

## Devolution Briefings

### Flags and Identity in a 'new' Northern Ireland

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#### Key points

- The 1998 Multi-Party Agreement challenges the way identities are symbolised in Northern Ireland, arguing that participants should 'ensure that ... symbols and emblems are used in a manner which promotes mutual respect rather than division'.
- The use of flags, both official and popular, is the most obvious symbolic representation of politics in Northern Ireland.
- Politicians from the two main unionist parties advocate continued use of the Union flag.
- Politicians from the two Nationalist political parties either advocate the use of no flags or both the Irish Tricolour and Union flag together.
- No agreement has been reached on the use of flags on government buildings and in 2000 the Secretary of State introduced legislation to provide for designated days on which the Union flag should be flown on designated buildings.
- Section 75 of the 1998 Northern Ireland Act and employment legislation has placed some pressure on Unionist-controlled local councils to reduce both the number of days the union flag is flown and also the range of buildings on which it is flown. However, there has been little in the way of changes in policies by councils.
- Policies from local authorities and relevant agencies to control popular flying of flags, which effectively demarcate territory, have been slow to develop although a new protocol was produced by the PSNI and other relevant agencies in Spring 2005.
- Devolution did not herald a change in symbolic practices by political interests within Northern Ireland. Changes that have taken place since 1998 have been driven by Westminster legislation and policy changes made by the direct rule administration.

#### Introduction

It was widely accepted that the Multi-Party Agreement concluded in 1998 marked a new departure for politics in Northern Ireland. A consociational style agreement, it opened up new ways of managing the relationship between the two major political communities: British Unionism and Irish Nationalism. The existence of Northern

Ireland, as a devolved part of the United Kingdom, was guaranteed until the majority of the population wished to change its status. The Northern Ireland imagined in the Agreement was one in which political groups and cultural identities were protected by a range of checks and balances within the political institutions as well as through new legislation, the Equality Commission of Northern Ireland and the Human Rights Commission of Northern Ireland.

The new political institutions and devolved government operated for only a brief period of time and made little progress on the issue of community division. However, a range of policy developments in the area of community relations and cultural representations have evolved within the remit of Section 75 of the Northern Ireland Act 1998 and as a result of the work of the above Commissions, the Community Relations Council and, to an extent, the Northern Ireland Parades Commission. The Agreement has not, as yet, heralded an enduring devolved settlement but it has laid the basis for a Northern Ireland significantly different from that under Unionist rule from 1921 to 1972 and under direct rule from 1972 to 1998.

Within this new political environment it became possible that new identities might develop and that the representation of existing cultural and political identities might change. Would a civic identity reveal itself, as it has in Scotland and Wales? Would there be acceptance of the cultural displays of other communities? Would Northern Ireland develop the diversity envisaged in the Agreement? Would policies reflect a commitment to build a 'new' Northern Ireland?

### **Flags in Northern Ireland**

One area in which conflict in Northern Ireland has routinely revealed itself is in the use of flags and emblems. Symbolic conflict is common throughout the world and is part of modern politics, but for Northern Ireland it is associated with particular issues that necessitate a search for clear policy responses, in particular the proliferation and exaggerated use of flags. The display of flags has personal, social and economic ramifications. It is clearly connected to the demarcation of territory through intimidation. The use of flags and emblems can appear to be threatening and discriminatory towards individuals. Both can amplify communal differences within society, and consequently have ramifications for national and local governance, for policing, for community development and for inward economic investment.

Yet the use of flags and emblems is also an important part of the political and cultural identity of individuals and groups. In Northern Ireland the flying of flags (numerically and in terms of variety) has traditionally been associated more widely with unionists and loyalists rather than nationalists and republicans. The success, however, of a number of Ulster Gaelic football teams in recent years, and the flying of flags in support of these teams, has come to greater prominence with local repercussions.

The use of flags can also offer the possibility of symbolising new beginnings. Many modern national flags were invented with the idea of representing political diversity. The Union flag itself contains the crosses of St Andrew, St Patrick and St George, whilst the Irish Tricolour contains green, representing Irish Catholicism and orange representing Irish Protestantism, mediated by a band of white. Symbols are both the

site of conflict but also offer the possibility for reconciliation and the development of a new identity. The new flag for South Africa is an obvious recent example. The Agreement referred directly to the use of symbols:

*“All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.”*

The use of flags in Northern Ireland can be explored in two interrelated areas:

1. the display of official flags by government departments, public agencies and local government.
2. the display of popular flags by communities and members of the public.

Identity politics has manifested itself both in the use of official and popular flag displays. In 1954 the Unionist government of Northern Ireland introduced a Flags and Emblems Act in order to place public order controls on the popular use of flags, particularly displays of the Tricolour. Additionally, Nationalists have long complained at the over-use of the Union flag on government and local council buildings, services such as leisure centres, as well as the police and fire services.

After the 1998 Agreement how would these conflicts be managed? Would policies seek to provide neutral space with the non-flying of flags or the creation of a new flag? Would *parity of esteem* demand that more than one flag was flown? Is it possible to develop practices that might link or integrate communities?

Dealing with the conflicts that arise from the use of flags is not simply a moral imperative for public authorities; it is also a legal duty. Section 75 of the Northern Ireland Act imposes duties upon public authorities to carry out their functions with due regard to the need to promote equality of opportunity and with regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial groups. In addition, fair employment legislation makes discrimination on the grounds of religious belief and political opinion unlawful both in the work place and in the provision of goods, facilities and services.

## **Official Flags**

After the setting up of the devolved administration in Northern Ireland in 1999 the flying of flags on Government buildings became an immediate issue. Different policy options were presented by a range of political parties and individuals (Box 1).

### **Box 1: Policy Alternatives on Flags**

- Unionists argued for the flying of flags on all local authority buildings – thus reflecting the sovereignty of Northern Ireland
- No flags at all

- Sinn Féin argued that two flags should fly – the Irish Tricolour and the Union Flag representing the two national communities
- The Union flag should fly only on ‘flag days’ that reflect ceremonial but judicious presentation of United Kingdom sovereignty
- There could be a new flag for Northern Ireland (see: <http://www.democraticdialogue.org/working/flags.htm>).

After significant debate the then Northern Ireland Secretary of State Peter Mandelson imposed a solution for the use of flags on government buildings. The Flags Regulation (NI) 2000 defined the use of the Union flag for designated government buildings on designated days. A judicial review brought by Sinn Féin failed and frequent suspensions of the political institutions has meant that this regulation has not been fully debated.

District councils are not covered by the legislation and the flying of flags on council facilities has remained a site of contest in many areas. A range of practices are followed by District Councils around Northern Ireland. These vary from the flying of the Union Flag on a number of Council buildings every day of the year, to flying no flags on any building or flying simply a Council flag. Other Councils have chosen to follow the legislation for government buildings and fly flags on designated days. The range of practices does not differ markedly from practices in Scotland, England, Wales or the Republic of Ireland. In all these jurisdictions policies range from flying no national flags, to flying flags on designated days, to flying flags all year round.

Legal advice and advice from the Equality Commission would seem to suggest, taking account of each particular context, that flying no flag, a Council flag or the Union flag on designated flag days at the headquarters of the district council’s head-quarters may be legally defensible as a practice. This legal advice has put Councils controlled by the Ulster Unionist Party and the Democratic Unionist Party under some pressure to fly the Union flag only on designated days and only on the council head-quarters. Some district Councils have undertaken Equality Impact Assessments under section 75 of the Northern Ireland Act. However, the opinion of the majority political grouping in each Council has prevailed and, as yet, this process has not initiated a major change in policy by any council.

### **‘Popular’ Flags**

Displaying flags, bunting and painting kerbstones before commemorative and celebratory days has a long history in Northern Ireland. Part of that history is the role this practice has in defining territory. That is certainly not to say that this is the only reason the practice takes place. As with all symbolic and ritual acts they can perform a range of functions. Vibrant communities all over the world have events that give them a sense of belonging and consciousness. However, in the context of the divisions in Northern Ireland, such practices can be divisive.

It is also clear that whilst some of the practices are ‘popular’, in that members of the community welcome the appearance of flags, bunting and painted kerb stones, some displays are not. The organisation of these practices has changed over time. Many flags are put up by groups with paramilitary connections. This is quite different to what might have taken place in the 1950s or even the 1880s. For example, it has been

made clear to us that members of the Orange Order, who organise the annual Twelfth of July parades, are involved in only a limited way in displays of flags and bunting that usually takes place around Orange Halls. Flags at Orange halls are also often erected and taken down over a reasonably short period of time around the Twelfth.

In addition, the marching season, which in loyalist areas is frequently given as the reason for the flying of flags, appears to have extended over most of the summer and beyond. The period in which these celebrations and commemorations are taking place can be five or six months, judged by when the flags go up and are taken down. Often flags are not taken down at all and become fluttering shreds over the winter months.

Most significantly flags are clearly used to mark territories. If one visits almost any of the interfaces in Belfast there are flags clearly erected so that the other community can see them. Indeed, great effort is often made so that flags can be seen beyond the area in which they are erected. The existence of sectarian territory costs money since it frequently demands duplication of services, and makes the economic development of local areas and the region more problematic.

The report *Transforming Conflict: Flags and Emblems* (<http://www.qub.ac.uk/iis/for-researchers/index.htm#Flags>), funded by the ESRC and the Office of the First Minister and Deputy First Minister, highlighted that whilst there may be a need for new legislation or codes of conduct or protocols on the flying of flags and the display of emblems, by far the best way of resolving issues is by looking at the context within which conflict arises and, if necessary, to transform that context.

The report examined environmental projects which reduced the flying of flags by working with local communities and a range of statutory agencies including DRD Roads Service, District Councils, the Northern Ireland Housing Executive and the PSNI. The report also highlighted the lack of co-ordination between these agencies and thus the ad hoc nature of policies dealing with public displays over 'popular' flags. Evidence from the *Northern Ireland Life and Times Survey 2003* suggests that 66% of people believe that paramilitary flags should be removed and that 21% of people felt threatened by paramilitary flags and murals and by the painting of kerbstones.

The report was utilised by the Office of the First Minister and Deputy First Minister in a new policy directive *A Shared Future: Policy and Strategic Framework for Good Relations in Northern Ireland* (2005) which called for 'freeing the public realm (including public property) from displays of sectarian aggression...'. Following on from this the PSNI, in conjunction with other agencies, have introduced a protocol which has, amongst a range of aims, the removal of paramilitary flags, the development of partnerships with agencies and communities, and the enhancement of the environment.

Evidence we collected in 2005 compared with figures for the flying of flags in 2001 and 2004 does suggest a reduction in the flying of paramilitary flags, at least in a number of areas of Belfast. The use of the Union flag and the Ulster flag has remained widespread.

There is very little evidence to suggest the formation of new identities being expressed through the displays of flags. There have been new 'Ulster-Scots' flags used in Bushmills, County Antrim, replacing displays of paramilitary flags that have taken place in the village in recent years. The Scottish saltire has also routinely been used by loyalists to express cultural and political links with Scotland.

## **Conclusions**

The 1998 Multi-Party Agreement in Northern Ireland 'acknowledges the sensitivity of the use of symbols and emblems for public purposes', recognised the need to create 'new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division', and accepted the need to 'monitor this issue and consider what action might be required'. Of the many examples of the use of symbols that exist in Northern Ireland, flags are one of the more obvious. Research funded by the ESRC and Office of the First Minister and Deputy First Minister aimed to explore what changes have taken place since 1998.

One of the criticisms made of the Agreement is that it institutionalises the two traditions. Evidence taken from looking at both the flying of official and popular flags suggests there has been no attempt to represent a new political settlement symbolically; rather, disputes have continued over the representation of the 'two traditions'. At the level of policy there have been attempts to manage that representation through legislation, such as the Flags Regulation (NI) 2000 and utilisation of Section 75 of the 1998 Northern Ireland Act, through the development of a new community relations strategy, *Shared Future* (2005) and a multi-agency protocol on flags, and finally through projects with communities to improve the local environment. Also, the Police Service of Northern Ireland no longer flies the Union flag over police stations.

It could be argued that the strategy of the British government has been to reduce the flying of the Union flag to a minimum whilst spaces under the remit of district councils have continued to be the site of contest. Unionist controlled councils have generally maintained practices involving widespread use of the Union flag. Nationalist controlled councils generally fly no flags or use a council flag.

The flying of popular flags is not legally within the remit of local councils, but no council has a policy on dealing with this issue. That said, councils played a part in getting the reduction of flags through community projects aimed at improving the local environment. The role of the flying of popular flags in order to demarcate territory has been recognised in the new community relations policy and reflected in policy developments for the Housing Authority, DRD Road Service and the Police Service of Northern Ireland.

Devolution has not heralded a change in symbolic practices by political interests within Northern Ireland. Changes that have taken place have been driven through Westminster legislation and policy changes made by a direct rule administration.

*This Devolution Briefing was written by Dr Dominic Bryan, Dr Gordon Gillespie and Dr Gillian McIntosh of the Institute of Irish Studies, Queen's University Belfast. A full report 'Transforming Conflict: Flags and Emblems' can be found at <http://www.qub.ac.uk/iis/researchers/index.htm#Flags>. The research was funded by the ESRC and The First Minister and Deputy First Ministers Office.*

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