

# A BELFAST TELEGRAPH/QUEEN'S SURVEY

# DRUMCREEE THREE?

## Rule of law is what people of Northern Ireland want

IN the second day of our exclusive Belfast Telegraph/Queen's Survey, the focus is on the seemingly intractable issue of parades. But, as Colin Irwin reports, the people of Northern Ireland see a way forward by recourse to law and a Bill of Rights.

**N**O-ONE can afford a Drumcree Three. But with the marching season now under way and no agreements in place that will guarantee a peaceful summer, what solutions do the people of Northern Ireland offer to resolve the problem of contentious parades?

The establishment of the Parades Commission may not be enough. In addition to mediation the Belfast Telegraph/Queen's survey has identified two more solutions that are acceptable — the rule of law and a Bill of Rights. The bill for last year's disturbances was at least £30m. Compensation for criminal damage has reached £20m, policing cost another £10m and the losses to the tourism industry and inward investment are still being counted.

But these are just the direct financial costs — the education budget has been cut to meet the demands of an escalating security bill. And then there are also the social costs. The poll offered a range of alternatives for dealing with the North Report.

### Solution No 1 — The rule of law

THE North Report contains a number of distinct elements. First and foremost it recommends establishing a Parades Commission to monitor traditional parades in Northern Ireland, set standards of behaviour and provide mediation between those who want to march and residents who do not want them to pass through their areas. This Commission is now in place and is inviting all the interested parties to take advantage of their services. But objections have already been raised against the appointment of a prominent member of the SDLP, Berna McIvor.

If the rest of the North Report's recommendations are passed into law and the Commission is given statutory powers to rule on contentious parades, then these mild mannered objections have all the potential to escalate into a Drumcree Three if the new laws do not have the support of the vast majority of the people. In the shadow of a General Election mediation seems to be working better than it ever has before. But professional mediators and a climate of goodwill may not always be enough.

What laws are acceptable to paraders and residents alike? In the survey the different options were put before a representative sample of the adult population.

This important question was asked in the survey by presenting a range of policy options to the public and inviting them to say which policies they considered to be "preferred", "acceptable", "tolerable" or "unacceptable".

For the purposes of the poll these terms have the following specific meanings: **Preferred** — This may not be exactly what you want but this option, or something very similar to it, would be your first choice. **Acceptable** — This option is not what you would prefer if you were given a choice but you could certainly live with it. **Tolerable** — This option is not what you want. But, as part of a lasting peace settlement for Northern Ireland, you would be willing to put up with it. **Unacceptable** — This option is completely unacceptable under any circumstances. You would not accept it, even as part of a peace settlement.

### Question

HERE are some options for dealing with the North Report, which recommends establishing an independent body to oversee both the

mediation and legal control of contentious parades. Please indicate which of the following options you consider to be preferred, acceptable, tolerable or unacceptable.

● Completely reject the North Report — the North Report should be rejected in full. Decisions on contentious parades should continue to be made by the police.

● Modify North Report to give stronger right to parade — all parades customarily held along a particular route should be allowed to take place.

● Modify North Report to ensure that all parades and public demonstrations are treated equally before the law — the legal control of all marches, parades and public demonstrations should be the same for everyone and disputes should be settled as a matter of law by tribunals and courts.

● Accept the North Report in full without delay — the North Report should be accepted in full by everyone in Northern Ireland and introduced into law without delay.

● Modify North Report to place stronger restrictions on parades — residents should have a legal right to decide which parades can go through their area.

### See Tables 1 and 2

THE bad news for an incoming Government is that only 9% of Protestants and 25% of Catholics are willing to accept the North Report in full.

Thirty-one per cent of Catholics would like to have stronger restrictions placed on parades and an almost equal proportion of Protestants (32%) would like a stronger right to parade.

But the good news is very good. An almost equal majority of both Protestants (36%) and Catholics (37%) agree that the North Report should be modified to ensure that all parades and public demonstrations are treated equally before the law.

Forty-six per cent of Alliance voters select this option as their first choice as do 39% of UUP supporters and 37% of the SDLP electorate.

Fifty-seven per cent of Sinn Fein voters selected stronger restrictions on parades as their preferred option but only 6% of them find the equal treatment before the law option unacceptable.

Similarly, 40% of DUP voters chose a stronger right to parade as their preferred option but only 16% consider equal treatment before the law to be unacceptable.

### See Table 3

THIS broad consensus to accept the rule of law and place the adjudication of contentious parades before tribunals and courts is not unexpected as many Protestants do not believe the Parades Commission will always be able to rise above the influence of political pressures.

Decisions taken by tribunals and courts are open to appeal and laws that treat everyone equally should be able to hold up to a challenge in the European Court of Human Rights.

In Canada, under their Bill of Rights, the government is willing to pay the costs of bringing important cases before the courts.

The British and Irish governments might like to follow this approach by offering to support any group wishing to appeal decisions taken under a new regime of legal controls.

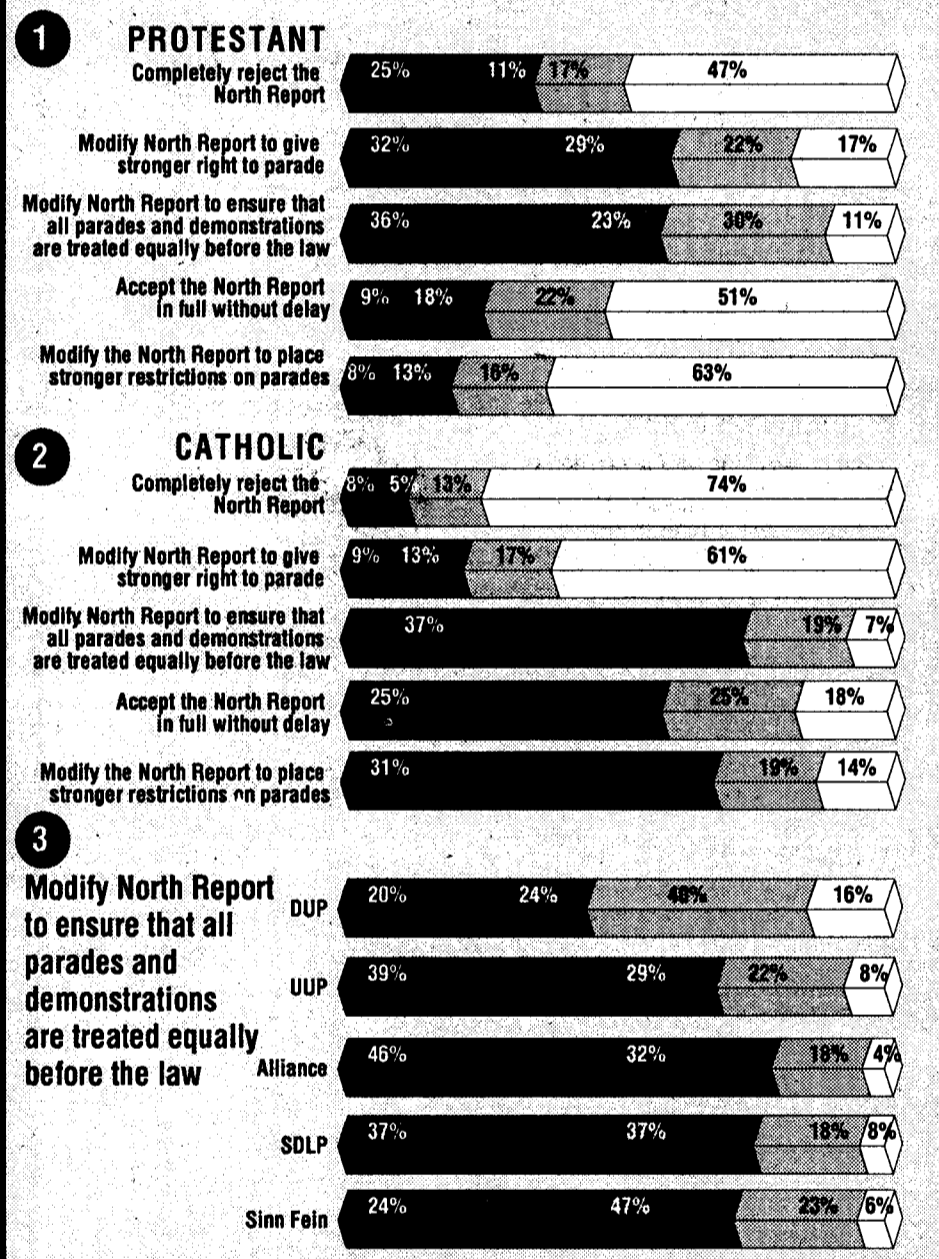
Those who always insist on the right to parade and those who always insist on the right of residents to say no should be given every opportunity to take their protests off the streets of Northern Ireland and into the international courts.

This is what the people of Northern Ireland want — the rule of law.



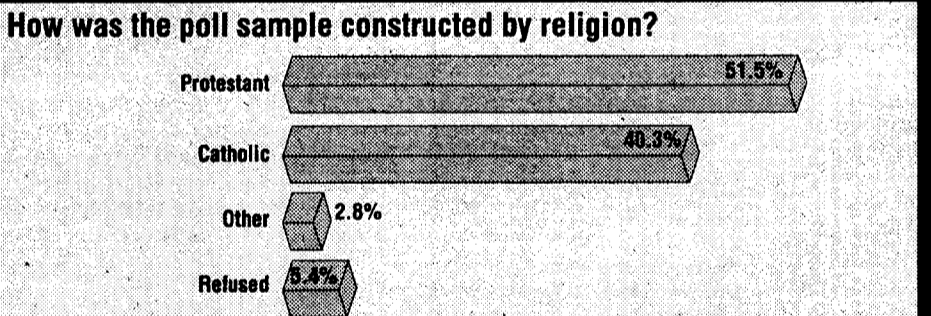
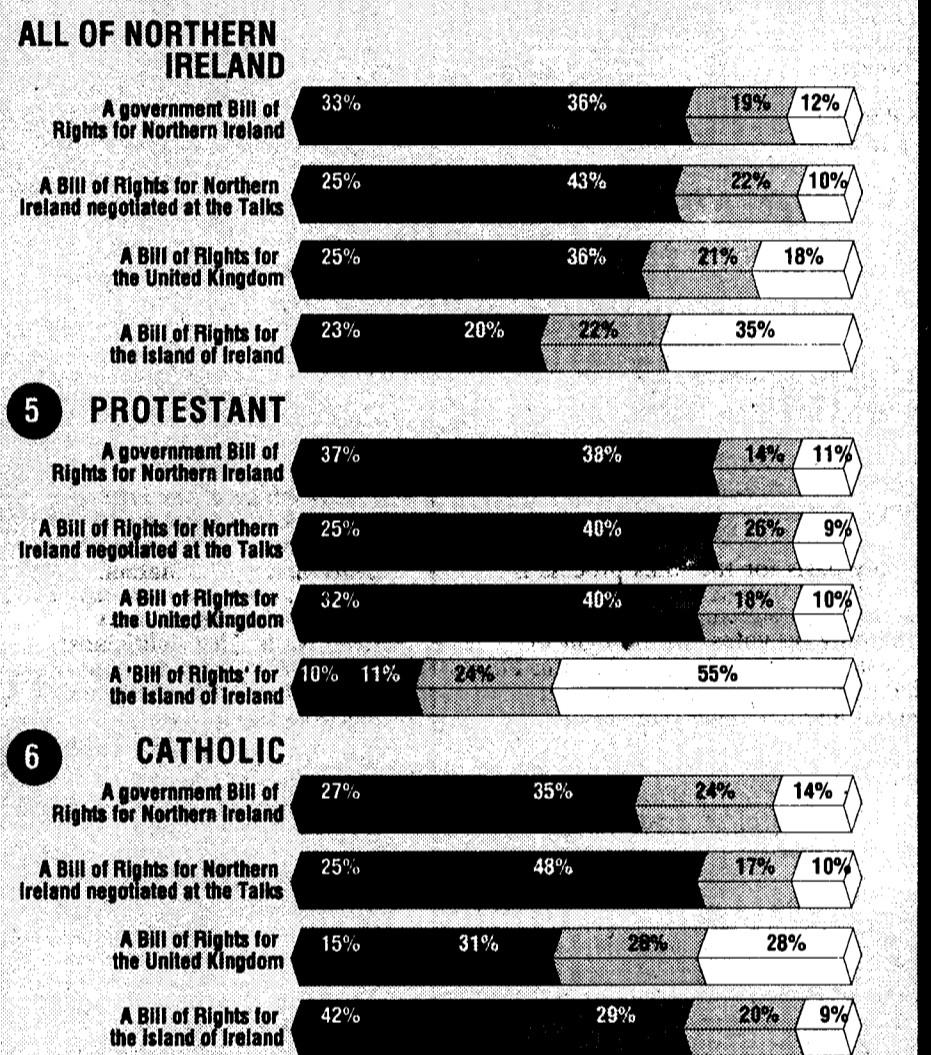
## THE POLL RESULTS

Here are some options for dealing with the North Report which recommends establishing an independent body to oversee both the mediation and legal control of contentious parades. Please indicate which of the following options you consider to be "Preferred", "Acceptable", "Tolerable" or "Unacceptable"



GRAPHIC: GRAEME FORSTER

4 Here are some options for the management of individual and community rights in Northern Ireland. Please indicate which of the following options you consider to be "Preferred", "Acceptable", "Tolerable" or "Unacceptable"



## Wide support for Bill of Rights

IF the people of Northern Ireland could reach agreement on a Bill of Rights then it is entirely possible that questions, like the right to parade, could be settled without the necessity of making appeals to European Courts. With the blessing of a new Government in Westminster the people of Northern Ireland could try and find their own solutions to their own problems. Some negotiated settlements, for example South Africa, have included a Bill of Rights to deal with many of their political, social and cultural problems by giving special protection to the individuals and different communities that make up their society. In Northern Ireland these laws could include, for example, parades and language rights, education and questions of parity of esteem. What do the people of Northern Ireland think of this idea?

This is the question that was put to them. Here are some options for the management of individual and community rights in Northern Ireland. Please indicate which of the following options you consider to be preferred, acceptable, tolerable or unacceptable. ● A Government Bill of Rights for Northern Ireland — the Government should provide a Bill of Rights for Northern Ireland whatever happens at the talks. ● A Bill of Rights for the island of Ireland — a single Bill of Rights for the island of Ireland with special protection for both the unionist and nationalist communities. See Table 4

Overall, the option that is most preferred by the people of Northern Ireland is for the Government to provide a Bill of Rights. But most people — 74% — also don't think the Stormont talks will ever produce a negotiated settlement and perhaps that is why only 25% think the politicians at the talks should be involved with the negotiation of such a bill. See tables 5 and 6. Forty two per cent of Catholics would prefer a Bill of Rights for the island of Ireland (SDLP 41% and Sinn Fein 58%) while 32% of Protestants would prefer a Bill of Rights for the UK as a whole (DUP 29% and UUP 34%).

However, when the two options for a Northern Ireland Bill of Rights are added together 52% of Protestants would welcome such a bill while only about 11% of the adult population would find this option unacceptable. On the other hand 55% of Protestants find an island of Ireland bill unacceptable — (DUP 59% and UUP 56%). Similarly 27% of Catholics are also not willing to accept a UK bill (SDLP 21% and Sinn Fein 55%).

Clearly a Bill of Rights for Northern Ireland is the most acceptable way forward. If the politicians at the talks want the opportunity, or some might say the privilege, of negotiating such an important piece of legislation, then they are going to have to persuade the people who voted for them that they are able to handle the task.

## HOW THE POLL WAS CONDUCTED

THIS poll has been commissioned by the Belfast Telegraph in collaboration with the Institute of Irish Studies at Queen's University, Belfast. The project has also been supported by a grant from the Joseph Rowntree Charitable Trust. With the co-operation of members from the ten leading political parties in Northern Ireland, the research was carried out by Dr Colin Irwin of the Institute with the additional assistance of Professor Tom Hadden of the Law School and Professor Fred Boal of the Geography Department. Market Research Northern Ireland (MRNI) conducted the fieldwork for the survey between March 12-26 and 932 face-to-face interviews were completed from 32 points across Northern Ireland to give a representative quota sample of the population. In all respects the poll was undertaken within the guidelines set out by the Market Research Society (UK) and in accordance with their code of conduct. The opinions expressed in the survey and the conclusions reached are not those of Queen's University.

Clearly a Bill of Rights for Northern Ireland is the most acceptable way forward. If the politicians at the talks want the opportunity, or some might say the privilege, of negotiating such an important piece of legislation, then they are going to have to persuade the people who voted for them that they are able to handle the task.

# TOMORROW: Future lies with politicians and the people