

# Dialogue or Disengagement? Responding to Disputes over Parades

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Disputes over parades have been a persistent feature of the social and political landscape of Northern Ireland since the mid-1990s. The tensions and violence associated with parades at Drumcree and in numerous other towns and villages led to the creation of the Parades Commission in 1997 and a subsequent transferral of powers to regulate parades from the police to the Commission the following year. Since the late 1990s disputes over parades have ebbed in and out of public consciousness and media interest, depending on levels of disorder and their potential to disrupt the wider political environment. In many areas the disputes retain only a local resonance, with little capacity to impact on the wider stage. Much of the ongoing attention has been focused on the Parades Commission, which has never been formally accepted by the Orange Order and sections of the unionist community who continue to lobby for its removal and replacement by another form of adjudication. In contrast little attention has been paid to developments on the ground in those areas where disputes have occurred and continued to occur.

This paper presents some of the findings from a recent research project which reviewed how the tensions over parades are being dealt with in towns and villages across Northern Ireland and the extent to which tensions have been reduced and disputes have been managed more peacefully<sup>1</sup>. The paper draws on the findings of a research project, carried out between January and April 2009 and funded by CRC, which focused on disputes in 26 locations, predominately smaller towns and villages in rural areas, across Northern Ireland. The interviewees included people involved in organising or participating in parades, people opposed to parades, individuals involved in mediation or in facilitating dialogue between the disputant parties, police officers and politicians from a range of political parties who were engaged with the issues with different levels of intensity.

In many of the areas the individuals we contacted were willing to talk openly about the issues and any process towards resolution that had taken place in their locality, but in some areas people were only willing to discuss a sensitive or confidential process on the basis that the location and participants would remain anonymous. As a result all locations were anonymised except in cases where the process or engagement was already in the public domain as a result of media reports or the publication of various documents. The aim of the research was to highlight the nature of the processes that are taking place or have taken place and to draw lessons that might be applicable to other contexts, rather than to present a detailed case study of the situation in any particular location.

### **Responding to Disputes**

When the disputes over parades began to achieve political significance in 1995 the approach favoured by the government was to encourage key parties to engage in discussion and dialogue at a local level with a view to addressing the concerns of groups or individuals who objected to a parade, or aspects of a parade, and to reach a mutually acceptable compromise. This approach was formalised by the Parades Commission, which encouraged 'local accommodation' wherever possible and imposed legal rulings only when this was not achievable. This remains the preferred method of responding to disputes over parades.

However, translating the aspiration to encourage 'local accommodation' into effective local engagement involving all key parties has proved difficult. From the outset many members of the unionist community who were involved with parades refused to meet face to face with members of Sinn Féin or with residents' groups if they included individuals with a republican background. Subsequently the Orange Order also refused to recognise or engage with the Parades Commission. The formal policy of the Grand Lodge of the Orange Order remains that lodges should not meet with 'Sinn Féin controlled residents groups', nor with the Parades Commission, and the Order continues to demand the disbandment of the Parades Commission and the replacement of the Public Processions Act 'with equitable legislation based on the European Convention of Human Rights'. This policy position obviously limits the potential for achieving local accommodation through face to face discussion.

Nevertheless, the researchers identified a broad spectrum of levels of engagement and local initiatives in response to disputes over parades. These range from full and regular face to face meetings between parade organisers

and the protesters in some locations, to places where there has been no form of direct contact between the disputant parties. In between, we found degrees of engagement which fell short of full and sustained face to face discussions but which appeared to be based on a genuine desire to resolve disputes and reduce tensions, and more importantly had gone some way to achieving this. In some locations the parties feel they are edging towards (but have not yet reached) a sustainable resolution to the dispute. At the other extreme some disputes appear frozen in time, with little changed since the late 1990s. Yet even in cases of ‘frozen disputes’ there had been developments that had helped to reduce local tensions. Below we outline the variety of responses that we identified in areas where there have been disputes over parades.

**Formal Public Engagement:** In a small number of areas there has been a formal public engagement to discuss disputes over parades. In Derry Londonderry different politicians and members of the business community have facilitated meetings between representatives of the Apprentice Boys and the Bogside Residents’ Group on a regular basis over a number of years to plan for the two main annual parades in the city. Although this process has resulted in considerable reductions in tensions between local communities, the key participants acknowledged that there are still a number of issues that remain to be addressed and it was emphasised that the dialogue process remains a work in progress, and they have not yet reached a stage where there is no need for meetings prior to each parade. In Newry, the District Council has taken a positive approach to encouraging dialogue and building relationships between members of the nationalist and unionist communities, through their Good Relations Forum and Elected Members Forum, which has helped to address some of the issues that create tensions and division. This process, which has been underway for a number of years, has resulted in greater opportunities for unionist parades in the city and a reduction in the number of protests and a lessening of tensions associated with parades.

In Ballycastle there were concerns about the impact of the 2006 District Orange Lodge Twelfth of July parade, as the previous Twelfth parade in 2001 had led to tensions and some disorder. Moyle District Council worked with the parade organisers prior to the Twelfth to reduce the potential for tensions. This included distributing a leaflet to all households with information about the parade; holding an open meeting to enable people to hear about Orange culture; and diversionary projects with young people. The parade organisers also undertook a range of activities to try to address concerns and reduce tensions. An independent audit of attitudes to the parade<sup>2</sup> commissioned by the council found that the parade passed off peacefully (although it required a large police

deployment), a majority of businesses and residents regarded the parade in negative terms, but there was goodwill from all sections of the community to the principles of sharing over separation and cultural diversity.

**Formal Non-Public Engagement:** In some locations there have been confidential face to face discussions involving representatives of the key parties. The non-public nature of the discussions is generally because of a perceived opposition to engagement with republicans by sections of the unionist community. In some areas the discussions have involved members of the Orange Order, although generally with individuals acting in other public roles, as political representatives, or in a personal capacity. In other areas the participants include members of loyalist bands, who are willing to make changes to their parade to reduce tensions, but are cautious about the response they might get from members of their wider community or from other bands if they announced they were meeting republicans.

In one example, a local forum involving members of the loyal orders, band members, residents, community workers and politicians has been meeting for more than a year in an attempt to address issues related to parades through the town. They believe they have made considerable progress and have helped defuse tensions and have reduced the number of parades passing a contentious area. In some cases this has involved parade organisers using a less contentious route, in others changes have been made to the return parade to avoid a contentious spot. Bands have also agreed to avoid playing at a contentious site and instead walk to the beat of a single drum, and parades have been subjected to better time management to avoid disruption late in the evening. The success of the discussions over parades was also a factor that enabled tensions over the desire to display unionist and nationalist flags around the same time and in the same area to be diffused with relative ease. The regular meetings have helped to establish better relationships between the various individuals involved and have increased understanding of the issues and concerns associated with parades.

**Indirect Engagement:** This involves discussions taking place through an intermediary or 'shuttle mediation', and which have resulted in some degree of local compromise or agreement that has moved the dispute closer to resolution. In such cases the lack of direct discussion has been a strategic decision, either because of formalised opposition to such meetings by one party, or because of concerns for safety - that participants might be threatened in some way if their participation became public. It is notable however, that the representatives of the community who favoured face to face discussions were still willing to

participate in less direct engagement in order to be able to address the issues that were creating tensions. In one example concerns were raised by a councillor about the route, timing and general disruption to local routines by a band parade. These were communicated to the band via the Parades Commission and the band members agreed to make a number of changes to their parade, including altering part of the route to avoid a contentious area; ensuring the parade does not run too late; advising visiting bands about standards of behaviour; attempting to limit alcohol consumption; and hiring portaloos. Furthermore as a result of the improving relationships other contentious issues have begun to be discussed.

**Exploratory Engagement:** In some areas the only progress has been what might be termed ‘talks about talks’. In such instances the dispute has been unaddressed for some time, but in an attempt to initiate a process political representatives or representatives of the parade organisers have made contact with, or sought to make contact with, representatives of the residents group or a local politician with a view to seeking a local agreement. In one example members of the local band wrote to a senior local nationalist political representative requesting a meeting to discuss possible changes that would allow their proposed parade to proceed further along their desired route. However, the band received no response from either the politician or other members of the political party concerned.

**Resolving Disputes:** In a small number of areas, issues related to, or associated with, parades appeared to have been effectively dealt with to the satisfaction of the local parties. This has generally occurred in predominately rural locations where local contacts were utilised to address concerns that could potentially grow into a source of tension and conflict. In one area concerns were raised about plans to display flags prior to a parade which was due to take place the day before a major local GAA match. Accommodation was reached between the loyal order and the GAA to enable the loyal order to fly their flags for the parade, but to remove them soon after to enable the GAA to erect their flags for the match the following day. In another location the organiser of a band parade was informed by the police about growing tensions in a nearby nationalist housing estate over an upcoming parade. As a result the band organiser voluntarily agreed to change the route of the parade. Since then there have been no complaints or protests about the parade and the police have been able to scale down the number of officers they deploy considerably.

**Frozen Disputes:** Despite progress being made in a number of areas in some locations there appears to have been no attempts at engagement between the parade organisers and their opponents. In each case the reason cited was

the Orange Order policy of no engagement with residents groups where Sinn Féin has some actual or perceived presence. However, in some locations the representatives of the Orange Order indicated that they were not averse to meeting with the residents or members of Sinn Féin, but they would not go against the agreed policy of the organisation. In most locations the parade organisers indicated that they did not anticipate any changes in the situation unless or until the Parades Commission was replaced by an alternative regulatory body.

**Recent Disputes:** In many of the locations the disputes date back to the early days of the current cycle, but in some the disputes are of more recent origin and appear to be still developing momentum. In such locations some of the patterns from the mid 1990s were being replicated, with the parade organisers accusing opponents of being unreasonable, intolerant or politically motivated and refusing to engage in discussions, while those opposed to the parade were seeking face to face dialogue and restrictions on the parades until this was achieved. It is notable that in some locations where disputes have arisen relatively recently, and where the parade organisers have been willing to respond to concerns that have been raised, the protests have not developed any momentum and a relatively satisfactory local accommodation has been reached without necessarily involving face to face discussions.

### **Making Progress**

The research indicates that there have been positive developments and real progress in a number of locations, although in almost all of them any process needs to be considered as ongoing, and there are few locations where disputes might be considered as effectively addressed. The examples indicate that where opposing parties are prepared to engage in some form of dialogue or process of acknowledging the views and concerns of the other, then it is possible to address the issues and begin to reduce tensions. But if people are unwilling to engage there is little opportunity for progress. Perceived positive changes are unlikely to be imposed without some form of dialogue.

However, there are a few caveats to these generalisations:

1. If the dispute is a longstanding one, and particularly if it dates from the 1990s, then face to face dialogue will probably be necessary to move the process along;

2. If parade organisers are willing to respond quickly to complaints then it is possible to resolve an issue without face to face dialogue;
3. If an agreement is made and then broken, it will be difficult to reinstate, and any new agreement may require more extensive restrictions on the party who broke the original agreement;
4. If an offer of a compromise or an agreement is rejected, it will be more difficult to engage the rejected party in future dialogue;
5. If there is a breach of trust, particularly involving the media, it will be difficult to re-establish a process;
6. All potential participants in a dialogue process are part of a wider community, not all of which has benign views of such dialogue. Threats and intimidation can impact on the capacity of some parties to participate in inclusive dialogue.

The key factor that came out of the discussions about how people were addressing the disputes was the recognition of the importance of being willing to make changes and accept compromises. Although some of the frozen disputes were perceived to have resulted in zero-sum outcomes, whereby one side had largely achieved what they wanted and the other felt they had lost out, where there was some form of active engagement progress had been achieved because each party was willing to participate in a process of exchange, and thus each felt they benefited.

One of the key reasons why there was a greater willingness to engage with the other side in a more positive manner appears to be that the process of participation in dialogue had led to a greater degree of understanding of the role of parades in Northern Irish society. This may appear to be an obvious expectation of dialogue, but it is not necessarily always a realistic outcome. However, a number of parade organisers stated that they believed that a greater understanding of the complexity and diversity among unionist parades and parading bodies had developed among nationalist protesters as a result of local dialogue. This included recognition that not all parades could be adequately described by the cover-all term of an 'Orange parade' and that some parades, or particular aspects of some parades were more problematic than others. This had led to a more discriminatory approach in some areas with a focus on the need to address issues that cause concern rather than simply ban all parades.

This was balanced by an acknowledgement among some people that parade organisers in turn were willing to acknowledge that there were issues that needed to be addressed and that changes could be made to elements of the practice of parading, which would in no way undermine the broader culture of parading for religious or commemorative processes. There thus appeared to be a greater degree of acknowledgement of the position of the other party than was evident previously and of the contrasting significance of parading within each community. This recognition was increasingly couched both in the language of human rights and through concepts of sharing and belonging:

- Among those identifying problems with parades there was a willingness to acknowledge that freedom of assembly included the right to parade, but with this came an assertion that there also needed to be recognition of the impact that parades have on the wider community and thus the responsibilities that parade organisers should have to the wider community.
- Among parade organisers there was less emphasis on a simple assertion of their right to parade and instead the importance of parading as a part of local cultural practice was emphasised. There was also greater readiness to acknowledge the parading body's position as part of the wider community and of their social responsibilities to that community, but with that came an expectation that the parading body would be acknowledged as a part of the local community rather than be seen as an outsider or interloper.

Although some elements of the recognition of the rights of the other community were couched in rather tentative terms, there was a clear change of attitudes to the other compared to when the disputes over parades first emerged in the 1990s. One result of this was that there appeared to be less bitterness and hostility among the participants towards the 'other' community, and instead there was a greater pragmatism in the need to find ways to accommodate each other and to make compromises to move the issue forward in some way. In areas where the dispute remained frozen, bitterness and hostility appear to have been replaced by an air of resignation in relation to a lack of capacity to change the situation and, amongst parade organisers in particular, the attitudes of opponents of the parades had led to a sense of loss and a feeling of being excluded from their local community.

In a number of areas (except those locations where the disputes remained frozen) there was also some degree of acknowledgement that the other side were trying to improve the situation and were willing to explore opportunities for compromise. It might be going too far to describe this as grudging respect, but there certainly did appear to be some acceptance of the importance of

tolerance towards the activities and opinions of the other group. In a number of locations interviewees noted that the dialogue had led to a greater awareness of the importance of parades among the loyal orders and of the diversity of parades and the differences among the parading bodies.

Importantly, there was a desire among both paraders and protesters to avoid violence and public disorder. This was accompanied by a frequent assertion of the need to work within the law to try to ensure that disputes were managed (and resolved) in a peaceful manner. There was thus an acknowledgement that a final resolution to any dispute would only come through discussion and local agreement rather than the imposition of a determination by the Parades Commission. To this end:

- All parade organisers, and in particular those who refused to engage with residents or the Parades Commission, asserted the importance of upholding the law, even if they did not agree with it;
- In most locations people spoke of moving away from formal protests, or the mobilisation of people on the streets;
- Protesters highlighted the role of a small number of individuals who would act as monitors to observe the behaviour of those on parade;
- Parade organisers referred to having members trained as marshals to try to reduce possibilities for disorder; and
- Both parade organisers and opponents of parades talked of improved working relations with the police and a reduction in police deployments at contentious parades.

One outcome of this was evidence of a diverse range of compromises that had been offered, agreed and made. Some changes had been offered and accepted, some had been discussed and agreed, some had been made and rejected. Collectively they offer evidence of the desire to address the tensions over parades, to deal with the worst of the problems and a move away from the absolutism of the positions posed in the late 1990s under the rhetoric of 'No Orange feet' or 'the right to walk the Queen's highway'. Ultimately, any agreements or forms of local accommodation that have been reached have aimed to address the primary concerns of the protesters while trying to retain the essential elements of the event for the parade organiser.

However, as an indication of the still limited levels of trust that have been developed and of the tenuous nature of the relationships that have been established, there were no cases where the compromises that had been made by the 'other side' were regarded as highly as they were by the people that had

made them. There was generally a grudging acknowledgement that the other group had moved its position, but also that they had not fully addressed the concerns that had been raised.

The main elements of parades-related issues where local accommodation was reached included:

- Changes to the route, involving avoidance of contentious or sensitive locations;
- Changes to the time of the event, to avoid late night activity or clashes with other events;
- Changes to the bands being used or the number of bands participating;
- Changes to the music being played, particularly near contentious or sensitive locations;
- Changes to the displays of flags, placards or signs, both those carried on the parade and those displayed in public spaces;
- Reductions in levels of visible public protests;
- Improvements in barriers and crowd control techniques.

While most of these changes appear to relate to elements of the parade, in many areas those objecting to aspects of a parade have dropped facets of their opposition and have acknowledged the basic principle of the right to parade in response to a recognition of rights of the wider community and the disruption that a parade can cause to daily routines.

One outcome of the process of making or offering a compromise was that there was an expectation that it would be reciprocated and lead to compromises in return from the other side. This was not exactly the same as one side agreeing to do X if the other side agreed to do Y, but rather the initial offer might be seen as a one-sided move to indicate good faith and a desire to reach some longer term agreement. Thus instead of the decision to change being seen as coming from a position of weakness and leading to demands for further changes, it could instead be seen as recognition of the concerns of the other group, and this in turn could lead to a return compromise being made and thus a gain for the party making the first compromise. In one case the interviewee described it as a process of taking one step backwards one year in the hope of being able to take two steps forward the next year or at some stage in the future.

In academic terms such a process is referred to as 'delayed reciprocity', in contrast to simple direct reciprocity. While direct reciprocity is a form of immediate exchange, under a system of delayed reciprocity there is no guarantee that what you give will be compensated for, rather there is an

expectation that one will be given something in return. The process is based on some degree of trust in the partner being willing or able to give something back in the future, rather than any certainty of this. There was thus recognition that offering a change committed one to being involved in a longer process which would take some time to achieve completion and that would ultimately involve give-and-take on both sides before a final resolution could be reached. It was also acknowledged that the party making the initial proposal was taking a risk, as there was no cast iron guarantee that the gesture would be returned and as such the suggestion of a one-sided compromise was not popular among those members of the group least amenable to change or seeking accommodation with the other. The willingness to engage in discussions and to seek practical ways of addressing disputes represents a real step forward in addressing both the practical mundane matters associated with parades, and also begins to address some of the symbolic and relational dimensions that have served as the foundation for the disputes in the first place.

### **Principles for Addressing Disputes**

The research identified a number of principles that have enabled groups and individuals to reach local forms of accommodation over contested parades. There is no single model of approach as in each location people respond to and engage with their own local history, context and personalities, but a number of key features do keep recurring.

1. **Recognition of human rights principles:** There needs to be an acceptance of the basic principles of human rights. In particular this should include recognition of the right to freedom of peaceful assembly as well as the right to protest, and a general acknowledgement of the rights of members of the wider community.
2. **Recognition of shared social environments:** There needs to be recognition and tolerance of social and cultural diversity as few (if any) communities are purely mono-cultural. Disputants need to recognise that towns and villages exist alongside, and as part of, their hinterlands. This also involves acknowledging the importance of attachment, affiliation and association to place.
3. **Acceptance of cultural diversity:** There needs to be a mutual acknowledgment of the importance and value of the presence of diverse social and cultural activities in any community. This must be balanced by accepting the legitimacy of objections to elements of cultural activities of others.

4. **Acknowledgement of the value of shared dialogue:** Reaching local accommodation requires a willingness to develop a greater understanding of the views, perspectives and positions of members of the other community. This will most readily be achieved through participation in face to face dialogue.
5. **Acknowledgement of problems and the need to address them:** Tension and conflict is a normal part of social interaction. Such tensions need to be acknowledged and addressed or they may lead to more violent responses.
6. **Commitment to enter into a disputes resolution process:** Achieving a successful dispute resolution process will require the involvement of all key actors in a local dispute.
  - In longstanding disputes this will probably require sustained face to face engagement to reach any satisfactory resolution.
  - In more recent or emergent disputes a prompt response by one party without face to face engagement may be sufficient.
7. **Preparedness to seek workable compromise where necessary:** Most disputes will involve reaching some level of mutual compromise to achieve an agreeable and sustainable local accommodation, rather than one side giving and the other gaining.
8. **Willingness to take practical action:** Implementing practical changes in how events take place will form the basis of any successful and sustainable local accommodation. These changes will generally need to focus on:
  - Limiting disruption to local residents;
  - Limiting disruption to local businesses;
  - Sensitivity around symbolic displays;
  - Reducing anti-social behaviour / control of alcohol;
  - Creating a mutually safe social environment.

This range of principles has been drawn upon by members of groups, organisations and communities across Northern Ireland as they seek to respond positively and effectively to tensions associated with parades-related disputes. Although none of the individuals we spoke to were complacent about the issues they still had to address, in many areas there was satisfaction that there had been progress in reducing tensions and in responding to problems through diverse forms of local accommodation.

## Notes

1. The report 'Local Accommodation: Effective Practice in Responding to Disputes over Parades' was published in June 2009 and is available online at [www.conflictresearch.org.uk](http://www.conflictresearch.org.uk) or in hard copy from ICR, North City Business Centre, 2 Duncairn Gardens, Belfast BT15 2GG
2. Moyle District Council (2007) 12th July Parade Review. Ballycastle, Moyle District Council available at <http://www.moyle-council.org/uploads/publications/Full%20Report.pdf>