

Flags and Emblems

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A Shared Future

In March 2005 the Office of the First Minister and Deputy First Minister published the core policy document, *A Shared Future*, outlining a vision for the future of good community relations in Northern Ireland. The foreword, by Paul Murphy, the then Secretary of State for Northern Ireland stated:

The Government's vision for the future of Northern Ireland is for a peaceful, inclusive, prosperous, stable and fair society firmly founded on the achievement of reconciliation, tolerance, and mutual trust and the protection and vindication of human rights for all. It will be founded on partnership, equality and mutual respect as a basis of good relationships. (p.3)

The Minister of State, John Spellar, promised that

...the new policy and strategic framework will provide a mechanism through which departments can more effectively mainstream good relations considerations into policy development. (p.4)

The overall aim of *A Shared Future* is:

...to establish, over time, a shared society defined by a culture of tolerance: a normal, civic society, in which all individuals are considered as equals, where differences are resolved through dialogue in the public sphere, and where all individuals are treated impartially. A society where there is equity, respect for diversity and recognition of our interdependence. (1.2.1)

Amongst the impediments to a shared society are the territorial divisions that mark Northern Ireland deriving from sectarian communal division that has itself been marked by years of political and sectarian violence. As such,

rural and urban areas of Northern Ireland have both visible and invisible boundaries, or interfaces as they are locally termed, which are an impediment to shared public space. *A Shared Future* noted that

...the costs of a divided society - whilst recognising, of course, the very real fears of people around safety and security considerations - are abundantly clear: segregated housing and education, security costs, less than efficient public service provision, and deep-rooted intolerance that has too often been used to justify violent sectarianism and racism. Policy that simply adapts to, but does not alter these challenges, results in inefficient resource allocations. These are not sustainable in the medium to long-term. (1.4.1)

A Shared Future then sets out a number of priority areas in order to achieve progress on building a shared society. Two of these, which relate to the territorial nature of Northern Ireland, are:

2.1 Tackling the visible manifestations of sectarianism and racism

Freeing the public realm (including public property) from displays of sectarian aggression through:

- **active promotion of local dialogue involving elected representatives, community leaders, police and other stakeholders to reduce and eliminate displays of sectarian and racial aggression; and**
- **the police, in conjunction with other agencies, acting to remove such displays where no accommodation can be reached.**

and

2.2 Reclaiming shared space

Developing and protecting town and city centres as safe and welcoming places for people of all walks of life.

Creating safe and shared space for meeting, sharing, playing, working and living.

Freeing the public realm from threat, aggression and intimidation while allowing for legitimate expression of cultural celebration.

A Shared Future particularly concentrates upon the issues of flying flags. However, it is clearly the intent of the policy area that this should cover a range of cultural/political expressions including murals, memorials, the painting of kerbstones, graffiti and the erecting of arches. But further to that, the issue of parades, festivals, demonstrations and bonfires should also be included. All of these cultural political expressions provide the context within which public space is managed.

A number of issues are identified as important:

- Such cultural practices are part of local communal ‘traditions’ and are to a degree popular.
- Many of these cultural expressions are present all year round and thus also act as territorial markers.
- There is a relationship, either perceived or actual, between paramilitary groups and some of these displays.
- There is survey and anecdotal evidence that people feel intimidated by these displays.
- Inappropriate displays of flags and emblems can lead to economic damage.
- There can be problems with identifying which agencies have responsibility for dealing with such practices.
- Particular attention needs to be paid to making town centres safe and welcoming spaces for everyone.

Central to dealing with the marking and ownership of territory is an understanding of the local context.

2.1.4 Whilst many people would be in favour of clearer guidelines or rules of enforcement around the flying of flags or painting of kerbstones nearly **all those interviewed stressed the importance of changing the context within which displays of symbols take place.** It is vital to understand why people feel the need to make symbolic displays. It has been clear in many of the cases

studied that flag flying was part of a tit-for-tat display around territory. As such, **improved relationships around interfaces can see the reduction of flags or changes in the murals.**

However, *A Shared Future* makes it clear that practices legitimising illegal organisations and effectively threatening communities are unacceptable (2.1.4).

In conclusion *A Shared Future* argues that ‘we must continue to reclaim the public realm for people who are living and working in, or as visitors to, Northern Ireland...’ (2.2.2).

A range of actions are proposed:

- In town and city centres and arterial routes and other main thoroughfares ‘the display of any flags on lamp-posts should be off limits’ (2.2.3)
- The removal of all paramilitary flags.
- The control of flags and emblems in sensitive areas (near buildings such as schools, hospitals and churches)
- That popular flying of flags for commemoration and celebration should be limited to particular times and dates.

The mechanisms proposed for undertaking this are:

- ‘the development of an agreed protocol between PSNI and all key agencies outlining precise responsibilities for removing ‘inappropriate and aggressive’ displays...’ (2.1.5)
- ‘the development of contact procedures for all agencies with responsibility for removing ‘aggressive’ and ‘inappropriate’ displays...’ (2.1.5)
- ‘increasing the number of individuals willing and able to mediate disputes involving symbols, whether flags, murals, memorials, racist graffiti, painted kerbstones or other forms of ‘marking’ ...’ (2.1.5)
- ‘sustained support for organisations engaged in transforming the environment in which people live...’ (2.1.5)

- ‘development of a more co-ordinated approach to the management of conflict and conflict transformation through the use of dedicated fieldworkers...’ (2.1.5)
- ‘enforcement by the police (acting jointly with key agencies)’ (2.1.5)
- That the CRC will be asked to develop a triennial plan and local protocols in conjunctions with other agencies. (2.1.6)
- The use of the DOE’s statutory planning process to develop key themes in the Regional Development Strategy into local development plan policies. (2.2.4 and 2.2.5)

The above framework for dealing with flags, emblems and other cultural manifestations must be viewed in the context of other policy areas such as ‘Reducing Tension at Interface Areas’ (2.3), ‘Shared Communities’ (2.5), ‘Supporting Good Relations through Diversity and Cultural Diversity (2.6), and the delivery of Shared Services (2.10). It should also be viewed in the context of the obligation public authorities have under Section 75 of the 1998 Northern Ireland Act. In particular this places good relations at ‘the centre of policy, practice and delivery of public services’ (3.1.2), and with a commitment to develop support for ‘an enhanced and more broadly representative Community Relations Council’ (3.2.3). Additionally, the Review of Public Administration could lead to an enhanced role for large District Council. District Councils will be required to prepare a good relations plan from April 2007 (3.3.3).

As the improvement of good relations is a long term goal for Government, monitoring and evaluation of the policies and outcomes is essential (4.1).

Overview of the Literature

A wide range of literature now exists on the nature of interfaces and territory in Belfast that has been exhaustively covered by a recent publication ‘Interface Issues - An Annotated Bibliography’ (Conway and Byrne 2005). More specifically, *Transforming Conflict: Flags and Emblems* (Bryan and Gillespie 2005) looks closely at the issues of flags and emblems while the best example of a local study of the use of flags and emblems was the *Report of the Enniskillen Cultural Expression in Public Spaces Working Group* (Fermanagh

Trust, 2004). The last of these reports covers graffiti, murals and memorials as well as flags and provides a good model for scoping studies which might be undertaken in other areas.

From the literature we can make some broad observations regarding the use of symbols in politics.

- The use of symbols and emblems is important in modern politics. As such, the use of symbols has long been contentious in Northern Ireland.
- Symbols are both elements of cultural expression but also markers of territory and control. Consequently, good community relations strategies must take into account the way symbols are being used.
- Symbols are often a highly emotive expression of political opinions. For example, the taking down of a statue or a flag, or the destruction of a church or mosque, or the rerouting a traditional event will often be viewed as an attack upon a way of life and may invoke a stronger reaction in communities than even the loss of life.
- The context in which symbols are being used, or viewed by others, is important. A symbol viewed by one person as a cultural expression, may be viewed by another as an attempt to intimidate. As such, conflict over symbols is frequently an expression of the fundamental division in society.
- The meaning of symbols can change over time and place. This might mean that symbols that people might find acceptable in one context may become viewed as unacceptable in another. However, if the context in which a symbol is used changes its use might become more acceptable to a broad range of people.
- In addition new and old symbols can be used to unite groups of people as well as divide. As such, the judicious use of symbols can be a tool in the development of good relations.

From this we must conclude that any policies that relate to the use of flags and emblems or any other form of cultural expression must be based on an understanding of the context in which the symbol is being used and viewed by a range of people.

Looking more specifically at Northern Ireland the following broad observations can be made:

- The public use of symbols on murals, flags, memorials and in parades and festivals continues to demarcate territory and have a detrimental effect on economic and community relations in Northern Ireland.
- Whilst such displays of flags may be legitimately linked with periods of cultural expression through commemorations and festivals, the display of such items over long periods of time suggests they are being deliberately used to mark territory and that such demarcation intimidates significant numbers of people.
- Whilst the use of paramilitary emblems and symbols on uniforms, in parades, on flags, memorials and murals may carry some local support evidence suggests they are widely disliked.
- There is, however, broad agreement that the public use of symbols during periods of commemoration and festival is acceptable.
- The use of symbols, such as flags, in both a popular context and an official context is linked. So, for example, the use of both the Union flag and the Irish Tricolour in association with paramilitary flags and contexts gives these flags particular local associations. As such, discussions over the use of flags on official buildings cannot be seen as a separate issue from the use of flags as territorial markers.
- Only in the area of parades has specific legislation sought to regulate cultural expression. With other areas of symbolic expression it is often unclear which agency should act as the regulator and as such no authority has taken responsibility.
- All policies must conform to human rights provisions. Article 10 of the European Convention protects freedom of expression. However, this must be balanced against people's right to be free from intimidation and against legitimate public order concerns.

There is much work to do to create shared space in which the use of flags and emblems is such that they no longer intimidate people or demarcate territory. The creation of that shared space is important both

for economic reasons and for the development of good community relations.

Evaluation of policies and projects working on flags and emblems suggests the following.

- Locally based projects which seek to work with communities within the context of community development and/or environmental improvement have shown significant results in both reducing displays of flags, emblems and murals and/or reducing the period over which displays take place, and transforming the context in which the displays are viewed.
- The development of mediation practices and improved community relations has provided an important basis upon which conflict over symbols can be tackled. This has been particularly true with regard to parades where significant resources have been applied.
- Forms of regulation, other than in the arena of parades, have yet to prove their worth. Given the extent of use of illegal flags, and despite a battery of potential legislation that could be used, there have been remarkably few prosecutions. The PSNI have made it clear that they prefer a more consensual approach in line with community policing strategies.
- Inter-agency co-operation over these issues has frequently been poor or non-existent.
- Some local councils and the PSNI have developed protocols in an attempt to define their policies on the popular use of flags and emblems. It is as yet too early to evaluate their effectiveness.
- Policies over popular flying of flags continues to be made more problematic by the widespread use of official flags in some council areas. In this respect, Section 75 of the 1998 Northern Ireland Act and Fair Employment legislation has not helped further the development of shared civic space.

There is evidence that local projects that seek to transform the context in which flags, emblems and murals are displayed have had significant results. However, there remains a widespread problem which will need more than ad hoc projects to solve. The broader aims of *A Shared Future*

will require more joined up policy work by a range of agencies and, through policed protocols, clear management of unacceptable practices. A range of approaches will need to be monitored and developments evaluated.

The Present Context

A Shared Future designated the PSNI as lead agency in developing a protocol agreed by all agencies “outlining precise responsibilities for removing ‘inappropriate and aggressive’ displays taking account of existing legislation”. In addition, contact procedures for all agencies were to be developed, along with the development of greater facilities for mediation and environmental transformation and enforcement where necessary, in order to have a more co-ordinated approach to the development of shared space (2.1.5).

The PSNI produced the protocol early in 2005 covering the following agencies: Police Service of Northern Ireland, the Department of the Environment, Department for Regional Development, Department for Social Development, Office of the First Minister and Deputy First Minister, and the Northern Ireland Housing Executive, (the document expresses the hope that Councils will sign up to the policy). Because of the central importance of this document it is reproduced in full in Appendix 1. It indicates, as discussed above, that flags can be used both as part of a festive event and/or in the practice of intimidation and the marking of territory (*Protocol* 1.1). It points out that the display of flags of proscribed organisations is illegal although there is an issue as to what constitutes such a flag (*Protocol* 1.3).

The aims of the protocol (*Protocol* section 2) are:

- To improve the environment by removing the display of paramilitary flags or flags of a sectarian nature.
- To develop a partnership approach, which allows the agencies involved to impact on the flags issue in a cohesive manner.
- To develop a strategic and graduated response to the flags issue which involves consultation, shared understanding, negotiation and, if necessary, proportionate and legal use of enforcement methods.

- To provide a proactive approach, with the support of communities and their representatives, to address:
 - The removal of all flags and emblems from arterial routes and town centres;
 - The removal of all paramilitary flags and displays;
 - The control of displays of flags and emblems in particular areas: e.g.: mixed and interface areas and near buildings such as schools, hospitals, places of worship and community halls;
 - Flag flying should be limited to particular times and particular dates; and:
 - where flags are displayed for a festive or other occasion, that the display is reasonably time-bounded and that:
 - flags, including plastic ties, tape and poles, should be removed by the community after the agreed period;
 - To encourage communities to accept that flags displayed which are tattered and torn or discoloured do not enhance the environment and should be removed.

The Protocol lays out the human rights and general legal context in which the regulation of flags takes place (*Protocol 3.1 and 3.2*) and the relationship between the relevant agencies and, in particular which agencies will take the lead in particular circumstances (*Protocol 3.4 - 4.7*).

There has been no evaluation, so far as we are aware, of the working of this protocol. The Protocol does however offer measurements of success including ‘an improvement in the environment leading towards a more peaceful and tolerant society’ (*Protocol 6.2*) and more particular measures that might ‘include the number of complaints regarding flags; the number removed voluntarily, the number removed by enforcement, and the number of prosecutions’ (*Protocol 6.3*).

Key Issues

There is no doubt that the most sustainable mechanism for reducing territorial markings and displays of sectarian aggression is through working with communities in terms of improving the environment and good community relations. Such projects require resources and evaluation. Given that some of this work is single identity work the community relations outcomes must be measured over a period of time. **It is important that projects do not become a route for single identity work with no good relations outcomes.**

A more difficult issue to assess is the policing of flags and other cultural manifestations. Whilst the need to work with communities is a given, there is a need for enforcement. Aggressive and inappropriate displays in or near town centres, on arterial routes, and near interfaces and sensitive buildings remain common. In terms of town and city centre *A Shared Future* makes it clear that ‘the display of any flag on lamp-posts should be off limits’ (2.2.3). **If the protocol is to be effective it will require some difficult enforcement. In addition, the involvement of local councils, as recommended in the Protocol (1.6) is essential.**

The Protocol rightly points to some problems with defining whether a flag is representing a proscribed organisation (1.3). This can be difficult but is not impossible to evaluate. Clearer definitions could be provided as to what constitutes an illegal flag. **Since all flags on lamp-posts are illegal, perhaps, if there is a doubt, the flag should be removed anyway.**

The Protocol sets up a relationship between a range of agencies and defines the circumstances when different agencies become the lead agency. Given the history of this problem there needs to be an ongoing review as to the effectiveness of this process.

For the development of shared civic space it is essential that District councils have policies which offer leadership. To create such civic space all Councils should have clear good relations policies. These should include clear guidelines over the use of flags and emblems in publicly funded events, and the use of flags and emblems on council buildings. So, for example, the funding of a St Patrick’s Day event can fall within a broad civic remit, but symbols of an overtly political or sectarian nature should be discouraged (St Patrick’s Day in Downpatrick appears to be a good example of this policy).

The development of civic space can be significantly improved with the use of council flags and emblems rather than national flags.

There is a clear need for the success of these policies to be monitored. A system of evaluation should be in place in January 2006. The Community Relations Council and OFMDFM are charged with such an assessment. Whilst broad indicators are helpful, and can assess broad attitudes to symbols, they do not deal with local circumstances. As such, some form of survey that maps at least areas defined as problems needs to be put in place.

Recommendations

1. Local scoping studies should be funded which involve communities in exploring the role of commemoration and celebration in society. However, this should not be an excuse for single identity work.
2. Distinct resources must be made available aimed at empowering communities in developing local environments in a way that reduce senses of territory and improves community relations in line with recommendations in *A Shared Future*. This must include exploration of good practice in terms of developing shared space.
3. It is insufficient to allow this policy area to develop simply at the level of ad hoc projects. Support from relevant agencies, under the Protocol (see 5 and 6 below) needs to be forthcoming and joined-up. The CRC or district councils need to support and monitor joined-up policy development across Northern Ireland possibly through a network of support/field workers.
4. Through *A Shared Future* and section 75 of the 1998 Northern Ireland Act policies need to be developed that recognise the links between a range of cultural practices.
5. The existing *Protocol* should be developed to reflect the aims of *A Shared Future*, district councils should sign up to the protocol, District Policing Partnerships and Community Safety Partnerships need to be involved, and a representative of the CRC should be on the inter-departmental liaison group. An ongoing evaluation of the working of the protocol, including the effectiveness of inter-departmental partnerships, should be in existence.
6. There should be greater publicity of the *Protocol*.

7. Local protocols, developed along with community representatives, should be encouraged. This could be a task undertaken by the support workers (recommendation 3).
8. There is a legal and moral onus of district councils to offer civic leadership. The flying of official flags by District councils should also be in line with an idea of 'civic' shared public space. This could be built into the RPA.
9. Public funding for all festivals should be linked to the idea of 'civic' shared public space.
10. As a matter of urgency clear quantitative and qualitative measures of the progress of shared space must be formulated by OFMDFM/CRC for the TAP. Specifically, the development of a database or map of territorial demarcation needs to be considered.

Monitoring a Shared Future

A Shared Future sets as one of its aims 'Tackling the Visible Manifestations of Sectarianism and Racism'.

Freeing the public realm (including public property) from displays of sectarianism aggression through:

- Active promotion of local dialogue involving elected representatives, community leader, police and other stakeholders to reduce and eliminate displays of sectarian aggression; and
- The police, in conjunction with other agencies, acting to remove such displays where no accommodation can be reached. (p.18)

Research undertaken by Queen's University, *Transforming Conflict: Flags and Emblems* (2005), examined the public display of flags and developed a limited evaluation of projects that reduce territorial displays. Over the summer of 2005 the PSNI in conjunction with other agencies introduced a new Protocol for dealing with flags.

The research undertaken was limited in a number of respects. It

- concentrated only on flags, not on other visible manifestations of territory;

- simply used the counting of flags as a measurement;
- dealt with visible manifestations more than attitudes;
- covered a narrow range of projects;
- was time limited; and
- concentrated on urban, rather than rural, areas.

Both OFMDFM and the Community Relations Council will have responsibility to assess the development of good relations policy in the future. How can this aspect of future good relations work be monitored and evaluated? What might pass for meaningful, measurable and relevant indicators?

Four questions are central:

- What constitutes a display of sectarian aggression?
- What actions are most effective in tackling such displays?
- How do you monitor/evaluate changes?
- Who should monitor/evaluate changes?

Monitoring would involve looking at memorials and monuments, murals, graffiti, parades/festivals, bonfires and the displaying of flags. Whilst defining what is sectarian and what is a cultural celebration is problematic it should be possible to make some categorizations (for example: The report from the Enniskillen Cultural Expression Public Spaces Working Group in Fermanagh, June 2004).

Monitoring sectarianism in the public realm

Any monitoring process devised needs to use consistent mechanisms that can be repeated and tested over a period of time. Whilst it should be cost effective and, as far as possible utilise existing recording structures (PSNI,

District Councils, Parades Commission, Equality Commission, CRC, etc) there is clearly a need for a significant ‘good relations audit’ that can map policy effectiveness over the next 10 years.

At one level monitoring visible manifestation of sectarianism is easy. You can count flags, see the murals and memorials being produced and note the kerbs being painted. This can be mapped over a number of years, as the Queen’s project has for areas of Belfast. In some form such counting needs to be undertaken. However, it is quite labour intensive and monitoring needs to take place through much of the year. More significantly it does not provide any interpretation of relationships in particular areas and does not explain why manifestations have increased or decreased. In short, any counting needs to have context added to it to be an effective research tool.

Options might range from a relatively small scale set of case studies that are recorded over a period of time, through to a large audit of public space right across Northern Ireland. The difficulty with choosing smaller sets of case studies is that issues shift over time and this might not allow any broader evaluation of the public realm. A large audit demands consistency and an efficient method of data collection.

One possible option might be to undertake a large audit every three years with case studies in intervening periods offering a ‘light touch’ over view. It might be possible to utilise community relations officers in local councils both in terms of an audit and perhaps to update a register of visual displays of sectarianism in the public realm. This could be undertaken online, using passwords, building an ongoing database.

Monitoring of parades has been possible because applications (11-1 forms) have to be made to organisers through the PSNI and the Parades Commission can then utilise Authorised Officers and trained monitors on particular parades. They also have information from the PSNI to utilise. It would be possible to map changes in visible manifestations through this mechanism.

It should be possible to set up monitoring for visible manifestations. One option would be to utilise CRO in councils or work with the Housing Executive to set up some workable system. A monitoring system could be worked into the existing PSNI protocol. It may be that a range of areas are identified for long term monitoring and that these could be linked to evaluation of the effectiveness of projects that are taking place.

Such monitoring could take a number of forms:

- The Census approach – An annual monitoring programme conducted at local level.
- Priority area approach – In depth monitoring carried out on a regular basis in areas of potential conflict such as interface areas and a number of other target areas.
- An Ad Hoc approach – Conducted in limited number of areas at a few specific times of the year by a few individuals. Would provide a limited picture of the state of play and change over time in the areas being monitored.

It can be difficult to define the nature of the flags and emblems being used in public; there is a significant body of research work that can inform any monitoring of flags and murals (see Rolston, Jarman, Bryan and Gillespie, Russell). Whilst there is a grey area over whether a flag might be defined as paramilitary, on many occasions it is quite obvious (Note: The report from the Enniskillen Cultural Expression Public Spaces Working Group in Fermanagh (June 2004), is an example of what is possible).

Conclusions and Suggestions

It will be necessary to set up a system of monitoring and evaluation looking at sectarian aggression in the public realm. There are a range of possible mechanisms including:

- An audit of visible manifestations across NI (development of a database)
- Attitude surveys (NILT etc)
- Project evaluations
- Local case studies

In terms of research methodology the first of these is the most difficult. Nevertheless, as discussed above, there are possible approaches and mechanisms.

It would be possible to set up a database with a system of data collection. Structuring the data base would be difficult but not impossible. It could allow for feedback from across Northern Ireland. It could also monitor media output and, over a significant period of time, would allow evaluation of changes in the nature of public space.

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Community Relations Council www.community-relations.org.uk

Counteract www.counteract.org

TIDES Training www.tidestraining.org

Appendix 1

JOINT PROTOCOL IN RELATION TO THE DISPLAY OF FLAGS IN PUBLIC AREAS

Police Service of Northern Ireland

Department for Social Development

Department for Regional Development, Roads Services

Department of the Environment – Planning Service

Northern Ireland Housing Executive

Office of the First Minister and Deputy First Minister

1.0 INTRODUCTION

- 1.1 The display of flags, in the Northern Ireland context, is an emotive issue, which has existed for some time. Flags may be used for many purposes which can include:
 - (a) celebration of cultural identity;
 - (b) marking a festive event;
 - (c) sectarianism or intimidation;
 - (d) marking out of territory.
- 1.2 The use of flags in instances such as celebration or festivity are not normally an issue. However, the use of flags for other more sinister purposes is of more concern and is unacceptable in a peaceful and tolerant society,
- 1.3 The issue of flags supporting proscribed organisations is clearer in that the display of such flags is illegal. What can be less clear is what constitutes such a flag, in the eyes of the law.
- 1.4 Often the reason for the display of flags is perceived in different ways by different members of the community. What seems perfectly acceptable to one side is an insult or worse, to the other side.

- 1.5 There are often misconceptions regarding the powers of police and other agencies in dealing with flags issues. In particular, police are mainly concerned with the display of flags supporting proscribed organisations, where flags are likely to cause a breach of the Peace or for other possible criminal intent. It is reasonable to say that in recent times, there has been a willingness, in some areas, to adopt a new attitude to the display of flags and related issues, which has helped improve the environment in these areas. However, there are many examples of aggressive displays, which aim to intimidate and harass.
- 1.6 This protocol sets out an agreed partnership approach in dealing with flags issues between the Police Service of Northern Ireland, the Department of the Environment, Department for Regional Development, Department for Social Development, Office of the First Minister and Deputy First Minister, and the Northern Ireland Housing Executive. In time it is hoped that all local councils will examine this protocol and adopt it as a way forward for the community in Northern Ireland.

2.0 JOINT AIMS

- 2.1 To improve the environment by removing the display of paramilitary flags or flags of a sectarian nature.
- 2.2 To develop a partnership approach, which allows the agencies involved to impact on the flags issue in a cohesive manner.
- 2.3 To develop a strategic and graduated response to the flags issue which involves consultation, shared understanding, negotiation and, if necessary, proportionate and legal use of enforcement methods.
- 2.4 To provide a proactive approach, with the support of communities and their representatives, to address:
- The removal of all flags and emblems from arterial routes and town centres;
 - The removal of all paramilitary flags and displays;
 - The control of displays of flags and emblems in particular areas: e.g.: mixed and interface areas and near buildings such as schools, hospitals, places of worship and community halls;

- Flag flying should be limited to particular times and particular dates; and

that:

- where flags are displayed for a festive or other occasion, that the display is reasonably time-bounded and that:
- flags, including plastic ties, tape and poles, should be removed by the community after the agreed period;
- To encourage communities to accept that flags displayed which are tattered and torn or discoloured do not enhance the environment and should be removed.

3.0 CORE ISSUES

- 3.1 This protocol and any actions arising therefrom will take cognisance of the contents of the Human Rights Act 1998 and, in particular:

Article 5 – Right to liberty and security.

Article 6 – Right to a fair trial.

Article 7 – No punishment without law.

Article 8 – Right to respect for private and family life.

Article 9 – Freedom of thought, conscience and religion.

Article 10 – Freedom of Expression.

Article 14 – Prohibition of Discrimination.

Protocol 1 of Article 1 – Protection of Property.

- 3.2 In particular, any actions under this protocol must be necessary, proportionate and legal in line with the general principles of Human Rights.
- 3.3 Whichever agency is placed in the most effective position to consult, negotiate or resolve situations, will take the lead and will be supported by the other partners within their remit and specialism. Where the display is one that is causing community tension or is affecting the quality of life for a community, then the police will take the lead.

- 3.4 In addition, in carrying out their functions under this protocol, the various partners will take cognisance of their statutory duties under Section 75 of the Northern Ireland Act 1998, and, in particular, their duty of promoting good relations between persons of different religious belief, political opinion or racial group.
- 3.5 Each partner agrees to keep other partners abreast of changes in policy, operations or actions, which may affect this protocol or operational decisions deriving from it.
- 3.6 Each partner will provide its support or services, for operational action, within its own budgets in a spirit of mutual operational support.

4.0 KEY RESPONSIBILITIES

- 4.1 The Police Service will support partners and, where best placed, will take forward consultation and negotiation with local community representatives where the display of flags is an issue.
- 4.2 Where necessary, the Police Service will take the lead in the removal of flags where the partner agency is unable to take action, and where negotiation and consultation have failed or where such items must be seized as evidence for Court purposes.
- 4.3 Where other partners seek to remove flags and any disorder or other criminality is evident or likely to occur, the Police Service will provide support or take the lead, where appropriate.
- 4.4 Where the Police Service seek to take action or initiate prosecution regarding flags issues, partner agencies will provide any evidential material, which they have, to support such action or prosecution.
- 4.5 Roads Service, when called upon by a lead Agency, will provide partnership support facilities such as Mobile Extendable Working Platforms ('Tower Wagons') to take down unwanted flags that have been agreed but not removed by the community themselves.
- 4.6 The Northern Ireland Housing Executive will take the lead where it is proposed to address the removal of flags as part of a broader environmental improvement project; or where requested by local community representatives.

- 4.7 The role of the DOE Planning services in relation to flags will stem from the application of the Planning (Control of Advertisements) Regulations (NI) 1992 and action will be taken, in consultation with the PSNI and other partner agencies, where circumstances permit.

5.0 INFORMATION EXCHANGE

- 5.1 Each partner agrees to provide relevant and necessary information to other partner agencies, to support actions being taken in relation to flags issues.
- 5.2 The exchange of information will be subject to confidentiality, where so indicated.
- 5.3 No exchange of information will take place where this is likely to contravene the Data Protection Act, or similar legislation or a confidentiality agreement.

6.0 MEASURING SUCCESS

- 6.1 It is difficult to measure success in these matters as a result of this protocol and its operation. There are many extraneous factors, which can influence these situations.
- 6.2 The qualitative measure of success will be an improvement in the environment leading towards a more peaceful and tolerant society.
- 6.3 Quantitative measures may include the number of complaints regarding flags; the number removed voluntarily, the number removed by enforcement, and the number of prosecutions.

7.0 REVIEW

- 7.1 This protocol will be subject to review after its first year or earlier if necessary.