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Meeting of the Anglo-Irish Intergovernmental Conference

London 18 July 1996

Introduction

A special meeting of the Anglo-Irish Intergovernmental conference was held in London on 18 July 1996. The Conference was attended, on the Irish side, by the Tánaiste and Minister for Foreign Affairs, Mr Dick Spring TD, the Minister for Justice, Mrs Nora Owen TD, Mr Pádraic MacKernan, Mr Tim Dalton, Mr Seán O hUiginn, Ambassador Barrington, Mr Val O'Donnell, Mr Fergus Finlay, Mr Colm O'Floinn, Mr John Brosnan, Ms Linda O'Shea Farren and, from the Secretariat, Mr David Donoghue, Mr Steve Magner, Mr Mícheál Tierney and Mr Christy O'Shea.

On the British side, the Conference was attended by the Secretary of State for Northern Ireland, Sir Patrick Mayhew MP, Minister John Wheeler MP, Sir John Chilcot, Sir David Fell, Mr Quentin Thomas, Mr Michael Legge, Mr Richard Clarke, Mr Martin Howard, Mr Donald Lamont, Mr Jonathan Stephens and from the Secretariat, Mr Peter Bell, Mr John Fisker and Ms Ruth Osborne.

Also present for discussion of security related issues were the Garda Commissioner Designate Mr Pat Byrne, the Chief Constable Sir Hugh Annesley and Chief Supt Gerry Sillery (RUC).

The Conference, which commenced at 4.15pm with a tete-a-tete. This was followed by a restricted security session. The plenary began at 6.15p m. and ended at 9.15 pm.

Meeting of Anglo-Irish Intergovernmental Conference

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Agenda

- Tete-a tete

- Restricted Security Session

- **Plenary**

(1) Political Matters

Implications of recent developments for the political
process

(2) Confidence Issues

Implications of recent parades and future outlook

Ways of enhancing public confidence in the security
forces

Plenary Discussion

1. Political Matters (implications of recent developments for the political process).

The Secretary of State opened by mentioning that there had earlier been a substantial discussion of political matters at the *tete-a-tete*. It would suffice to note for the record that both sides had reaffirmed their commitment to the search for a balanced political accommodation based on the principles of parity of esteem and consent. As far as the talks process was concerned, it was now necessary to finish with the preceding thirty- seven days of "nit-picking" and to go about meeting the demands of the people in both parts of Ireland for substantive progress in resolving political problems. Political advance was the only practical alternative to violence. It would be necessary to signal in the communiqué the determination of the Governments to proceed along the path of political progress, without giving the impression that they had "cooked up" something between them. It might, for example, be necessary to indicate a timetable for the resolution of the procedural process currently underway.

The Secretary of State then asked for an account of the meeting that took place the previous day between Sinn Féin and the Irish officials.

The Tánaiste said that, as a firm believer in the machinery set up under the Anglo-Irish Agreement, he was glad to be at this special meeting of the Intergovernmental Conference, which had been called to review the events of the previous week in Northern Ireland. This meeting provided an opportunity by both sides to assess the damage caused by recent events.

He expressed anger at a report in that day's Daily Telegraph which had called into question the value of holding an IGC at this point in time and which had referred to the meeting as a "phoney photo-call" and a "waste of time". NIO sources were quoted as being "sceptical" about the prospects for a successful meeting, describing it as a "crumb to throw to nationalists". He took offence at these remarks, and emphasised that the meeting had been requested by the Irish Government because there was serious business to conduct. He did not need photo-calls. Negative briefing of this kind was inimical to what the two Governments were attempting to achieve together.

The situation in relation to the political talks in Northern Ireland was now extremely difficult, as indeed was the wider overall position. The two Governments shared the responsibility of putting the events of Drumcree 1996 behind them and seeking to redress these difficulties. In order to do so, it was necessary for there to be an understanding of the extraordinary damage that had been done in what might in the future come to be seen as a defining moment in the history of Northern Ireland. Confidence that had been build up over years of hard work had been severely damaged. The policy of accommodation and mutual respect had been overturned in a return to older tactics of tribal domination and winners and losers. In his four years as Minister for Foreign Affairs, he had never received such a strong reaction both at home and abroad.

There had been a conflict between the Orange Order and the State, and the Orange Order had won the day. The Garvaghy Road residents, who had shown a real willingness to compromise in 1995 only to be subjected to a display of triumphalism by David Trimble, had been subjected to a humiliation that had repercussions way beyond that small community. There was no point in attributing blame at this stage, as the events spoke for themselves. He believed that reasonable Unionists who were aware of the efforts that had been made by the two Governments to build up positive relationships were infuriated by what had happened. The events of the previous weeks had undermined those who were struggling to bring about peaceful change in Northern Ireland. The Orange Order had asserted their dominance over the nationalist community. The real fear now was there would be a new spiral of violence and that a new generation of "hotheads" would remain unresponsive to the efforts of their leadership to coax them into the political process. The entire episode had accentuated all the difficulties that had existed prior to the 9th of July.

The Secretary of State, in response, said that as far as the remarks quoted from the Daily Telegraph were concerned, that newspaper was known to be against the 1985 Agreement and was also known to be working to its own agenda in terms of the domestic British political scene. He did not take responsibility for any negative briefing and doubted the veracity of the attribution to NIO sources. He regarded this

meeting of the IGC as important, and emphasised the loyalty of the British Government to the 1985 Agreement.

The Secretary of State added that the British side shared our assessment of the damage caused by the events at Drumcree, but did not share our assessment of who was to blame. It was disingenuous for the Tánaiste to say that the Irish Government did not wish to apportion blame, as this was exactly what they had already done. The Taoiseach had accused the British Government of yielding to Orange mobs. The reason for this meeting was to allow the Chief Constable the opportunity to explain how he made his operational decisions, which he had made independently of any Government direction, as was obligatory under British constitutional arrangements. As Secretary of State, he had supported these decisions and had believed them to be right.

The British Government, he repeated, acknowledged that what Mr Ó hUiginn referred to as a "seismic shock" had convulsed Northern Ireland. Moreover, he did not see this as being limited to the nationalist community. The IGC presented an opportunity to put all this behind the two Governments and to avert the need for public diplomacy. He agreed that it was now necessary to proceed urgently with the talks process. There was a danger that young people in Northern Ireland would become radicalised as a result of what had happened. A real cause for dismay had been the prominence of "established substantial people" on the front lines the previous week. It was now extremely urgent that the talks be brought beyond the stage of procedural wrangling into substantive negotiations.

The Tánaiste said that it was not possible to avoid the political dimension to this issue. While on the one hand certain operational decisions had been taken, the British Government had to consider the implications for the collective organs of the State of what had occurred. The Secretary of State had the power to prohibit the march under the Public Order (Northern Ireland) Act 1987. The Irish Government had deliberately adopted a low key approach to these issues in order not to create

difficulties. We had noted at the same time suggestions in the press between 6 and 11 July that the British Government did not approve of the Chief Constable's decision.

The Tánaiste added that, at the operational level, there had been an astonishing failure to anticipate the disorder which occurred after the initial police decision taken on 6 July. It was surprising that there had seemed to be little will to deal with disturbances as they developed on the ground.

The Secretary of State said that the legislation provided for the Chief Constable to take the likelihood of violence into account when re-routing a parade. It was wrong to say that the RUC actions had bowed to the theory that "might is right". The RUC had responded to overwhelming force. There had been no criticism from the Irish side when the initial decision was taken on 6 July, despite the fact that it too had taken the likelihood of violence into account. There had been an unprecedented campaign to stretch the resources of the security forces during the period of 6-11 July, and the consequences of a large congregation of Orangemen attacking police lines on the 11/12 July would have been loss of life, possibly on a large scale, in both the ranks of the Orangemen and on the Garvaghy Estate. He believed that the proper balance had been struck and he repudiated unhelpful suggestions that there had been political interference in the decision, or that the RUC had yielded to mob rule. The Chief Constable would personally explain the basis on which his decisions were taken.

The Tánaiste said he was looking forward to hearing the Chief Constable's account of what had happened. He did not feel that the British side fully appreciated the depth of feeling amongst nationalists both North and South as a result of the events of Drumcree. It was widely believed that had the widespread public disorder and violence been instigated from the Catholic side, the initial decision would not have been changed.

The Secretary of State suggested that allegations of partiality to one community should be put to the Chief Constable.

The Tánaiste said that the Irish Government had spent years trying to improve nationalist confidence in the RUC. The little progress that had been made had now been completely washed away.

The Secretary of State responded that the Irish decision to address the issue "through megaphones" had not helped in this regard.

The Minister for Justice responded that television pictures had put the police actions at Garvaghy Road into the public domain. The Taoiseach (in his comments on BBC TV) was expressing the anger and fear of nationalists. There were times when political leaders had to make public statements. If there was a lack of understanding on the part of the British of the depth of reaction to Drumcree, then there were indeed serious problems in the relationship between the two Governments. The Irish side had received concrete indications that the Taoiseach's remarks had helped to keep the lid on a volatile situation.

The Secretary of State replied that he shared the dismay of the Irish side that the RUC had had to change its decision. The change had happened in the interests of law and order, and was, in his opinion, the right decision to take in those circumstances. He could not see where the Chief Constable could be accused of having made a mistake. Had he neglected to consider fully the consequences of the 6 July decision and thus erroneously re-routed the Orange march? Should he have ignored the advice of the GOCC on 11 July that sticking with his initial decision would have entailed a massive loss of life? However regrettable it might be, the strength of feeling on certain issues was occasionally overwhelming. He referred in this regard to the burning of the British Embassy in 1972 when the Gardaí were unable to cope with the ferocity of the attack. This was not intended to be a criticism of the Gardaí, but an example of how, occasionally, short-term outbursts can be difficult to contain. Those who were in positions of responsibility had to be treated fairly.

The Minister for Justice said that it was necessary to understand that the perception remained that the RUC were prepared to yield to the Orange side but not to the

nationalists. Few people believed that under the current Public Order Act decisions such as those taken at Drumcree were only discussed at operational level.

The Secretary of State acknowledged that he had been kept informed of the situation, but insisted that the operational integrity of the Chief Constable was maintained at all times.

Ó hUiginn asked why British leaders had not conducted a television broadcast or interview condemning the lawlessness being led by Messrs Trimble, Smyth etc. Ordinary people had been appalled at what had occurred.

The Secretary of State replied that on 10 July he had referred to the "abominable violence" on the Today programme. He had consistently condemned the violence and implored people to obey the police.

The Tánaiste said that the Irish and British Governments had always worked on the basis of consultation. There had, however, been no sense of partnership during the preceding period. The Taoiseach's TV comments had reflected the true feelings of people throughout Ireland. He referred to the anger expressed by Cardinal Cathal Daly, whom he had never seen so upset, at the decision to force the parade through while negotiations with the Church leaders were still taking place.

It was now imperative that the partnership between the Government's be restored and that the difficult task of re-asserting the primacy of politics be embarked upon. It would be difficult to convince people that there was true equality before the law.

The Secretary of State agreed that it was important for the two Governments to put the relationship between them back on track. There was a perception abroad that the security forces were softer on Protestant violence. He would again refer us to the Chief Constable, who would indicate the unprecedented level of petrol bombing sustained by the police from nationalists, which accounted for the strong RUC

response.

The Secretary of State went on to acknowledge that 6-11 July had been the blackest period of his four years in Northern Ireland. It was for the Governments to make common cause in supporting the rule of law and supporting the security forces in their struggle against terrorist violence, something which, he said, had been "lost sight of" in the past year. There remained the positive factor that the Loyalist ceasefire had not yet been broken, something which the British would endeavour to ensure remained the case.

In relation to the negotiations conducted by the Church leaders, he added that there had been an unprecedented amount of negotiation since January 1996. The Chief Constable had held two meetings with Cardinal Daly. The Chief Constable had made it clear that he needed a definite outcome from the negotiations being conducted by the Church leaders, and a flexible deadline had been extended from 0700 hrs on the morning of 11 June to 1030. The Orange Order and the Garvaghy Road residents had not at any stage met face to face during these negotiations.

The Minister for Justice recalled that at recent IGCs the British side had frequently reported an improvement in the relationships between nationalists and the RUC. These relationships had now suffered a very serious setback. The very basis of law and order in any society depended upon a certain respect for the police force.

Her second concern was that the cataclysmic deterioration in the relationship between the nationalist community and the RUC would affect the younger generation in particular, who were in danger of being dragged into the cycle of violence.

The Secretary of State accepted this point. A real effort was being made to increase the numbers of Catholics in the RUC. The RUC had been subject to intense antipathy from the Unionist community as well. He had personally witnessed the blitz-like conditions in Belfast. Ronnie Flanagan had informed him that the breakdown in law and order had been so widespread, and the police so stretched, that they had to limit

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their authority to that of warning members of the public of difficulties and dangers.

The Chief Constable had spoken of the vicious threats made to police officers and their families. The police force had been the unfortunate pig in the middle. He believed it was important that both sides had this opportunity to express their concerns. The British for their part accepted the enormity of what had occurred and the deep damage that had been caused. They accepted that no-one could pretend that Drumcree 1996 had changed nothing, or that the Governments were in the position they had been in before 6 July.

The Secretary of State then asked for a report on the meeting between Irish officials and Sinn Féin.

Ó hUiginn said that 90% of the discussion with Sinn Féin had been taken up with a discussion of the problems of the previous week with Dodie McGuinness and Francie Molloy. They had expressed mystification at the tolerance the RUC had extended to roadblocks erected by supporters of the Orangemen. The number of plastic bullets fired had increased by a factor of ten when trouble erupted in nationalist areas after 11 July. They had also queried the decision to allow a critical mass of protestors build up in Drumcree, the tolerance afforded to the many illegal processions that took place and to the presence of a mechanical digger which had been allowed to approach police lines.

Sinn Féin had reproached the Irish Government for affording a meeting to David Trimble, while refusing to meet them. They had claimed that Trimble had been responsible for reintroducing the sectarian virus into the parades issue to the extent that marches which had not been controversial before would now become so.

There had been a discussion of the proposed Apprentice Boys march in Derry on 12 August. It was agreed that given the importance of Derry as a Mecca for the Apprentice Boys, a low-key approach to the problem with the aim of achieving

compromise at local level was the best approach. It would be a mistake to use Derry as a vehicle for achieving overall compromise on the parades issue.

Ó hUiginn added that the Irish side had argued that a ceasefire would be more helpful than ever at this stage.

Dalton said that Pat Doherty had informed them that efforts were still being made to reinstate the ceasefire. The crux of the problem lay in the lack of credibility afforded to the multi-party talks currently underway. There was no real prospect of a ceasefire unless and until the decommissioning issue was addressed. Sinn Féin had asked for another meeting, which would be granted.

The Sinn Féin delegation had emphasised that the Taoiseach's remarks had been important in keeping control over the situation post-Drumcree. They appeared to be amenable to a reasonable compromise for 12 August in Derry. They feared a total loss of their control in the community should there be a repeat of the events at Portadown.

The Secretary of State said he had spoken to John Hume on the subject of the Apprentice Boys' March the previous evening, and that Hume was hopeful of a local settlement, with all sides eager to avoid at all costs a repeat of the previous week. The British side were in contact with both the Apprentice Boys and the Unionists on the topic.

Ancram said that he had met Paisley, who had expressed the hope that the relationship he had built up with John Hume would assist the resolution of the problem.

Wheeler added his voice to those emphasising the need for an accommodation in Derry on 10 August. The problem in the Garvaghy Road had been that there had been too many people on both sides determined to say no to any accommodation.

The Taoiseach said that Derry was the next flashpoint. It was potentially a very serious situation. He was encouraged by Hume's optimism and by a willingness by Sinn Féin to compromise. The Taoiseach had met with representatives of the Garvaghy and Ormeau residents the previous day. It was clear that they were ordinary decent people and that it was inaccurate to say that such groups were infiltrated by paramilitaries.

2. Confidence issues

The Secretary of State welcomed the Chief Constable, who joined the Plenary at this stage. He invited him to give a complete account of the events of the previous week in Drumcree.

The Chief Constable distributed a map of the Portadown area, indicating the proposed route of the Orange Parade on its return from the annual church service at Drumcree parish church. He began by recalling the events of 1995 when a stand-off had also occurred. There had been an accommodation which was subsequently disowned. The 'compromise' parade was followed by a display of triumphalism in the centre of Portadown, which had subsequently become a burning issue for Mr MacCionnaith and the Garvaghy Road residents.

In the period since the summer of 1995, the police and the churches had tried to come to an accommodation with both sides.

At a meeting with the residents on 25 January 1996, the residents had expressed their determination not to allow any march down the Garvaghy Road. They were deeply incensed that all their approaches to the Orange Order had been rebutted. The Order had cited MacCionnath's previous terrorist conviction for their refusal to engage in

dialogue. Attempts had taken place all through 1996 to enable an agreement to be reached, including a meeting between the Chief Constable, Ronnie Flanagan and the Reverend Martin Smyth on 7 July and a subsequent meeting between Smyth and Flanagan.

Notification had been received by the police for two marches, one by the Orangemen and the other (in the opposite direction) by nationalist protestors. A potential compromise that the Order turn right, having traversed one third of the contested route, was also rejected.

The decision to re-route the Orange march on 6 July was taken on the basis that serious public disorder was likely if the Orange Parade planned for that day went ahead. The residents had arranged for an Irish cultural festival to take place with dancing, stalls and guests from outside the area. The Chief Constable added that this decision was taken partly on the basis that he could not accept the consequences that images of women and children being removed from the road would have in other Republican areas.

A lawful notice was thus served that neither parade go ahead on the Garvaghy Road. He was adamant that the Orangemen, Unionist politicians and the public should have complied with the police order. He remained convinced that his decision had been morally correct and emphasised that it had been taken without "nods, winks or innuendo" from the Secretary of State. He had informed the Secretary of State that there were potential problems regardless of the decision he took. He had anticipated that there would be protests and a stand-off at Drumcree. He admitted that he had not anticipated "anything remotely like what actually occurred".

In the context of the serious public disorder that followed, the police had been forced to identify priority areas. These had been:

- (i) to protect the dangerous nationalist-loyalist interface areas in Belfast
- (ii) to keep major roads open

(iii) to keep access to the ports and airports open.

The situation became very difficult given the large number of marches, roadblocks and assaults with ever-increasing crowds, many of them extremely hostile. At Drumcree, attempts were made to breach the police wire, and Loyalist crowds had appropriated a bulldozer and a JCB. It was believed that they were planning to use a slurry tanker filled with petrol to ignite the police lines. The Chief Constable added in confidence that the paramilitary element were preparing to use grenades against the police. He blamed the paramilitary influence for the failure of all attempts at mediation during '95-'96. Billy Wright's influence in Portadown, and the influence of Sinn Féin on the Ormeau and Garvaghy Roads had led to a position where any compromise was impossible. It had been the paramilitary element on both sides that had made it impossible to deliver a potential deal in Portadown.

The Chief Constable then produced a colour photograph showing David Trimble MP at the front of the Orange lines at Drumcree, facing the police. Billy Wright, a prominent loyalist paramilitary activist from the area, was to be seen to the left of Trimble.

He said that the Church leaders became involved on the evening of 10th July, as it became known that there were plans to direct the second biggest Orange Parade on 12 July to Portadown, and that Orangemen returning from parades all over the North would converge on Drumcree on the day of the 12th. It had been put to him that the police could have sealed off Portadown. He did not consider this to be a viable option, as it would have proved extremely difficult for single patrol cars to prevent coach loads of Orangemen entering the area. The protesters could at any rate easily have abandoned their vehicles and proceeded by foot.

He referred to the fact that the Garvaghy Road Estate was at most 300 yards from the police fence erected to block the parade route. The huge crowd that was to descend on Drumcree, many of them drunk and hostile, could easily have surrounded the police and the nationalist estate.

As the Chief Constable saw it, there were only three options open to him in the scenario depicted above:

1. That an accommodation would be reached between the two sides.
2. That without any accommodation as such, the Garvaghy residents would tolerate the march.
3. That the parade would be forced through the Garvaghy Road.

The Chief Constable added that, as the only senior police officer in the RUC who had been present at the New Year's Eve celebrations in Trafalgar Square some years ago where two people had been killed in a crowd crush, he knew how dangerous crowd surges could be. On 10 July he consulted the General Officer Commanding of the British Army as to how a crowd of that size with bulldozers could be prevented from breaking police lines. The GOC advised him that it would be necessary to use live ammunition, which would have resulted in death or serious injury both in the ranks of the Orangemen and on the Garvaghy Estate. He did not believe this option was acceptable except in self-defence.

In relation to the accusations made against him of disregarding the efforts made by the four Church leaders to broker a deal, the Chief Constable maintained that, if he had received an indication that they were "within a whisker" of an accommodation, he would have allowed more time for their efforts. The Church leaders informed him that their efforts had not borne fruit. He took his decision to force the march through without advance warning on the basis that he did not wish to allow crowds time to congregate on the nationalist side.

He admitted that the management of public order "was not a precise science" and said that it had to be based on a day to day assessment of risk. He did not feel he had any choice in the decision he took, though he was distinctly unhappy about it, and complained in particular about the quality of political leadership shown during the

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"siege". He referred in this regard to comments made by the Rev Martin Smyth, Peter Robinson and John Taylor which he interpreted as incitement to break the law. The simple fact was that if sufficient numbers of people do not consent to the rule of law, normal forces cannot attempt to police them. The blame for what had happened lay squarely with the Orange Order, the Garvaghy Road residents, political leaders and the mobs who took to the streets. The police had taken their original decision on 6 July on the basis of law and not on any assessment of where the greater force lay.

He emphasised the need for an accommodation on the marching issue to avoid a "Drumcree Mark III". It was simply not possible for a Chief Constable to deliver the answer to an issue that was a microcosm of the deep-seated divisions in Northern Ireland. The Orange parade in Rosstown, Co Donegal had not caused any problems because it did not symbolise deeper divisions in that society. The Apprentice Boys' parade on 10 August was a potential disaster. He invited those who had criticised him "with the benefit of hindsight" to explain how it would be possible to solve this next problem.

The Tánaiste said he shared the Chief Constable's unhappiness about events. An accommodation would have to be found in Derry if the parades issue was not to be allowed to destabilise the situation in the North again. For his part, the situation in Northern Ireland over the past week had been as bad as he had ever seen it. It was now necessary to reflect collectively on how a repeat performance could be avoided in Derry. While he was not an expert on operational police matters, it seemed clear that force of numbers was being allowed to resolve disputes. He asked if members of the Orange Order would be prosecuted for their lawbreaking referred to by the Chief Constable.

The Chief Constable replied that at particular times the force of numbers would indeed overcome the security forces, unless it was felt to be acceptable to use lethal force. He referred to the praise heaped upon the Gardai by Neil Blaney TD in the Dáil in 1972 after they had allowed a crowd of 25,000 to burn the British Embassy. This example was not intended to be a cheap point. Rather it underlined, as had protesters

in mainland European countries, that force of numbers could occasionally guarantee that the law was overturned. This logic would probably be applied again by both sides of the argument in Derry on 10 August. He believed that the police had acted impartially on this issue at all times. They had stopped 6 parades from using the Lower Ormeau. Of the thousands of parades held in Northern Ireland every year, only between twelve and fifteen caused trouble. The resentment that surfaced this year had been building up over a long period and was related to wider political issues. If politicians continued to abdicate their responsibilities, the police would find themselves caught in the middle time and time again.

The Minister for Justice proceeded to comment on aspects of the Chief Constable's account.

- (i) Had there not been any possibility of preventing a congregation of people in Portadown? This could have important repercussions for 10 August in Derry, as both sides could decide to assemble large groups of supporters.
- (ii) The Church leaders had not reached the stage where they felt negotiations had collapsed. The Chief Constable had nevertheless decided to force the march through. At what point had he decided to ignore the attempts being made to broker a deal?
- (iii) What was the dividing line under the Public Order legislation between the operational responsibilities of the RUC and the exercise of the powers invested in the Secretary of State to ban marches?
- (iv) What attitude would the police take to the widespread breaches of the law that had taken place ?
- (v) How would the Secretary of State respond to the perception that police batoning had been exclusively reserved for nationalists?

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The Chief Constable refuted the notion that batoning was more heavily used against nationalists and referred to the extensive batoning of loyalists on the Ormeau Road earlier in the year. As far as Garvaghy Road was concerned, the TV image had not shown that there had been an RUC inspector trapped on the ground underneath the man who was being batoned.

He had invited the ICPC to investigate allegations that had been made against the police.

He was adamant that the police would adopt an unambiguous attitude to breaches of the law. 300 people had been arrested and extensive use made of video and helicopter footage. Similar methods were used following the 1995 disturbance had led to the arrests of equal numbers of nationalists and loyalists, some of which were still before the courts.

In relation to the interface between operational and political responsibility under the Public Order Act, the Chief Constable said that he was obliged to go to the Secretary of State if he wanted to ban a parade. There was little point in banning a parade, as the participants were likely to turn up in any event, and it was not practical to arrest and charge 50,000 people. Since the 17th century the law had frequently suffered short term defeats upon the withdraw of the consent of large numbers of people. He had kept the Secretary of State briefed, as common sense dictated, and despite what had happened, he believed he had made the right decisions.

He had spoken to the Church leaders on the night of Wednesday 10 July and the morning of 11 July. The clear message he received at 10.30 am on the morning of 11 July was that their attempts at negotiations had failed.

On the subject of the large crowds that had congregated at Portadown, this had been anticipated by the police. What had not been anticipated was the widespread violence that occurred throughout the North at the same time.

He maintained that the Ormeau Road and Garvaghy Road groups were heavily infiltrated by the IRA. He could not deny that the events of this marching season had caused a serious setback in the relationship between the RUC and the nationalist community. Many Orange lodges were unhappy at the fact that their parades had become contentious as a result of the Garvaghy Road dispute. The bottom line remained that it was beyond the power of the police to oblige the two communities to get on with each other.

The Tánaiste took issue with the suggestion that the Garvaghy Road group were a mere front for the IRA. It was unfortunate that people were labelled as paramilitaries simply because they wanted to stand up for their rights.

The Chief Constable said he accepted that not all members of the groups were IRA, but that the Provisionals had a significant 'influence' in both cases. In the trouble that flared post-Drumcree, significant members of the IRA were seen at troubled interfaces and were recommending resistance. One of the reasons for the sealing off of the Lower Ormeau on the night of 11 July was that Sinn Féin had dropped leaflets around West Belfast calling on protestors to rally at the Lower Ormeau. He was prepared to provide the names of the IRA protagonists on a confidential basis. He did not believe that the residents of the Ormeau Road would be really concerned at an early morning parade passing through their area, but for the fact that they were being 'wound up' by the paramilitaries. Equally, the Loyalist paramilitaries such as Billy Wright were orchestrating trouble on the Orange side.

Ó hUiginn reverted to the change of atmosphere which occurred in Northern Ireland on the Wednesday night, with certain demonstrations called off and both David Trimble and Ian Paisley suggesting that the situation was almost resolved. This seemed to suggest that they were privy to information that a decision to allow the march had been taken. A 10.30a.m. deadline had been established by the NIO for an accommodation to be made. This deadline had been notified to Archbishop Robin Eames but not to Cardinal Daly.

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The Chief Constable said that there had been media speculation in the Belfast Telegraph and Ulster Newsletter that a deal had been brokered. When Eames' secretary informed him that no accommodation had been reached (at 10.30 am on 11 July), he then opted to allow the parade through. He resented any suggestion that the decision was taken before then "as an imputation on me?" He would like to know of any suggestions as to how the situation could have been better dealt with.

The Secretary of State said that he had notified Eames that the deadline was 10.30 am. Ó hUiginn said it was interesting to note the Ministerial involvement in the setting of deadlines. The Chief Constable said that his wish had been to give the Church leaders as much time as they wanted but that they had indicated failure to make progress.

The Minister for Justice asked the Secretary of State what useful function was served by the Public Order Act if its provisions were not fully utilised. When the Chief Constable decided to reverse his decision to re-route the march, had the Secretary of State not got a role in terms of offering guidance on how the Act should operate? The Secretary of State replied that his powers in relation to prohibiting parades were very sparingly used. He had not been advised to consider prohibiting the parade and would not have considered doing so.

The Minister for Justice commented that this seemed to render the Public Order Act futile. The Chief Constable said that the prohibition of marches was counter-productive, in a divided society where over half of the population believe the parade should be allowed. The Public Order Act was widely used and worked well in most cases where conditions relating to insignia, bands, numbers of marchers etc. were imposed and obeyed.

Dalton said that while mob rule could defeat the democratic structures in any society, this had now been made explicit in Northern Ireland. How would the Chief Constable deal with this worrying new situation?

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The **Chief Constable** agreed that this was an unwelcome development. There were major public order difficulties after the Drumcree march. The funeral for Mr McShane in Derry, which had been attended by thousands of mourners, had been sensitively handled by the police. On the broader point, the police could not instil political consensus. He believed the law would win in the end because most people in Northern Ireland supported it. The events of the previous week had been shameful and the police had had to deal with the worst excesses. They need a political lead on these matters.

Dalton asked if there was a serious morale problem in the RUC as a result of the sudden deterioration in their relationship with the communities. The **Chief Constable** said he did not believe this was so. The police were aware that the behaviour of the week before had been uncharacteristic and that the situation would balance out.

The **Tánaiste** said it was now a priority to re-establish confidence in the RUC amongst nationalists. This would be difficult given that a much larger number of PBRs had been used against nationalists. 600 had been used against loyalists while over 5,300 had been used against nationalists.

The **Chief Constable** said that far more PBRs had been used at Drumcree Church than on the Garvaghy Road. He had asked the Inspector of Constabulary to investigate the use of plastic bullets during the week's violence. The worst violence had occurred in parts of West Belfast and Derry. At one stage a chicane was erected, from which petrol bombs were being fired.

Ó hUiginn asked if there would be an enquiry into the injuries sustained by rioters in the upper parts of the body. The **Chief Constable** acknowledged that PBRs were not an accurate method of riot control. He had asked the ICPC to investigate such injuries and possible breaches of the regulations governing the use of plastic bullets.

The **Tánaiste** expressed concern at reports of police batoning people in Altnagevin Hospital. The **Chief Constable** replied that he had yet to receive a report on this

incident.

The Tánaiste said that the Chief Constable had eloquently expressed the need for political direction on the parades issue, which was much more than an operational question. He asked the Secretary of State about the intended review of parades policy.

The Secretary of State outlined the British Government's proposals for a review of parades policy. The British side did not believe that there was merit in establishing an adjudicatory or arbitrary body. The body would comprise three to five members. The Irish side would be invited to suggest names for the body and to give their observations on the proposed terms of reference. Legge pointed out that the review would not focus on individual parades but on the overall policy and machinery for dealing with the issue.

As far as the flashpoint in Derry on 10 August was concerned, the Secretary of State said that the proposed body would not report in time to affect the situation there. The British side were however reasonably hopeful that a local settlement could be achieved there.

The Minister for Justice asked if the large number of parades scheduled for the rest of the season could cause serious trouble. The Chief Constable said he did not believe that there would be any additional problems outside those with which we were familiar.

3. Political Matters (Conclusion)

The Chief Constable and the Garda Commissioner left the meeting at this stage.

The Tánaiste said he had spoken to George Mitchell that day. The Senator was determined to hold a meeting of the parties on the following Monday. This might not

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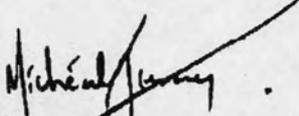
be particularly helpful but the Senator was adamant that he could not go back on his commitment. It would be possible to allow a venting session if we were sure of the ultimate target. The two Governments needed to encourage Hume and Trimble to agree urgently the procedural rules and agenda before the summer recess in order to convince people that the current talks had credibility. The Irish Government would be speaking to Hume in the following 24 hours.

Ancram agreed, adding that the loyalist ceasefire was under severe strain and that there was little room for delay.

Thomas said that the DUP had assured him that the "venting session" would last two hours or so and that they would then "work on to midnight" on the procedural rules.

The Secretary of State concluded by agreeing to expedite the matter as outlined by the Tánaiste, and in an unfortunate slip of the tongue remarked that the British would "do their best to get something constructive from Spring" (!)

The joint communiqué was then agreed.


M Tierney

24 July 1996

To: Second Secretary O hUiginn

Re: IGC Communique

na parades

Given the depth of nationalist feeling in Northern Ireland, particularly the sense of abandonment by the central authorities to the forces of Orange misrule, and the search for some solace from the Government that their views and experiences are understood, you may wish to consider the following points regarding the IGC Communique ;

- while the Communique may wish to declare accord between the Governments on the need for progress on the political front, the Government may also be advised that a note of the discord between them be sounded regarding the events of last week, their impact on the nationalist community and the limited value of the review exercise.
- the Government may wish to record its dismay at the routing of the Drumcree and Lower Ormeau parades and the complete absence of any attempt to impose conditions on the parades once these egregious decisions were taken.
- the Government may wish to record in the Communique the collapse of nationalist confidence in the RUC, the damage inflicted on faith in the rule of law and the lack of nationalist confidence in the announced review.
- the Government may wish to insist that the events of last week strengthens its belief that fundamental reform of the RUC is needed and that the proposals put forward thus far are inadequate.
- the Government may wish to urge the British Government to take steps to ensure that fears about the situation in Derry next month are properly addressed in a manner consistent with parity of esteem.
- the Government may wish to record its belief that the parades issues is now a signal test of the unionist political leadership's willingness to accord parity of esteem to the nationalist community and to call on the British Government to use its influence with mainstream unionism to impress on it the need for an agreed resolution of the issue.



Eamonn McKee
Security Section
18 July 1996

c.s. Mr. O'Flaherty