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AN RÚNAÍOCHT ANGLA-ÉIREANNACH
BÉAL FEIRSTE

ANGLO-IRISH SECRETARIAT
BELFAST

Confidential

9 May 1997

Mr. Sean O hUiginn
Second Secretary
Anglo-Irish Division
Department of Foreign Affairs

Dear Second Secretary

Conversation with the Chief Constable

Ronnie Flanagan, the Chief Constable, called to the Secretariat last night, at our invitation. He met Mr Magner and myself for an informal discussion of forthcoming parades and other issues.

Flanagan gave us a reasonably clear picture of his thinking in relation to Drumcree and other potential flashpoints. He also opened up to some extent on the question of policing reform, on which the new Government's approach is evidently causing him some unease. The candour of our exchanges was assisted by the fact that no member of the British side was present.

On the prospects for this year's marching season, he is mildly encouraged by this week's developments in relation to Dromore and other "straws in the wind" such as the recent Royal Black Preceptory decision on Dunloy. More generally, he sees evidence that Robert Saulters' constructive leadership of the Orange Order is holding up well and that the encroachments of Joel Patton and the Spirit of Drumcree group are being resisted.

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We discussed the Drumcree outlook in detail. As regards dialogue between the Orange Order and the Garvaghy Road residents, the importance of which we strongly emphasised as the enabling condition for any local agreement, the Chief Constable reiterated the familiar Orange objections to dealing with Breandan MacCionnaith. He indicated, on the one hand, some understanding for the aversion to MacCionnaith, whom he firmly believes to be pursuing a Sinn Féin agenda of generating turmoil in the community and confrontation with the RUC. He is convinced that MacCionnaith will not accept any Orange march down the Garvaghy Road in any circumstances (ie, that a formula on the 1995 lines will not work). Last year, MacCionnaith made clear to him that the residents were open to negotiation on allowing the church parade to follow its outward route to Drumcree but were absolutely opposed to a return along the Garvaghy Road.

On the other hand, Flanagan is clear that, by refusing all dialogue with the residents, the Orange Order are "playing directly into Sinn Féin's hands". He has told them that they should be willing to go to the residents, even if their first approach is to suggest to MacCionnaith that, in the interests of agreement, he might step aside. He himself has dealt with MacCionnaith, despite a general predisposition on the RUC's part against contact with Sinn Féin at the present time.

The response of Flanagan's Orange contacts (who include Bingham and Watson) has been that they are precluded from contact with Sinn Féin by an internal directive. They asked Flanagan to intercede with MacCionnaith on their behalf. He has emphasised that it would be tactically much wiser for the Orange Order to make the approaches themselves. As it is, the residents can claim absolute obduracy on the part of the Order and, accordingly, the moral high ground.

On a point of detail, Flanagan disputed, as we knew already, any suggestion that the 1995 formula involved an undertaking on his part that there would be no future parades along the Garvaghy Road. He recapitulated in some detail the sequence of events relating to both the Ormeau Road and Drumcree negotiations in 1995. The net point was that (a) he had assured the Ormeau Road residents that, if the Orange Order were to renege on a commitment given not to conduct Twelfth parades on the Ormeau Road in future, he would have no option but to ban the parade in question; and (b) when this agreement was shown to MacCionnaith by way of illustration for possible agreements on Drumcree, the latter misunderstood (or knowingly misrepresented) his conversation with Flanagan, claiming that an undertaking had

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been given that there would be no parades on the Garvaghy in future without the consent of the residents.

Flanagan flatly contradicts this account. The 1995 formula, as he defined it, involved an agreement on local lodges only, without bands (though this was not explicitly built into it) and with the residents mounting a passive protest in the form of a sit-down on the road followed by silent withdrawal to the pavement as the marchers approached. The Paisley and Trimble triumphalism was a highly regrettable aspect of the 1995 parade but was, strictly speaking, a separate matter - it occurred in Portadown rather than on the Garvaghy Road. Flanagan recognises fully, however, the devastating effect which this had on the confidence of local nationalists and the contribution which it has made to current distrust.

The Chief Constable hoped that a recent proposal regarding the reconstruction and use of an alternative route which the Orange Order used two hundred years ago might have defused the problem. Local Orangemen had discovered this route and hoped that, as it preceded the contested Garvaghy Road, it might have offered a face-saver. Technically, it would have been possible to rebuild the route in question with a tarmac surface. On closer inspection, however, it emerged that the Garvaghy Road featured clearly as part of the route on the earliest maps of the area (c. 1820). This option had, accordingly, "run into the sand".

Flanagan is hoping that the Presbyterian, Methodist and Church of Ireland leaders might agree to issue a statement which would point out that those who wish to march to the Drumcree church are taking part in what is first and foremost a religious event and that the leaders expect them, accordingly, to comply with RUC directives. He hopes that Archbishop Eames may be able to overrule the local Church of Ireland curate, Rev. Pickering, who did not play a particularly helpful role in this regard last year.

We asked the Chief Constable about his contingency planning in the event of no local agreement emerging at Drumcree.

He responded cautiously and obliquely but in terms which indicated that:

- this year the decision will be taken by the Secretary of State, rather than the Chief Constable (albeit on the basis of the latter's advice);

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- unless there is a drastic deterioration in the security situation, the advice will be to repeat the first decision of last year, ie, keep the Orangemen out of the Garvaghy Road;

- this year, unlike last year, the decision will be absolutely adhered to.

The reason for Flanagan's relatively "bullish" approach at this stage is an indication given to him by Robert Saulters recently that, whatever the outcome at Drumcree, the Orange Order will not organise supporting protests across the rest of Northern Ireland this year. He feels that this undertaking, if it is honoured, gives him more room for manoeuvre than last year. He is also making plans to preempt any build-up of large numbers of Orangemen by instituting checkpoints and other measures some time ahead of the parade - and utilising for this purpose police resources which had to be diverted away from Drumcree last year because of the difficulties caused by Loyalist protests at a whole series of inter-communal interfaces.

Flanagan described the first decision last year as "the right one in all its dimensions". At this stage, he was reluctant to commit himself but indicated that, barring a major deterioration in the security situation, this is the advice he would wish to give to the Secretary of State. She has advertised clearly the new Government's commitment to upholding the rule of law and a decision to keep the Orangemen out of Garvaghy Road, while undoubtedly presenting serious risks in terms of public order, would be consistent with this.

He is adamant that, in view of its enormous political sensitivity, a decision on the Drumcree route must be "a Secretary of State decision". He told Sir Hugh Annesley last year on two occasions that the matter should be left to the Secretary of State but Annesley (whom he does not criticise for this) took the view that the RUC would have to shoulder the responsibility. Flanagan will this year proffer advice to the Secretary of State but the decision will be hers. (While supporting this approach, we remarked lightly on the disappearance of the "operational independence" doctrine, represented to us last year by Secretary of State and Chief Constable alike as paramount).

Flanagan emphasised to us at several points his determination to stick to whatever decision was taken at the outset.

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On other parades, he expressed some apprehension about the Apprentice Boys' march scheduled for 18 May in Dunloy. He feared that the DUP would seek to exploit this, in the context of the local elections on 21 May, and that a stand-off at Dunloy could raise temperatures unhelpfully in the run-up to Drumcree. He was relatively sanguine, however, about the prospects for other flashpoints such as the Ormeau Road.

As regards a proposed march by the ORDER group in the Ormeau Road area next Saturday evening, Flanagan made clear that he had no hesitation in refusing this application on the basis of the route proposed and because it was not a traditional parade.

Peter Robinson had been to see him yesterday on the subject. Flanagan commented to him that it was not very prudent for a public representative like Robinson to become involved with a clearly provocative exercise of this kind. Robinson, in response, asked whether there was any "face-saver" which could be given to the group. Flanagan said that, if they were to submit a fresh notice which specified a different route (involving the Grosvenor Bridge and the King's Bridge and keeping the marchers well away from the Lower Ormeau Road), he might take a different view. Robinson went away with this. (Note: As you will have seen, the group have now submitted a fresh notice proposing the alternative route and are publicly expressing confidence that this will be granted).

Finally, we discussed the new Government's intentions in relation to policing reform.

Flanagan, who is generally very impressed by the new Secretary of State, said that he had been somewhat taken aback last Saturday by Dr Mowlam's highlighting of this area in her arrival statement. He was concerned, on the one hand, about the adverse light in which it presented the RUC and, on the other, about the expectations which it might engender regarding fundamental reforms in the RUC as a short-term objective, particularly at a time when it is important to try to stabilise the Unionist community as the marching season approaches.

We remarked that the Labour Government's interest in policing reform had been well flagged while they were in Opposition, that it was entirely understandable in the post-Drumcree context and that, as he knew, the matter was one of crucial importance for nationalists.

Flanagan accepted this but saw policing reform in the fundamental sense as inseparable from

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political negotiations on a comprehensive settlement. He presumed - and, indeed, Dr Mowlam had more or less confirmed this to him - that the Government's main intention would be to move on the Hayes police complaints recommendations, which would of themselves require significant structural reform within the RUC (amalgamation of services and departments). He also presumed that efforts would be made to enhance community policing, with which he strongly agreed. As for the managerial changes set out in the draft Policing Bill, he would like to see these implemented sooner rather than later, for internal budgetary and administrative reasons, but recognised that these would have nil impact and relevance in terms of confidence-building on the nationalist side.

As regards possible symbolic changes (name, insignia and uniform of the RUC, flying of flags etc), the Chief Constable indicated that he was "not enthusiastic" about these. His impression from the recent PANI exercise was that nationalists did not attach undue importance to such matters. He also recalled the new Secretary of State indicating at one point that this was not the direction in which she was primarily looking in terms of policing reform.

On the deeper issues of wide-ranging structural reform, he felt that his own Fundamental Review had mapped out possible routes but that, as he had indicated to Dr Mowlam when he saw her this week, very little of this could, in his view, be attempted in the current uncertain circumstances.

Yours sincerely

David Donoghue
Joint Secretary

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