**Saturday 22 February 2014**

**Jeffrey Dudgeon speech after Twaddell parade (UUP)**

Today it is again the turn of the Ulster Unionist Party to speak after the Saturday Parade.

I am here to convey the continued support of the UUP for the three lodges being free to make it home - Ligoniel True Blues LOL 1932, Ballysillan LOL 1891 and Earl of Erne LOL 647; and the two bands. Your dedication, determination, unity and your restraint is commendable.

Let us not forget who Twaddell Avenue was named after - the UUP West Belfast MP William Twaddell, shot dead off Royal Avenue by the IRA in 1921. That was a key part of Michael Collins offensive against the new Northern Ireland. And for the record, far from being from a cowed and frightened people, the IRA managed to kill over 90 police officers in those three years of Troubles from 1921 to 1923. (BTW There is a memorial window to the assassinated MP in All Saints Church on University Street.)

And this very day Orangemen have been commemorating the murder 26 years ago of two UDR soldiers, James Cummings and Fred Starrett, killed 26 years ago by an IRA bombing, again in Royal Avenue. Both soldiers were members of the Orange Order.

Article 11 of the European Convention on Human Rights (ECHR) states “Everyone has the right to freedom of peaceful assembly.” This right cannot be withdrawn except in extreme circumstances such as the prevention of disorder. ECHR rights are not given to those popular with government but by definition have to be upheld in difficult and contested circumstances such as here. As they are by the Council of Europe today in the Ukraine’s Independence Square.

Sadly we know that when the Parades Commission chose to restrict the right to this freedom of assembly last year, disorder ensued rather than disorder prevented. The year before when the Orange Order accepted harsh restrictions imposed by the Parades Commission, it was consequently rewarded with a ban on getting home to Ligoniel.

All we can hope now is that the new Commission has a high degree of common sense, unlike its predecessor, and follows the only principle that can save us, which is working toward agreeing to disagree. That is more realistic and thus more important than reconciliation.

We all know that Sinn Fein and its allies are not about creating a shared space in Belfast, certainly not in this part of Belfast. And definitely not a shared future that includes Unionists. Rights to them are for one community only. We can change that mindset.

On the one hand, the Lord Mayor admirably attends his first Remembrance Sunday at the City Hall Cenotaph while at the same time his colleagues work to erase the pioneering history of Belfast Protestants and institute a bare walls policy in public spaces. And, as you know, a bare walls policy is only a prelude to the introduction of Republican symbols, starting with Irish Language (‘bilingual’) signage - as in Fermanagh District Council chamber - and finishing with naming a children’s play park after a mass killer of Protestants as in Newry.

Sinn Fein: Two voices, one purpose. The party of equality is an apartheid party, where even shops have to declare themselves Catholic or Protestant, but only one type of person can pass them. They are in the business of deceit and manipulation relying on separate development and frightened Catholics to bring home the vote.

In the recent talks, my party worked long and hard to try and get resolution of those issues that divide us. In the end, we were obliged to reject Haass Draft 7. The American diplomats chose not to go down the path of principles, as laid out in 1996 by Senator George Mitchell. Rather they unwisely tried to split the difference between Republican and Unionist.

In so doing, they failed to accept that the issue of sovereignty had been settled in the Belfast Agreement, and through the 1998 referenda. North and South agreed Northern Ireland was in the UK, by the choice of all the people on the island. The country's flag is the Union Jack not the Tricolour.

And, never forget, the south voted by a mammoth 94 percent to withdraw its claim to the north showing how relaxed they really are about relations with Northern Ireland. Not that Sinn Fein would tell you, or their electors, that.

On the Haass issues, what was proposed would have diminished the rights of Unionists. The flag was not being returned to City Hall. And when Alliance was offered a Cultural Commission rather than a law requiring the getting of a licence for putting up bunting, they rejected the draft Haass agreement.

That party, not that you would have noticed in the media, was the most intransigent of all. They were the first Haass rejectionists. I have to say Richard Haass noticed, and noted that fact in his TV interviews even if Naomi Long and David Ford have since tried to wriggle round it to get their White House invitations.

The Alliance Party broke consensus in the Belfast City Hall vote that took down the Union Flag, yet consensus politics is what they say they are about. They have instead become obsessed with the flag issue; captured by it and lost their bearings. Just as they will lose seats in Belfast, if Unionist voters register and turn out to vote in May - despite the new gerrymandered boundaries.

The rewriting of history and the effective legitimisation of the IRA campaign would have continued under Haass’s terms, indeed would have become official policy through the SDLP’s insertion of more inquiries, this time theme-based; 'Collusion', whatever that word means, being the primary and first theme suggested.

On parading, we did get some improvements agreed between the parties and there is no reason why the Public Processions Act cannot be amended by the Secretary of State and, at least, a better set of practical arrangements put in place, which could be road tested this summer. There is a Northern Ireland Bill in the House of Lords, as we speak, which could be the vehicle for reform if Theresa Villiers and the NIO were to put their hands to the wheel.

We only have a few months. Let us strive to work positively for a peaceful solution for the city we love, using our heads and good authority, and striving for religious and civil liberty for all, and I mean all.

**Parades etc**

Overall, the proposals still involve a Regulator, duty to notify, the rights of residents and other objectors to register objections, the expectation that the parades organiser will at least consult with residents and other objectors and the right of the Regulator to impose conditions and restrictions affecting any parade by way of determinations.

So fundamentally there is not that much new, and no degree of lesser control than under the current arrangements involving the Parades Commission.

In cases, the provisions seem to me to be worse than the current arrangements in further limitations on the essential freedom of peaceful assembly and parading. In particular I draw attention to the following:

* *Select Commemorations*

The provisions to include ‘Select Commemorations’ in the activities to be notified and to come within the powers of the Regulator seem to me to be a further diminution of the essential freedom of peaceful assembly[[1]](#footnote-1). I understand resentment that there are terrorist inspired commemorative events which do not involve parading and so currently are not regulated. However, ‘resentment’ is not to me a good ground for policy making, particularly when the new regulatory controls will be wielded by the Regulator against a far wider category of legitimate, peaceful events.

I suggest that the proper response to terrorist inspired commemorative events was shown in the summer by those victims who peacefully, but effectively, protested in public against such terrorist commemoration.

In addition, as I have already pointed out, the proposed definition of ‘Select Commemoration’ in legally incoherent.

* *Code of Conduct*

There is already a Code of Conduct under the current legislation which provides for guidance for the parades organiser. It is the proper function of a Code of Conduct to provide such guidance and there is no imperative need to use this Agreement to re-write the Code. What is intended is to make breach of the Code a criminal offence[[2]](#footnote-2).

But it is contrary to legal principle to make criminal offences save by clear and express legislative provision. Any code should not be employed for such purpose and it is for those who desire to have more restriction on peaceful parades to put forward specific provisions for new criminal offences to be included in any new legislation.

* *The Right to Freedom from Sectarian Harassment*

The proposed provisions for a Code are to include due regard to the right of everyone to be free from sectarian harassment.[[3]](#footnote-3) This term also appears in references to the Belfast Agreement and the 2010 Hillsborough Agreement. It is unfortunate that previous unionist negotiators allowed this term of art without specific proviso that ‘sectarian harassment’ connotes some specific act of violence, or threat of violence or intimidation based on religious belief or political opinion.

I suggest it is essential to insist on spelling out now the proper confines of this: otherwise, for instance, the peaceful display of the Union Flag or emblems of Royalty may be deemed ‘sectarian harassment’ in the eyes of those who choose to be so offended.

In addition there appears to have been a last minute amendment to the draft Agreement[[4]](#footnote-4) to include that the contending rights to ‘the right to parade’ include ‘fundamentally’ the right to respect for private and family life under Article 8 of the European Convention on Human Rights. This, if allowed to go unchallenged, would further circumscribe the right to the freedom of peaceful parading on, no doubt, claims of infringement of the rights of local residents.

**5. Flags and Emblems**

It is not surprising that no agreement was achievable on this section. I would suggest caution in agreeing to the formation of yet another commission with yet further public meetings and submissions process (going yet again over the ground trodden in Patten, Eames-Bradley, by the Co-Chairs themselves and in the interminable Bill of Rights consultations of the NI Human Rights Commission, Bill of Rights Forum and Northern Ireland Office). If the policy decision is to support such commission I suggest it must be on express terms that the remit of such commission is specifically limited to the matter of flags and emblems – which was the task before the Co-Chairs and Panel Members themselves.

1. Page 7, lines 15 - 21 [↑](#footnote-ref-1)
2. Page 14, lines 21 - 26 [↑](#footnote-ref-2)
3. Page 14 lines 39 - 41 [↑](#footnote-ref-3)
4. Page 5, line 19 [↑](#footnote-ref-4)