching season in Northern Ireland has historically seen violence erupt on the streets, and this year was no exception, with seventy police officers injured in five days of rioting in Belfast after 12 July. Tensions were particularly high in the aftermath of serious disturbances linked to loyalist protests over the lowering of the Union flag at City Hall in December 2012. Against the backdrop of a history of sectarian trouble,¹ there have been, since the Good Friday Agreement in 1998, efforts to promote dialogue between nationalist and unionist communities and the police. But with the gradual decline in paramilitary activity after the 1994 ceasefires, disputes over parades came to symbolise the wider issues at stake in the political talks, from equality of treatment to respect for different identities and traditions. The Parades Commission – the adjudicating body set up after the Good Friday Agreement – has borne the brunt of the criticism, especially from working class loyalist communities marginalised since 1998. In this article, Melinda Sutton examines the relationship between parades disputes and the peace process in Northern Ireland, and the British policy response to those disputes in the 1990s, and argues that the political context of the peace process, and the insecurities provoked by the political negotiations, particularly amongst unionists, militated against a resolution of parades disputes, which continues today.²

Introduction

After the 1920 Government of Ireland Act, Orange parades came to symbolise the Protestant and Unionist ascendancy in Northern Ireland, feeding the resentment already felt by many Catholics and nationalists at what they perceived as triumphalist

¹ The parading tradition in Ireland dates back to the medieval period, and is associated with both Protestant and Catholic fraternal organisations (the Orange Order, Apprentice Boys of Derry and Royal Black Preceptory, and the Ancient Order of Hibernians, respectively). In the nineteenth century, after intense confrontation over Orange Order parades, the British Government introduced the Party Processions Acts in 1832 and 1850. After a lengthy campaign by William Johnston, a member of the Orange Order and MP for Belfast, the Acts were repealed in 1870 – Neil Jarman, ‘Parading Culture’, *Belfast Telegraph*, 10 July 1997

² This article is based on my MA thesis, ‘“We all know this one is not simply about the parade itself”: Parades, the Peace Process and the British Government’, (unpublished MA dissertation: Newcastle University, 2009).

displays of supremacy.³ During the Troubles, the parading season (July – August) invariably led to violent clashes between nationalists and unionists, as each side sought to carve out territory for their respective community, symbolising the prevailing ‘them’ and ‘us’ mentality of the Troubles. Disputes over parades also caused significant problems for all the parties in the lead up to the Good Friday Agreement (GFA) in Northern Ireland in 1998 and, in accordance with the recommendations of an independent inquiry into parading in Northern Ireland, the Labour Government legislated for the establishment of an independent parades commission to manage disputed parades. While the parades commission and its determinations have not been universally welcomed in Northern Ireland, neither has there been any consensus over alternative arrangements. Draft legislation formulated by an Office of the First Minister and Deputy First Minister (OFMDFM) working group was rejected by a number of groups in Northern Ireland, including the Orange Order.⁴ Fifteen years after the signing of the GFA, the parades issue continues to cause significant problems for the power-sharing government. This year, tensions have been compounded by the loyalist protests linked to the decision of Belfast City Council to fly the Union flag on designated days, rather than all the time. For many unionists and loyalists, the decision to lower the Union flag represents a further step in a sustained attack on their British identity, which they link to developments in the peace process of the 1990s such as parades legislation and the inclusion of former paramilitaries in government.

The Relationship between Parades and the Peace Process

Following the intense rioting surrounding the Drumcree parades in Portadown, Co. Armagh, in 1995 and 1996, the Conservative Northern Ireland Secretary, Patrick Mayhew, established an independent review of parades and marches in Northern Ireland under the chairmanship of Peter North, Vice-Chancellor of Oxford University,

³ Members of the Orange Order dominated the Northern Ireland government at Stormont: between 1921 and 1969, all of Northern Ireland’s prime ministers, and all but three Cabinet members, belonged to the Order. Dominic Bryan, *Orange Parades: The Politics of Ritual, Tradition and Control* (London: Pluto Press, 2000), 60. While there was no formal legislation regarding this, it should be noted, for example, that the Caledon Ancient Order of Hibernians (AOH) Division had a parade banned in August 1967 because local Orangemen objected. Also, the *Belfast Telegraph* reported that ‘More than 1,300 parades, marches or processions were held in 1968 by the Orange Order, the Apprentice Boys and the Royal Black Preceptory. There were less than a dozen civil rights marches in all and these were mostly held in predominantly Roman Catholic areas. Even this amount of activity has been deeply resented by all sections of the Unionist population.’ *Belfast Telegraph*, 10 June 1970. See also: Jarman, ‘Parading Culture’.

⁴ BBC News, ‘Draft parades laws “in chaos” as Orange Order says “no”’, 7 July 2010, <http://www.bbc.co.uk/news/10534075>, accessed 24 June 2013.

with Father Oliver Crilly and the Very Reverend John Dunlop. The review was asked to assess 'the current arrangements for handling public processions and open-air public meetings and associated public order issues', to examine 'the powers and responsibilities of the Secretary of State, police and others' and whether 'new machinery, both formal and informal' was needed to manage disputed parades.⁵ The North Report, published in January 1997, also included an analysis of the reasons for the eruption of disorder over parades in the 1990s, and suggested that a 'variety of factors' were to blame, including 'the wider political situation, the relative self-confidence of the respective parts of the community at both national and local level, and the attitudes and actions of individuals and groups including the police'.⁶ This article suggests that the second factor, 'the relative self-confidence' of nationalists and unionists is the most significant dynamic fuelling the increased significance of parades disputes in the 1990s and 2000s, and was most affected by wider developments in the peace process such as paramilitary activity (and inactivity), shifts in republican strategy, and improvements in Anglo-Irish relations, all of which have contributed to a growing sense of self-confidence amongst nationalists, and increasing unionist insecurity and divisions.

With the announcement of the ceasefires of the main paramilitary groups in 1994 (the IRA declared a 'complete cessation of military operations' on 31 August,⁷ while the Combined Loyalist Military Command (CLMC), representing the Ulster Defence Association (UDA), the Ulster Volunteer Force (UVF) and the Red Hand Commandos, announced they would 'cease all operational hostilities' from 13 October,⁸ the nationalist community became increasingly confident in expressing their grievances. Evelyn White of the Garvaghy Road Residents' Coalition (GRRC) suggested that 'after the paramilitary cease-fires, people began to have new hope' that their concerns about Orange parades might be taken seriously by the Order, and that contentious parades might be voluntarily re-routed from nationalist areas.⁹ Harvey Cox suggests that 'only with ceasefires could the parades issue have been brought to the fore in the reasonable

⁵ Sir Patrick Mayhew, HC Debates, *Hansard*, 24 July 1996, Volume 282, Column 472W.

⁶ Report: Independent Review of Parades and Marches (Belfast: Stationery Office, 1997), 2.

⁷ IRA Republican Army (IRA) Ceasefire Statement, 31 August 1994.

⁸ Combined Loyalist Military Command (CLMC) Ceasefire Statement, 13 October 1994.

⁹ Brendan McKenna, "'Orange Marches in Portadown": The Garvaghy Road Residents' Perspective' (Portadown: Garvaghy Road Residents Group, 1995), 4.

confidence that it would not spark off a spate of killings', concluding that the parades issue 'can be seen not only as a reminder of continuing strife but paradoxically also as a symptom of easement'.¹⁰ However, the threat of a resumption of violence by paramilitaries remained in the background during parades disputes. The Loyalist Volunteer Force leader and resident of Portadown, Billy Wright, played a prominent role in the Drumcree protests in 1995 and 1996 and, in 1997, the LVF threatened to embark on a bombing campaign in the Republic of Ireland if the Orange parade was prevented from proceeding down the nationalist Garvaghy Road in Portadown.¹¹ In addition, unionists suspected that the IRA had threatened to resume their armed campaign if the Drumcree parade was allowed along Garvaghy Road in 1998: 'Everyone knows why the same decision was taken last year and this Republican violence (including the threat of the IRA escalating its activities) and political pressure from pan-nationalism were then and are now the prime motives'.¹² Moreover, the North Report recognised that 'Unionists' experience of suffering at the hands of the Provisional IRA and the current uncertain political situation and consequent insecurity have played a large part in the widespread sense of anger felt by members of the Loyal Orders at the strategy of residents groups in opposing parades'.¹³

The IRA ceasefire was related to a second feature of increased nationalist confidence in opposing Orange parades; Cox suggests that, after the ceasefires, opposition to parades was a means by which Sinn Féin could maintain the momentum of the republican campaign, and strengthen their identification with Catholic communities and its status as the defenders of their interests. Opposition to contentious parades related to the shift in Sinn Féin's rhetoric from 'classic Irish republicanism to emphasising an "equality agenda"'.¹⁴ This argument was particularly popular amongst Unionists and Orangemen as it meant they could blame the scenes of disorder and violence which surrounded certain controversial parades on republicans. Robert McCartney, MP for North Down and leader of the United Kingdom Unionist Party (UKUP), informed the House of

¹⁰ Harvey Cox, 'Keeping going: Beyond Good Friday' in Marianne Elliott, ed, *The Long Road to Peace in Northern Ireland* (Liverpool: Liverpool University Press, 2002), 158.

¹¹ Mo Mowlam, *Momentum: The Struggle for Peace, Politics and the People* (London: Hodder and Stoughton, 2002), 93.

¹² Alan Reavie, 'Letter: Orange "demonised"', *Portadown Times*, 2 July 1999.

¹³ Report: Independent Review of Parades and Marches, 45-6.

¹⁴ Cox, 'Keeping Going', 158-9.

Commons that ‘when the overt use of the bomb and the gun stopped, the IRA deliberately opened a second front, which consisted of civil unrest, attacks on parades and the spreading of violence among the community at large’.¹⁵ Orangemen considered community opposition to their parades to be an expression of the IRA’s post-ceasefire strategy of TUAS (Tactical Use of Armed Struggle),¹⁶ and resented the possibility that they were being manipulated by republicans. This contributed to their intransigence in negotiations, and refusal to talk directly with residents’ groups. The Grand Orange Lodge of Ireland argued in June 1997 that ‘[I]t is irrefutable that Sinn Fein/IRA is manipulating certain “resident groups” with a view to preventing or impeding Orangemen in the exercise of their civil rights.’¹⁷ However, this argument was vehemently refuted by residents and republicans alike. The Garvaghy Road residents argued that ‘we are a community united, not a puppet of Sinn Fein’.¹⁸ Dara O’Hagan, Sinn Féin MLA for Upper Bann, argued that Sinn Féin ‘did not have to manufacture the situation or manipulate people in the Nationalist community or residents’ groups to protest at the marches. There has always been deep-seated antagonism and injustice, and there has been organised protest at various periods over the years.’¹⁹ While there is little doubt that Sinn Féin exploited the parades issue and reaped political benefit from the confrontations,²⁰ the conclusion that Lord Alderdice (then leader of the Alliance Party) reached seems most likely to represent reality:

In the republican community, when the ceasefires came about, and the energies that were particularly deployed in more violent ways were freed up, it may have been quite attractive for them to seek out other ways of expressing contention ... I think what happened was that a few contentious parades quickly came to the attention of leading figures in the republican movement, and they realised the opportunity that this bestowed upon them to create difficulties.²¹

Regardless of the actual extent of Sinn Féin’s influence on parades disputes, unionist insecurity was an important feature of the increasing salience of parades in the peace

¹⁵ Robert McCartney, HC Debates, *Hansard*, 18 December 1997, Volume 303, Column 516.

¹⁶ Dean Godson, *Himself Alone: David Trimble and the Ordeal of Unionism* (London: HarperCollins, 2004), 130.

¹⁷ Grand Orange Lodge of Ireland Press Release, 17 June 1997.

¹⁸ Garvaghy Residents, *Garvaghy: A Community Under Siege* (Belfast: Beyond the Pale, 1999), 18-9

¹⁹ Quoted in Chris Ryder and Vincent Kearney, *Drumcree: The Orange Order’s Last Stand* (London: Methuen, 2002), 133-4.

²⁰ Chris Ryder argued that ‘obstructive and unyielding unionist tactics, on the streets and at the political talks’ were ‘driving moderate nationalists into the malevolent arms of Sinn Fein’. *Irish News*, 9 July 1997.

²¹ Lord Alderdice, HL Debates, *Hansard*, 12 November 1997, Volume 583, Column 3GC.

process in the 1990s. At Drumcree in 1998, Ian Paisley, then leading the anti-Good Friday Agreement campaign, announced that 'there is deep resentment at what the Government is doing, and people feel ... this is the time when they all make a stand'.²² Indeed, Alistair Graham, the first chairman of the Parades Commission, observed of Drumcree 1998, 'we all know this one is not simply about the parade itself'.²³ Opposition to re-routing of parades became an arena for the expression of unionist insecurity and resentment at the direction of the peace process. For unionists and the Loyal Orders, acceptance of parades was 'an indicator of how they would be treated in any new political arrangement';²⁴ Jeffrey Donaldson, then in the UUP, asked in the *Irish Times* on 4 July 1996, '[I]f nationalists cannot tolerate the culture and traditions of the Orange Order for 15 minutes in one year then I think we are entitled to ask what hope there is for the future.'²⁵ Unionists feared that if nationalists could challenge Orange parades while Northern Ireland was part of the United Kingdom, then there was little hope of their traditions being respected in a future united Ireland. Furthermore, unionists felt that challenges to their parades equated to challenges to their identity as citizens of the United Kingdom, an occupational hazard of the zero-sum game which governed politics in Northern Ireland (that if one side had won some concession, then the other side must have lost something fundamental).²⁶ In the context of parades, for unionists 'all challenges to tradition are seen as a capitulation to the IRA. They are a threat to the Union, to one's identity as British and as a Protestant. It is the beginning of the road to Rome-rule, to Dublin-rule, and to integration into a United Ireland.'²⁷ Even if the political talks did not result in Irish unification, unionists feared the implications for their parades if nationalists and republicans entered government: the *Orange Standard* argued that 'Protestants need proof that Sinn Fein-IRA really does respect their culture and traditions, and they certainly need to be convinced that this attitude exists as far as

²² *News Letter*, 7 July 1998.

²³ *The Times*, 4 July 1998.

²⁴ Roger MacGinty and John Darby, *Guns and Government: The Management of the Northern Ireland Peace Process* (Basingstoke: Palgrave, 2002), 155.

²⁵ Quoted in MacGinty and Darby, *Guns and Government*, 155.

²⁶ The recent flags protests provide a potent demonstration of this: Becky Rowan, a young Belfast loyalist, claimed that 'It's not just about the flag any more ... it is about so much more, such as giving Sinn Féin everything they wanted. They are trying to take away everything that is British in this society.' *The Guardian*, 12 January 2013, <http://www.guardian.co.uk/uk/2013/jan/13/belfast-protest-flag-young-loyalists>, accessed 5 July 2013.

²⁷ Neil Jarman, *Material Conflicts: Parades and Visual Displays in Northern Ireland* (Oxford: Berg, 1997), 25.

their Orange parades are concerned.’²⁸ Such concerns have not been assuaged by declarations such as ‘there is no rationale for an Orange parade along the Garvaghy Road’ from Gerry Adams.²⁹

Unionist insecurity was manifested in divisions within unionism, as voters were divided between parties which offered to negotiate a way out of the conflict, and parties which refused to contemplate any concessions to republicans. The 1996 Forum elections saw Trimble’s Ulster Unionists secure forty six per cent of the unionist vote, while Ian Paisley and other hardliners won forty three per cent. This left Trimble and the UUP in a position which was ill-suited to make serious concessions on issue such as parades, which had the capacity to radicalise more moderate voters.³⁰ Similarly, the DUP’s actions in the flags protests and publication (in association with the UUP) of a leaflet blaming the Alliance Party for Belfast City Council’s decision to lower the flag, were undoubtedly related to Peter Robinson’s defeat by the Alliance Party’s Naomi Long in the 2010 General Election. By 1998, unionism was deeply divided over the Good Friday Agreement,³¹ with serious consequences for the parades issue:

It is the existence of the fledgling accord that renders the present stand-off over Drumcree so dangerous ... unionism is split almost exactly down the middle. Mr Trimble won only a slender majority of the unionist vote. Drumcree is producing intense polarisation, sending many back to the sectarian trenches and leaving the new first minister exposed and vulnerable.³²

The Drumcree dispute was particularly pertinent given that Drumcree was not only in David Trimble’s constituency, meaning that those involved on both sides of the protest were his constituents, but also the fact that he had previously participated in the Drumcree stand-off in his capacity as an Orangeman. Indeed, Trimble’s hardline position in Drumcree 1995 contributed to his election as UUP leader.

²⁸ *Orange Standard*, November 2005.

²⁹ *An Phoblacht*, 3 July 2008.

³⁰ Dominic Bryan, ‘Drumcree and “The Right to March”: Orangeism, Ritual and Politics in Northern Ireland’ in T. G. Fraser (ed.), *The Irish Parading Tradition: Following the Drum* (Basingstoke: Macmillan, 2000), 201.

³¹ In 1998, fifty per cent of unionists believed that the GFA benefited nationalists more than unionists (compared to sixteen per cent of nationalists). Ten years later, the same proportion of Protestants believed that the cumulative political changes since 1998 had benefited Catholics more than Protestants (compared with seventeen per cent of Catholics).

http://www.ark.ac.uk/nilt/1998/Political_Attitudes/GOODFRI.html;

http://www.ark.ac.uk/nilt/2008/Political_Attitudes/BENFCHNG.html accessed 5 July 2013.

³² *The Economist*, 11 July 1998.

Unionist insecurity was also fuelled by the developments in Anglo-Irish relations since the 1980s. There was regular contact between British and Irish ministers in the Inter-Governmental Conference established by the 1985 Anglo-Irish Agreement, and unionists feared that the attempts to re-route Orange parades resulted from pressure from the Republic of Ireland.³³ Robert McCartney wrote:

The scenes of inexcusable and unjustifiable violence witnessed in recent days did not occur spontaneously. They were the culmination of events for which both the British and Irish governments must share some responsibility ... The British consistently undersold the constitutional rights of the majority, while the Irish assiduously pursued an irredentist policy of Irish unity ... Both governments in the undemocratic secrecy of the Inter-Governmental Conference had encouraged quite unrealistic expectations among the nationalist minority while exacerbating the suspicions and insecurity of the majority about its constitutional future within the United Kingdom ... Together they primed the powder [keg] for which Drumcree was to provide the spark.³⁴

Certain sections of unionism, as represented by McCartney believed that the acceleration and institutionalisation of Anglo-Irish co-operation since the 1980s encouraged nationalists to believe that major change in the constitutional framework of Ireland was imminent, and this contributed to their more vocal opposition to Orange parades. However, the RUC Chief Constable, Sir Hugh Annesley denied these claims: '[I]t has been put to me over seven years frequently by unionist politicians that Maryfield have somehow or other had an input into my decisions. They have not. They do not. They could not. And as long as I breathe they would not.'³⁵ The Irish Government's official position was that they were not involved in operational decisions on the re-routing of parades, but that they had 'a legitimate interest in protecting the rights of both communities, particularly the minority, in Northern Ireland and in the avoidance of disorder ... and we offer advice and counsel on that basis'.³⁶ For those who already feared the influence of Dublin in internal Northern Ireland matters, claims by senior Irish government sources to have had any input into decisions on parades were unacceptable.

³³ Report: Independent Review of Parades and Marches, 47; Northern Ireland Forum for Political Dialogue, Standing Committee A, *Review of the Parades Issue in Northern Ireland*, (Belfast: The Forum, 1997), 6.

³⁴ Robert McCartney, *Belfast Telegraph*, 19 July 1996.

³⁵ 'Interview with Sir Hugh Annesley', BBC Radio 7 Days, 14 July 1996.

³⁶ John Bruton, Dáil Debates, 4 February 1997, Volume 474, Column 396.

The British Policy Response

The British government's response to parades disputes in the 1990s was complicated by their role in the political negotiations as facilitator and neutral arbiter,³⁷ and the competing perceptions amongst nationalists and unionists of what the government should do about parades: 'Nationalists wanted to test the sincerity of the state's commitment to "parity of esteem" and equal treatment within the state, while unionists expressed their frustration and anger over what many regarded as British duplicity and a slide towards an Irish nationalist agenda.'³⁸ For nationalists, the British Government's willingness to take their concerns about parade routes seriously was indicative of a willingness to treat them fairly on broader political issues, such as representation in government.³⁹ Unionists, however, believed that parades legislation was an unnecessary and undesirable concession to republicans, who had, in their view, caused the problems over parades in the first place.⁴⁰ As in the wider peace process, the foundations for Labour's approach to parades disputes had been laid by the Conservatives, with their establishment of the North review into parades and marches. However, Labour's Public Processions Act bestowed adjudicative powers on the Parades Commission, in addition to mediation, education and conciliation.⁴¹

Article five of the Public Order (Northern Ireland) Order 1987 gave the Secretary of State for Northern Ireland the power not only to re-route parades, but also to ban them if it appeared that widespread and uncontrollable public disorder would occur if they proceeded. However, in 1995 and 1996, Sir Patrick Mayhew refused to use this power to re-route or ban the Drumcree parades, insisting that parade routes were 'an operational matter for the RUC'.⁴² Meanwhile the RUC claimed that re-routing parades was a decision for the Secretary of State; it is difficult to disagree with Breandán Mac

³⁷ This continues to be the case today.

³⁸ Feargal Cochrane, *Unionist Politics and the Politics of Unionism since the Anglo-Irish Agreement* (Cork: Cork University Press, 1997), 337.

³⁹ MacGinty and Darby, *Guns and Government*, 155.

⁴⁰ Peter Robinson, HC Debates, *Hansard*, 4 February 1998, Volume 305, Column 1158.

⁴¹ http://www.legislation.gov.uk/ukpga/1998/2/pdfs/ukpga_19980002_en.pdf.

⁴² Sir John Wheeler, HC Debates, *Hansard*, 3 July 1996, Volume 280, Column 478W.

Cionnaith's conclusion that 'one passed the buck to the other'.⁴³ One of the main problems that the Conservatives faced in relation to parades in Northern Ireland was the need to 'avoid alienating ... Ulster Unionists who were bolstering Major's small majority'.⁴⁴ However, following the violence surrounding Drumcree in 1996 and the consequent condemnation from Dublin, Mayhew announced the independent review of parading in Northern Ireland. While the Conservatives accepted in principle the recommendations of the review, they did not give them full legislative effect. An independent Parades Commission was established 'with an education, conciliation and mediation role', but without legal powers to recommend the re-routing of parades.⁴⁵ The Conservatives also amended the Public Order (Northern Ireland) Order 1987 to introduce an extended notification period for all parades, and new controls on alcohol at parades. Their failure to enact in full the recommendations of the North Report was perceived to be influenced by the Conservatives' weak position in the Commons and reliance on the Ulster Unionists and backbench pro-Unionist Conservatives, 'who did not favour the formation of a Commission with legal powers to oversee parades'.⁴⁶

The Labour Party, meanwhile, included a commitment to reducing tension over parades, and promised to 'enact the North Report in full' if they were elected in May 1997.⁴⁷ In her memoirs, Mo Mowlam outlined her approach to the issue of parades:

arbitration is the right way forward; that local communities should try to resolve these issues between themselves through dialogue and accommodation; and that if accommodation can't be found then decisions about where a parade may or may not go should be made by an independent body fairly, on objective criteria, and never again on the basis that might is right, or the "lesser of two evils".⁴⁸

The associate editor of the *New Statesman*, John Lloyd, argued that Labour's commitment to tackling parades disputes was 'very "new Labour" in its determination to dissolve irrelevant old divisions'.⁴⁹ Following the 1997 marching season, the Labour Party honoured their commitment to enact in full the recommendations of the North

⁴³ McKenna, "Orange Marches in Portadown", 3.

⁴⁴ Michael Cunningham, *British Government Policy in Northern Ireland 1969-2000* (Manchester: Manchester University Press, 2001), 89.

⁴⁵ Sir John Wheeler, HC Debates, *Hansard*, 19 March 1997, Volume 292, Column 1030.

⁴⁶ Neil Jarman, 'Regulating Rights and Managing Public Order: Parade Disputes and the Peace Process, 1995-1998', *Fordham International Law Journal*, 22 (1998-99), 1428.

⁴⁷ Tony Worthington, HC Debates, *Hansard*, 19 March 1997, Volume 292, Column 1032.

⁴⁸ Mo Mowlam, *Momentum*, 109.

⁴⁹ John Lloyd, 'Opinion: Can Blair avoid another Drumcree?', *The Times*, 30 May 1997.

Report by introducing the Public Processions (Northern Ireland) Bill. Although the purpose of the Act was to regulate parades, which were almost entirely associated with the Loyal Orders, the government insisted that the legislation did not adversely affect the traditions of unionists. Adam Ingram, minister of state at the NIO, argued that the government 'has been acutely conscious of the need to ensure that the legislation is both balanced and seen to be balanced'.⁵⁰ This linked to the Government's contradictory stance during the peace process as 'neutral arbiter' to convince republicans and nationalists that the British government would not oppose Irish unification if that was the choice of the majority in Northern Ireland, and as 'champion of the Union' to prevent a violent loyalist backlash, such as in the 1974 Ulster Workers' Council strike or at Drumcree in the 1990s.⁵¹ It was this relationship between parades and the political process which caused problems for the government. In her announcement of the Public Processions Bill, Mowlam asked 'Does a re-route say something about the Government's policy towards the talks process? ... The issue of marches needs to be depoliticised. The vast bulk of the population have no wish to see a Northern Ireland where every decision is a trial of political strength along the same old lines.'⁵² Yet it was clear to everyone involved that 'festering disputes' in areas like parades had the potential to threaten progress in the political talks.⁵³ Moreover, the government hoped that success in the political talks might allow more room for accommodation and resolution of parades disputes.

The Labour Government learned from the experience of Drumcree 1996, where the NIO and the RUC blamed each other for not exercising their powers to re-route parades, and Drumcree 1997, when Mowlam and the RUC bowed to the loyalist protest and allowed the march along Garvaghy Road as the lesser of two evils. The addition of adjudicative powers to the Parades Commission 'reduced the pressure on the police; they are no longer seen as making politically-motivated decisions and they have therefore been able to concentrate on policing the events on the ground'.⁵⁴ Moreover, one of the objectives of separating parades decisions from the functions of the government and the police

⁵⁰ Adam Ingram, HC Debates, *Hansard*, 4 February 1998, Volume 305, Column 1091.

⁵¹ Paul Dixon, 'British Policy towards Northern Ireland 1969-2000: Continuity, Tactical Adjustments and Consistent "Inconsistencies"', *British Journal of Politics and International Relations*, 3, 3 (2001), 357.

⁵² 'Parades Bill Published Today' (Belfast: Northern Ireland Information Service, 17 October 1997).

⁵³ Adam Ingram, HC Debates, *Hansard*, 18 December 1997, Volume 303, Column 494.

⁵⁴ Jarman, 'Regulating Rights and Managing Public Order', 1433.

was to increase nationalist confidence in the impartiality of the police, and demonstrate that parade decisions were irrelevant to Labour's commitment to the peace process. This 'solved the problem of blame by implication for politicians because adjudications are now distant from political control'.⁵⁵ While unionists suggested that the government was 'seeking to divest themselves of authority' by bestowing adjudicative powers on the Parades Commission,⁵⁶ the experiences of 1995-1997 demonstrated that making and enforcing decisions about parades in Northern Ireland was a no-win situation for the government or the police. If a parade was re-routed, it was a concession to nationalist and republican agitation; if it was allowed to proceed through nationalist areas, it was a reiteration of 'present-day British supremacy'.⁵⁷

While the Labour Government sought to distance itself from making decisions on parades, and to present itself as a neutral arbiter, its actions in parading disputes inevitably influenced perceptions of its relationships with nationalists and unionists in Northern Ireland. Blair's initial emphasis on reassuring unionists that they 'have nothing to fear from a New Labour government',⁵⁸ combined with the decision to allow the Drumcree march to proceed along the Garvaghy Road, nearly derailed the options for progress with nationalists. Donnacha Mac Niallais of the Bogside Residents' Group, argued that Blair's Belfast speech 'put down a marker as to where his loyalties lay. His loyalties have nothing to do with principles, respect, equality or fair play. His loyalties lie with the unionists.'⁵⁹ However, Labour's decision to support the decision of the Parades Commission to re-route the Drumcree parade in 1998, and to resist the anti-agreement unionists' efforts to use Drumcree to destroy the Good Friday Agreement, marked a turning point in British policy on parades disputes, compared by one commentator to Margaret Thatcher and the miners' strike.⁶⁰ Hugo Young, the *Guardian's* political correspondent, concluded that 'British acquiescence will never be

⁵⁵ Ciaran O'Kelly and Dominic Bryan, 'The Regulation of Public Space in Northern Ireland', *Irish Political Studies*, 22, 4 (2007), 569.

⁵⁶ Robert McCartney, HC Debates, *Hansard*, 4 February 1998, Volume 305, Column 1160.

⁵⁷ Garvaghy Road Residents Coalition, 'Collection of articles on the GRRC', Collection of internet pages compiled by the Linen Hall Library.

⁵⁸ Speech by Tony Blair to the Royal Agricultural Society, Belfast, 16 May 1997, <http://cain.ulst.ac.uk/events/peace/docs/tb16597.htm>, accessed 25 June 2013.

⁵⁹ Colin O'Carroll, *Irish News*, 7 July 1997.

⁶⁰ John Murray Brown, *Financial Times*, 14 July 1998.

the same again. Any British complicity in perpetuating Ulster's multiple intolerances is at an end.'⁶¹

The parades issue highlights the problems faced by the British government in navigating the difficult relationship between the high politics of the Northern Ireland peace process, and grassroots tensions over identity, territory and culture. The British government's approach to parades disputes reflected the wider policy imperative of managing, rather than resolving, the conflict in Northern Ireland. In comparison to its hands-on attitude to the political negotiations after 1998, the government's parades policy has been characterised by a distinctively detached approach, as it has left the management of parades disputes to the Parades Commission. This has had the advantage of allowing British politicians to distance themselves from unpopular determinations by the Commission, while also facilitating their detachment from what is effectively an irresolvable issue. The British government has also been able to acknowledge the dissatisfaction felt by many in Northern Ireland at the work of the Parades Commission, whilst distancing itself from responsibility for finding a replacement for the Commission, as demonstrated by the Hillsborough Agreement 2010.⁶² For Northern Ireland politicians, direct engagement in parades disputes has often proved a double-edged sword. Peter Robinson's engagement in the flags protests was not met with approval by the public; a BBC Spotlight poll found that only twenty two per cent of the public believed he had dealt well with the flags protests.⁶³ The primary lesson from parades policy since 1995 has been that the direct intervention of politicians in local parading disputes, whether from Westminster or Stormont, rarely ameliorates the situation, and even more rarely enhances the reputations of the politicians concerned. In this context, the Parades Commission performs a necessary, if unloved, function, and any future alternative arrangements for the management of parades disputes ought to remain independent from both politicians and the police.

⁶¹ Hugo Young, *The Guardian*, 14 July 1998.

⁶² Agreement at Hillsborough Castle, 5 February 2010, http://www.nidirect.gov.uk/castle_final_agreement15_2_-3.pdf, accessed 5 July 2013.

⁶³ BBC News, 'Opinion poll indicates NI voters would reject Irish unity', 5 February 2013, <http://www.bbc.co.uk/news/uk-northern-ireland-21345997>, accessed 5 July 2013. That figure was only marginally higher amongst DUP supporters, only thirty per cent of whom approved of Robinson's handling of the flags controversy.

Conclusions

Parading disputes presented a particularly vexing problem for the authorities in the 1990s, and continue to do so today, as they reflect and reinforce sectarian divisions in Northern Ireland. They are a product of the specific political context of the peace process, and the unionist insecurity and nationalist self-confidence engendered by the political negotiations, and illustrate the specific concerns that unionists and nationalists have about the direction of the peace process. For unionists, parades disputes reinforce their fears about the dilution of their cultural identity in any new political settlement, the role of republicans and the Irish government in driving the attack, and the apparent acquiescence of the British government. For their part, parades disputes seem to confirm the concerns of nationalists and republicans about the British commitment to promoting their equal citizenship with Northern Ireland. Moreover, the British government's management of parades disputes highlights two fundamental aspects of its approach to the wider peace process: consent and balance. It has been noted that 'consent extended far beyond mere acceptance or rejection of Northern Ireland's constitutional status. Instead consent extended to the *type* of Northern Ireland on offer.'⁶⁴ Thus the British government introduced a range of reforms in order to gain the consent of nationalists to a settlement which stopped well short of Irish unity. Parades legislation joined policing reform and a number of inquiries into the past (including the Bloody Sunday Inquiry) in addressing specific nationalist concerns.

This related to the second feature of the British government's engagement in the Northern Ireland peace process. Mo Mowlam observed that, for the British government, the peace process felt like 'walking a tightrope, weighing the interests of one side against another and trying not to lose anyone'.⁶⁵ Seeking to balance nationalist and unionist demands was a priority for the government; hence the concern to insist that the Public Processions Act was even-handed. Parades remain, however, a source of bitter contention in Northern Ireland, and tensions have not been alleviated by the behaviour of some of the participants both in parades and in the related protests.⁶⁶ Just

⁶⁴ Roger Mac Ginty, Rick Wilford, Lizanne Dowds and Gillian Robinson, 'Consenting Adults: The Principle of Consent and Northern Ireland's Constitutional Future', *Government and Opposition*, 35, 4 (2001), 479.

⁶⁵ Mowlam, *Momentum*, 164.

⁶⁶ Seen in graphic detail in the behaviour of the loyalist band, the Young Conway Volunteers, in the 2012 Twelfth parades, when they stopped to play 'The Famine Song' outside St Patrick's Catholic Church in North Belfast – BBC News, 'Loyalist band filmed outside north Belfast Catholic church', 13 July 2012,

as disputes and confrontation over parades and marches contributed to the outbreak of the Troubles in the late 1960s, so issues surrounding contentious parades in Northern Ireland have continued beyond the ostensible end of the conflict, reflecting the fact that the fundamental dispute over identity and territory in Northern Ireland remains unresolved.

<http://www.bbc.co.uk/news/uk-northern-ireland-18829447>, accessed 28 June 2013; and in the riots which accompanied nationalist protests in Ardoyne when petrol bombs and bricks were thrown by both nationalists and loyalists, and shots fired at the police – BBC News, ‘Owen Paterson in call over Northern Ireland parades’, 13 July 2012, <http://www.bbc.co.uk/news/uk-northern-ireland-18823292>, accessed 28 June 2013.