Section 8(1) of the Public Processions (Northern Ireland) Act 1998 provides that:

"The Commission may issue a determination in respect of a proposed public procession imposing on the persons organising or taking part in it or on any persons supporting it such conditions as the Commission considers necessary."

2. The Commission has noted the details provided on the Form 11/1 submitted on 28th May 2021 concerning the District No.9 Loyal Orange Lodge Parade in Belfast on 26th June 2021. The Commission has considered whether or not a determination under section 8 should be made in respect of this parade.

3. In considering whether or not to exercise its power under Section 8, the Commission has taken into account its previous determinations in relation to this parade. It has also considered all other aspects of the parade notified by the organisers, including its nature and purpose, and has considered all other information received in relation to it. The Commission has concluded that, in the particular circumstances, it should exercise its power under Section 8 to make a determination in the terms outlined in the following paragraphs.

4. The notified purpose is "The annual district parade of North & West Belfast, via Whiterock Orange Hall."

5. The notified route is "Shankill Road, Tennent Street, Ambleside Street, Upper Charleville Street, Crimea Street, Glenfarne Street, Agnes Street, Shankill Road, Conway Street, Northland Street, Canmore Street, Shankill Road, Ainsworth Avenue, Ainsworth Link, Workman Avenue, Springfield Road, Dunboyne Park, Highcaim Drive, High Pass, High Side, West Circular Road, Ballygomartin Road, Woodvale Road, Shankill Road."

6. The number of participants notified is 500, including 8 bands. The notified number of supporters is unknown.

7. The parade is notified to commence at 2pm from West Belfast Orange Hall and to disperse at 4.30pm from West Belfast Orange Hall.
8. The Commission notes that the parade did not take place in 2020 due to the Covid-19 pandemic.

9. The sensitivities about this parade centre on its notified route of under half a mile along ‘the nationalist/republican Springfield Road.’ The parade organiser has consistently emphasised the traditional significance of this part of the route to the No 9 District LOL while the Springfield Residents’ Action Group (SRAG) has stated that tensions are caused by the parade’s conduct on the Springfield Road, the refusal of the organiser to address residents’ concerns, and by the organiser’s notification to cross the peace line at Workman Avenue.

10. The Commission has received complaints in the recent past about the parade’s conduct, the subject of which included that the Pride of Ardoyne carried a banner displaying the names ‘Samuel Rockett’ and ‘William Hanna’, both deceased, and both perceived to have associations with paramilitary organisations and that, instead of hymn music, one of the participating bands played the Sash.

11. The Commission considered these complaints about the parade’s conduct within the context of its objectives to mitigate community tensions and its aims to reduce both the risks of public disorder and disruption to community life, as the parade processes the Springfield Road and imposed conditions upon the parade.

12. While the notified protest was withdrawn a few days prior to the parade in 2019, the scale of the protest, the largest in Northern Ireland, signifies the challenges around this parade. As there is no communication to achieve resolution of this parading dispute between the parade organiser and SRAG, the risks surrounding the parade and related protest are high, and involve a major policing operation. The Commission’s previous determinations, available on the Commission’s website, set out the parade’s context and history.

13. The Commission notes that the parade in 2019 adhered to the conditions issued in the determination.

14. As community tensions about the parade have not been managed by communications between the parade organiser and the residents’ group, it has fallen to the Commission to impose conditions for conduct on the parade and related protest to manage the considerable tensions arising from a loyalist/unionist parade in a nationalist/republican area. It is however much more desirable that the parade’s tensions should be managed through an accommodation achieved through dialogue.
15. This management of tensions by the imposition of conditions requires, at the bare minimum, compliance, both in letter and in spirit, with the conditions imposed. It requires a spirit of active co-operation with the aims of the Commission to deliver a peaceful environment for the parade, protest, residents and other users of the Springfield Road.

16. The Commission has concluded conduct of some of those involved in the parade in the past have contributed to increased tensions about this annual parade. The choice of music by the one of the bands and the display of insignia by another band did not constitute responsible conduct in an area with a competing tradition and history. The Commission has included in its conditions again this year that hymn music only is played along the Springfield Road, and its requirement that there are no references of any sort to individuals or groups perceived to be connected to paramilitary groups.

17. The Commission has heard from representatives of the nationalist community that it is feasible to achieve an accommodation which provides for a largely uncontested parade on the Springfield Road. Such an accommodation requires dialogue between parade and protest organisers and residents' groups across the interface but would build confidence within both communities. As the parade organiser has not engaged with the local community in relation to this proposed parade and a local accommodation has therefore not been reached, the Commission refers the organiser to its statutory Code of Conduct which states that

"If the parade will pass through an area where the majority population are of a different tradition, or through an interface area, it would be important for the organiser to take steps to establish a line of communication between the parties. Efforts should be made to meet the reasonable concerns of residents."

18. The Springfield Residents Action Group has notified a protest of 150 participants located at the Springfield Road. The notified purpose of the protest is stated as 'To mount a peaceful and dignified protest against a highly contentious orange order parade.' The notified location for the protest is 'Across Springfield Road near junction with Workman Ave along both sides of Springfield Road from Workman Ave junction to entrance to Innovation Centre on one side and Millenium Centre on other side.'

19. In the absence of an accommodation about this parade, the Commission has had regard to its statutory Guidelines in its considerations of the parade's potential for public disorder and the potential impacts upon community relations and community life. The Commission has considered all relevant human rights issues.
20. The Commission has determined that no part of the parade may cross the peace line through the Workman Avenue security gates and should instead proceed via the Invest NI site to the Springfield Road. The Commission has determined that hymn music only shall be played from the traffic lights on the roadway to the Invest NI site at its junction with the Springfield Road until the parade reaches the junction of the Springfield Road and West Circular roundabout. The Commission has also determined that no banners referring to Brian Robinson, Samuel Rockett, William Hanna, or other names associated with paramilitary organisations, shall be displayed in the parade along the Springfield Road.

21. The Commission has considered all information and representations received in relation to this parade and is satisfied that the conditions imposed are necessary, proportionate and fair. The full determination is below.

22. The Commission continues to encourage all parties to this parading dispute to enter into dialogue to achieve an accommodation which reflects the needs of the local communities. As set out in the Commission’s statutory rules, it is a fundamental principle that any structures established must have the confidence and endorsement of those most closely concerned.

23. Given the ongoing Covid-19 pandemic, the Commission draws to your attention that responsibility for compliance with current Covid-19 Regulations and the public health risks of the parade are the responsibility of the parade organiser. The Commission would advise you to consult with all relevant authorities regarding such public health risks.

24. This determination does not confer approval for any parade that may be in breach of current Covid-19 regulations. Enforcement of the Covid-19 Regulations is a matter for the PSNI

**LEGAL CONSIDERATIONS**

25. The Commission has had regard to the Guidelines issued under Section 5 of the Public Processions (Northern Ireland) Act 1998 ("the Guidelines"). The Commission has also been alert to its duties as a public authority under Section 6 of the Human Rights Act 1998. From the perspective of the parade organisers, the Convention rights engaged are those protected by Articles 9 and 10 and, in particular, Article 11. None of these rights is absolute.

26. Those who live, work, shop, trade and carry on business in the affected locality enjoy rights under Article 8 of the Convention and Article 1 of the First Protocol. Again, none of these rights is absolute. The Commission has also been mindful of the provisions of Article 17 and its obligations under Article 2 of the Convention.
27. It is not possible for all of those who would claim the benefit of the Human Rights Act 1998 to exercise and enjoy their Convention rights to the fullest extent where rights are in competition with each other. The Commission has therefore undertaken a balancing exercise, consistent with its statutory Guidelines, to make a determination that is fair and proportionate in all the circumstances.

28. As required by the statutory Guidelines, the Commission has had regard to the seven North principles. One of the seven fundamental principles identified by the North Report is that all those involved should work towards the resolution of difficulties through local accommodation.

29. As stated in paragraph 4.5 of the Guidelines, the Commission takes into account any communications between parade organisers and the local community or the absence thereof and will assess the measures, if any, offered or taken by parade organisers to address genuinely held relevant concerns of members of the local community.

30. Having considered all the evidence, information and advice available to it, the Commission has determined that conditions should be placed on the parade. In imposing these conditions, the Commission pursues the legitimate aims laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms of seeking to prevent disorder and to protect the rights and freedoms of others. The conditions are not such as to affect significantly the individual’s right to assemble.

31. Having regard to the factors set out above the Commission considers that the conditions it now imposes are necessary and proportionate to the aim pursued and strike a fair balance between the needs of the community and the rights of the individual. The legal, factual and human rights issues are of considerable complexity and require, ultimately, the formation of a carefully considered and finely balanced judgement on the part of the Commission.
DETERMINATION

The Parades Commission’s determination is that the following conditions are placed on the organisers and participants in the parade by the No. 9 District Loyal Orange Lodge in Belfast on Saturday 26th June 2021.

A. No part of the parade may cross the peace line at the Workman Avenue security gates.

B. The parade in its entirety is prohibited from processing along that part of the route where it joins the Springfield Road at its junction with Workman Avenue. It shall instead proceed from Workman Avenue to Woodvale Avenue, and turn left from Woodvale Avenue on to the roadway through the Invest NI site. The parade shall join the Springfield Road by turning right at the junction of this roadway with the Springfield Road, and shall resume the remainder of its notified route from that point.

C. There shall be no colour parties of any type, or flags, clothes, instruments, badges or emblems displayed which could be seen as associated with any paramilitary organisation.

D. The participants in the parade may display only the following insignia in addition to Lodge banners: the Union flag; the “Ulster Banner” often referred to as the flag of Northern Ireland; the Scottish saltire; the flag of Wales; the Orange Standard. Two other standards may also be carried, namely the flag of the 36th Ulster Division and the flag of the 14th Royal Irish Rifles (YCV) relating to World War One, both of which must remain furled on that section of the parade route from the traffic lights on the roadway to the Invest NI site at its junction with the Springfield Road to the junction of the Springfield Road and West Circular Road roundabout.

E. No banner, instrument or object referring to Brian Robinson, Samuel Rockett, William Hanna or other names associated with paramilitary organisations shall be displayed on that section of the parade route from the traffic lights on the roadway to the Invest NI site at its junction with the Springfield Road to the junction of the Springfield Road and West Circular Road roundabout.
F. Only hymn tunes shall be played on that section of the parade route from the traffic lights on the roadway to the Invest NI site at its junction with the Springfield Road to the junction of the Springfield Road and West Circular Road roundabout.

G. Supporters of the parade are prohibited from the section of the parade route between Woodvale Avenue and the junction of the Springfield Road and West Circular Road roundabout.

H. The parade organiser shall ensure that the parade begins and disperses promptly.

I. Only the bands notified shall participate in the parade.

J. When the parade is in progress, there shall be no undue stoppages or delays.

K. The parade organisers shall ensure that all participants including any marshals, band leaders and band members are given written details of these conditions.

L. The organisers and all participants in the parade shall comply with the conditions set out in the Commission’s Code of Conduct. For ease of reference, these are reproduced below.

M. As shown at Appendix B of the Code of Conduct, the Commission re-affirms that all participants in this parade must behave with due regard for the rights, traditions and feelings of others in the vicinity; refrain from using words or behaviour which could reasonably be perceived as intentionally sectarian, provocative, threatening, abusive, insulting or lewd; obey the lawful directions of parade organisers and stewards at all times, from assembly to dispersal and comply with police directions and in accordance with legislation.

N. The Commission further re-affirms the importance of respectful behaviour in the vicinity of interface areas, namely that there shall be no singing, chanting, or loud drumming and that marching should be dignified. More generally, no paramilitary-style clothing is to be worn at any time during the parade and flags, bannerettes and symbols relating to a proscribed organisation shall in no circumstances be displayed.

O. The parade organisers shall arrange for the presence of an adequate number of stewards to ensure that all parade participants act in an orderly manner.
P. The parade organisers shall ensure that all stewards and participants obey any direction given by the police in relation to this parade.

Q. The parade organisers shall ensure that these conditions are drawn to the attention of all participants.

Signed: ..............................................

(On behalf of the Commission)

Date: 9 June 2021
APPENDIX A

Guidance for Anyone Participating in Parades

A. Behaviour
All participants in parades should:

- behave with due regard for the rights, traditions and feeling of others in the vicinity,
- refrain from using words or behaviour which could reasonably be perceived as being intentionally sectarian, provocative, threatening, abusive, insulting or lewd,
- obey the lawful directions of parade organizers and stewards at all times, from assembly to dispersal,
- abide by the conditions of this Code of Conduct,
- comply with police directions and in accordance with legislation.

B. Dress
No paramilitary-style clothing is to be worn at any time during a parade.

C. Parade
Whenever possible, the parade should be positioned on one side of the carriageway so as to allow for the free flow of traffic, or as otherwise stipulated by police.

D. Route
Participants should keep to the designated route as directed by the police.

E. Alcohol
Alcohol should not be consumed immediately prior to, or during a parade. An organizer or steward, who believes a participant to be under the influence of alcohol, should take the necessary measures to remove that person from the parade.

F. Bands and Music
Each band must clearly display its name. Restrictions on the playing of music will be in accordance with the conditions as set out in Appendix B of this Code. No musical instrument will bear any inscription or mark of a proscribed organization.

G. Flags etc.
Flags and other displays often have a legitimate historical significance, but in no circumstances should such items relating to a proscribed organization be displayed.

H. Stewards
The names of stewards will have been notified to the police and the Parades Commission at the time of notifying the proposed parade.
Stewards should:

- be properly trained
- be briefed by the organizers prior to the parade
- carry proof of their status at all times during the event, and provide this information to police on request
- be fully aware of their responsibilities and role
- be highly visible by means of jackets, singlets, armbands, etc.
- not consume alcohol before or during the parade
- co-operate with the police
- be prepared to identify to the police any persons in the parade who may be committing any offence against criminal law.

I Policing

Organisers of parades must co-operate with the police from the time of submission of the notice of intention to parade until the parade disperses.

J Dispersal

When a parade has concluded, all those taking part must disperse immediately. It will be the responsibility of the organizers to ensure compliance with instructions in this regard.

K Abiding by Conditions

Organisers must ensure that all participants in any parade have been informed of any conditions imposed. As a general principle, the organiser is responsible for the behaviour of all participants and for ensuring compliance with the Code of Conduct.
APPENDIX B

Guidance for Anyone Participating in Parades in the Vicinity of Sensitive Locations

A Places of Worship

Only hymn tunes should be played.

When church services are taking place, no music should be played.

There should be no irreverent behaviour.

Marching should be dignified.

B War Memorials and Cemeteries

Only hymn tunes should be played.

Behaviour should be respectful.

Marching should be dignified.

C Where the Majority Population of the Vicinity are of a Different Tradition, and in Interface Areas.

Behaviour should be respectful.

There should be no excessively loud drumming.

Participants should refrain from conduct, words, music or behaviour which could reasonably be perceived as intentionally sectarian, provocative, threatening, abusive, insulting or lewd.

Marching should be dignified.