Determinations Made in Relation to the Ballymacarrett District LOL No 6 Parade Notified to Take Place in Belfast on Friday 1st July 2022

Introduction

1. 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 1st June 2022 concerning the Ballymacarrett District LOL No 6 Parade in Belfast on 1st July 2022. 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.

Background

4. The notified purpose is "Commemoration of the Battle of the Somme."

5. The notified route is “Templemore Avenue, Albertbridge Road, Ravenhill Road, My Lady’s Road, Willowfield Street, Castlereagh Road, Clara Street, Beersbridge Road, Bloomfield Road, North Road, Kirkliston Park, Holland Drive, Upper Newtownards Road, North Road, Dundela Avenue, Belmont Road, Holywood Road, Newtownards Road and Templemore Avenue.”
6. The number of notified participants is 2100, including 31 bands. The number of supporters is notified as 'unknown'.

7. The parade is notified to commence at 7.00pm at Templemore Avenue and to disperse at 9.30pm, also from Templemore Avenue.

8. The parade, often called the 'mini-Twelfth' or 'Somme Parade', is a commemoration of the Battle of the Somme and is the largest annual loyal order procession in Belfast outside the Twelfth. It is a significant traditional event in the life of a large section of the community in East Belfast.

9. The parade route is a circuit commencing and finishing at Templemore Avenue and encompassing the major arterial roads of Ravenhill Road, Castlereagh Road, Beersbridge Road, Bloomfield Road, North Road, Belmont Road, Holywood Road and the Newtownards Road as well as residential streets. This notified route has remained unchanged since at least 1998 when the Commission’s records commence.

10. The sensitive stretch of the route is at the Short Strand interface along the Albertbridge Road from Castlereagh Street to the Ravenhill Road. The Albertbridge Road is one of the major arterial routes from East Belfast into the city centre and skirts the southern edge of the Short Strand community, perceived as predominantly ‘nationalist/republican.’

11. The history of this parade is well documented in previous determinations. The Commission draws specific attention to its 2019 and 2021 determinations.

12. The Short Strand Residents’ Association has made representation to the Commission that during 19 years of expressing their serious concerns about the impact of the Somme parade on their local community, they have not yet had any communication or engagement with the Orange Order about it, but instead have had to absorb, within their own community, tensions not of their making. This has included efforts to ensure that protests are not held against the parade and providing diversionary schemes for young people.

13. They stated that there is a number of parades which pass this interface every year, but they have moved to a position where this is the only one to which they object. They consider that they are the only party willing to try and resolve this issue and over the years have given a range of potential options and solutions.
14. They outlined that they had written to the organiser again in October 2021 and to date had received no response. They are of the view that, whilst the parade is not without incident, it largely passes without violence due to the large scale policing operation that has to be deployed every year. They contend that the parade in its current form is no longer sustainable, including the use of police barriers to manage tensions, and that, in the absence of dialogue and an accommodation, the Commission should place restrictions upon the parade.

15. The residents have further expressed their view that the Commission has not imposed conditions that adequately manage the tensions caused by it.

16. Instead, the Short Strand residents have, in their view, been left to their own devices, working to convince their community to respond in a way that manages the tensions caused by the parade and by the associated large policing operation. Their view is that the use of police barriers along the Albertbridge Road does not represent a sustainable solution to the community tensions caused by the parade, but contributes to the perception of being ‘hemmed in.’

17. The Commission has not heard from the organiser about the relevance of the Albertbridge Road route. The Commission expressly noted in its previous determinations the need for the organiser to engage with the residents in relation to this parade. The Commission wrote to the organiser twice in recent months to encourage this. The Commission understands that the Short Strand residents have also written to the organiser seeking dialogue. The Commission notes with disappointment that despite these efforts the organiser continues to rebuff the need for dialogue. This failure serves only to heighten tensions in the area.

18. The Commission is aware of the significance of this parade to the PUL community and in weighing up all its considerations about the parade, including its route, has deliberated carefully about the most reasonable and prudent approach towards achieving the appropriate balance between the important freedoms of assembly and expression necessary to the Orange Order in its commemoration of the Somme, an event of significance, with mitigating the adverse impacts upon others.

19. The Commission has concluded that there are significant impacts arising from this parade and that these are strongly evidenced by the construction of a temporary physical ‘peace line’ to enable the parade to pass at the Albertbridge Road. These impacts are arguably not
necessary or proportionate to the parade connecting two ‘loyalist’ areas, by processing along the Short Strand interface on the Albertbridge Road.

20. The Commission observed the parade in 2021 and noted that the behaviour displayed by a number of the bands and members of one Loyal Orange Lodge, whilst passing the Short Strand interface, was not in keeping with Annex A of the Code of Conduct which states:

'A. Behaviour
All participants, and supporters associated with or accompanying the public procession, should:
  • 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 being intentionally sectarian, provocative, threatening, abusive, insulting or lewd;
  • obey the lawful directions of public procession organisers 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.'

21. The Commission stresses that all parade participants must show respect for all those living in the areas through which they travel, this is particularly important in sensitive interface areas.

22. Respect requires careful consideration of every aspect of a parade’s management. This includes but is not limited to factors such as song choice, style of playing and tone. It also requires a recognition that what may be considered appropriate in one area may not be appropriate in another. This is particularly relevant where there is no engagement by the organiser with the residents.

23. The Commission considers that the tensions surrounding the parade have not been mitigated responsibly by the Orange Order organiser who has rebuffed all efforts to engage in dialogue with the Short Strand residents. This failure to enter dialogue with the Short Strand residents has contributed to the heightened tensions surrounding the parade, and led to missed opportunities to achieve an accommodation about it.

24. The Commission maintains that successful resolution through local dialogue must be pursued. The Commission strongly urges to the leadership of the Orange Order to engage
with the residents using whatever mechanisms are available as a matter of urgency. The Commission views this as the only way to achieve an agreed accommodation on parades in this vicinity going forward.

25. Reflecting upon the factors set out above the Commission has, in weighing up all its considerations about the parade, including its route, deliberated carefully about the most reasonable and prudent approach towards achieving the appropriate balance between the important freedoms of assembly and expression necessary to the Orange Order in its commemoration of the Somme, an event of significance, with mitigating the adverse impacts upon others.

26. The Commission has determined that the parade should be restricted to hymn tunes only on the notified route along the Albertbridge Road from the traffic lights immediately prior to its junction with Castlereagh Street. The Commission reiterates that the opportunity for the organiser to engage with residents must be taken to achieve a resolution that reduces the adverse impacts on community relations and community life and negates the need for the temporary security/peace wall.

27. The Commission reminds everyone that in this sensitive interface area it is important that those in the parade show respect for all those living in the area. The full determination is below.

LEGAL CONSIDERATIONS

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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 organiser and participants in the parade by the Ballymacarrett District LOL No 6 in Belfast on Friday 1st July 2022.

A. Only hymn tunes are to be played on any part of the notified route along the Albertbridge Road from the traffic lights immediately prior to its junction with Castlereagh Street.

B. The parade organisers shall ensure that the parade begins and disperses promptly.

C. Only the bands notified on the Form 11/1 shall participate in the parade.

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

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

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

G. 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.

H. 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.
I. 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.

J. The parade organisers shall ensure that all stewards and participants obey any direction given by the police in relation to this parade.

Signed: ........................................
(On behalf of the Commission)

Date: .............17th June 2022...............
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 organisers 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 organiser 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 organisation.
G Flags etc.
Flags and other displays often have a legitimate historical significance, but in no circumstances should such items relating to a proscribed organisation 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 organisers 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 organisers 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.