

An Chartlann Náisiúnta
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Meeting on Parades
28 April 1997

1. John Steele and Nick Perry came to the Secretariat on 28 April for a meeting on the forthcoming marching season. John Fisher and Ruth Osborne from the British side of the Secretariat were also present.

2. Present on the Irish side were David Donoghue, Kieran Dowling, Frank Boughton, Eamonn McKee, Ciara O'Brien and the undersigned.

Summary

3. - Steele was not optimistic about the prospects for an agreement on Drumcree given the current state of community relations, church burnings and the real possibility of a resumption of full scale violence on both sides;

- He expressed cautious hope, however, that contact might be achieved between the Orange Order and the Garvaghy residents. This could result in a formula similar to that agreed in 1995. He accepted, however, that Paisley and Trimble's triumphalism in 1995 had made the residents more cautious of accepting such an agreement.

- One possibility for overcoming the Orangemen's unwillingness to talk to a group led by MacCionnaith, he suggested, might be for both sides to agree to a Chairman, or Chairmen, who would carry the brunt of the exchanges and diminish the significance of the individual membership on either side.

- While no decisions had yet been taken on the Drumcree parade route, he emphasised that all possible ways of avoiding a repeat of last year were being

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examined by the British Government. Substantial contingency planning was underway, including arrangements to prevent a build-up of Orangemen around Drumcree. The Army would be held in reserve and their use would mark an escalation of the situation. Nothing was being ruled out at this stage, including the possible use of banning powers under the public order legislation, and all options would be presented to the new Secretary of State.

- He did not flatly contradict our suggestion that preemptive action by the security forces in the Garvaghy Road area (on the lines of the intervention in Derry last autumn which secured a portion of the city walls in advance of the Apprentice Boys parade) was one of the options under consideration. We warned that such an approach would have a very negative impact on the nationalist community if implemented on the Garvaghy Road or on the Lower Ormeau Road.

- Steele told us that RUC policy during the summer would be affected by the level of paramilitary violence on both sides. The present lull in IRA activity may well be over and full scale violence on both sides might have resumed. Under such a scenario, paramilitary violence would feed into the parades controversy in a way that had not happened before.

- He hoped that politicians in both jurisdictions would exercise care with their comments. Loyalists were deeply suspicious of the role of the Irish Government in the parades issue (the police were often accused of taking instructions from the Secretariat). We pointed out that our Government had at all times shown tact and sensitivity in its public comments on Drumcree and other parades.

- Steele accepted that a Labour Government would be willing to grant the Parades Commission determining powers. He indicated that preparation of the necessary legislation was at an advanced stage. However, the NIO was

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uneasy about such powers being given to the Commission so close to Drumcree. It would have the effect of placing the Commission's credibility on the line at Drumcree.

- We suggested that while the Commission was not in itself a panacea for the problem of the marching season, it would lack all credibility and relevance if it did not have powers of determination.

Detail

Prospects for agreement at Drumcree and elsewhere

4. Donoghue began by suggesting that the meeting address forthcoming controversial parades, with particular emphasis on Drumcree; the latest position regarding implementation of the North proposals; and recent contacts which the NIO may have had with the Orange Order.

5. Steele said that he was generally pessimistic about the prospects for a peaceful marching season. A destabilising factor was the considerable level of dissatisfaction, uneasiness and intransigence within both communities at present. This had manifested itself in various fashions from open conflict to church burnings. It did not bode well for attempts to reach an acceptable compromise on the parades issue. The situation was very worrying.

6. McKee asked if it was possible that the need to avoid a nightmare scenario might act as an incentive for the Loyal Orders to reach agreements. In reply, Steele pointed to the various strains and tensions within the Orange Order. While Robert Saulters had proven himself to be a man of some considerable courage, he was under pressure. Saulters' colleagues within the Grand Lodge had been "keeping their powder dry", pending the outcome of the Grand Master's conciliatory approach. At the County level of the Orange Order, individuals like Denis Watson (Grand Master of the

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Armagh County Lodge) and Rev. William Bingham (Chaplain to the Lodge) were tirelessly engaged in attempting to defuse the situation in advance of Drumcree. While these attempts had some influence on local lodges, the overriding impression from all strands of Orange opinion was that the Orangemen must be allowed down the Garvaghy Road in July. Nihilistic attitudes tended to prevail on the ground.

7. While it was important to highlight the positive achievements, particularly the recent agreement at Dromore and the fact that the Dunloy compromise had almost held (in the latter's case, the centrist group of members of the local lodge had capitulated in the face of considerable intimidation), Steele pointed to a number of malignant factors that continued to undermine attempts at compromise.

8. First, there was the "Harryville syndrome". The protests at Harryville were proving to be a worrying drain on police resources. Involving largely a "Protestant low-life element", the protests were a symbol of the deterioration of cross-community relations across Northern Ireland. Attempts to resolve the Harryville situation had not been helped by the less than constructive attitude displayed by the DUP. The forthcoming general and local elections were further destabilising factors, given the tendency for positions to harden as polling day drew closer. Few politicians were willing to put their head above the precipice during an election campaign. If one added to the above the very real concerns about the status of the Loyalist ceasefire (made even shakier by the discovery of a 50kg bomb outside Sinn Féin's HQ on the Falls Road that morning), one was left with a very uncertain and worrying situation.

9. Dowling asked if the Orange Order were likely to expel the Spirit of Drumcree Group. In response, Steele pointed to Bingham and Watson's assessment that such action was a "strong possibility". He had suggested to them, however, that keeping the Group within the Order might be a more appropriate way of neutralising its effectiveness. In reply to McKee, he suggested that while exact membership figures were unavailable, the Group enjoyed "a fair amount of support" within the Orange Order. A video of the establishment of the Group at the Ulster Hall last year revealed

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its primitive nature. Its members believed that since the Anglo-Irish Agreement, a process of concession after concession to militant Republicanism had prevailed. Indeed, it was apparent that many within the Group had looked over the precipice last July and had liked what they saw.

10. Steele said that, while there was no evidence of any formal links between the Spirit of Drumcree and the business community (indeed, as Dowling pointed out, the CBI had issued a statement stressing the need to avoid a repeat of last year), Unionist middle-class opinion strongly supported the Orangemen's demand that they be allowed down the Garvaghy Road. While common sense might yet prevail, it was "not a good bet". Steele pointed to what he regarded as the lack of movement on the part of the various residents' groups.

11. McKee pointed out that, in contrast to the Orange Order, the residents' groups had consistently indicated their willingness to enter dialogue. Nationalists believed that their concerns were being ignored by the Loyal Orders. They regarded the parades issue as a paradigm of the place they did or did not hold within Northern Ireland. Residents' groups had displayed the sincerity of their willingness to reach agreement. In Dunloy, despite a visit from two Belfast "emissaries" who had cautioned against reaching agreement, the residents agreed what they believed to be a compromise based on mutual understanding. The failure of the deal to withstand hardline Orange pressure set a bad precedent. Other residents' groups would be more cautious in the wake of the Dunloy experience.

12. While acknowledging that the Dunloy group was free of Republican influence, Steele said that this was not the case elsewhere. Unionists believed that the Republican movement had orchestrated local opposition to parades and were using the residents' groups for their own particular objectives.

13. Donoghue suggested that progress could be made towards a solution at Drumcree if the Orange Order indicated a willingness to talk to the Garvaghy residents. Steele

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replied that Denis Watson's attempts to arrange a meeting with Fr Stack had been unsuccessful. The Orange Order had very real difficulties meeting groups led by Republicans. The NIO were pondering a mechanism for overcoming this problem in Drumcree. One possibility might be for both sides to agree to a Chairman, or Chairmen, who would carry the brunt of the exchanges and diminish the significance of the individual membership on either side. Steele suggested that an approach of this kind could work, building on the Hume precedent in Derry last year. He thought that the Chairman of the Parades Commission, Alastair Graham, could play a role in this regard.

14. Steele stressed that all possible ways of avoiding a repeat of last year were being examined by the British Government. Nothing was being ruled out. It remained to be seen what approach the new Secretary of State would take. He suggested that she/he might decide to take a very "proactive stance". While we could also expect Trimble to become somewhat more proactive after the election, it would be wrong to expect too much from the UUP leader.

15. McKee asked how committed the Orange Order were to allowing a repeat of last year's stand-off at Drumcree in order to secure passage down the Garvaghy Road. Steele said that they were committed to going to Drumcree Church and to returning home via Garvaghy Road. If denied access, they were prepared to face the consequences of another stand-off.

16. In reply to Donoghue, Steele said that while no decisions had yet been taken regarding the parade route, contingency planning for all eventualities was underway. This included plans to prevent a build-up of Orangemen at Drumcree (a task more difficult than it might appear). Developing this line of thought, Donoghue recalled that, at last year's Apprentice Boys parade in Derry, the police had taken preemptive action by sealing off a portion of the city walls several days before the date of the parade. He warned that, while this had been feasible in the context of Derry (as no houses were located along the walls) , there would be very serious consequences

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within the nationalist community if a similar tactic were attempted in the Garvaghy or Lower Ormeau Roads. Steele, who did not exclude this as a possibility, responded that all possibilities were being examined in terms of their security implications.

17. McKee commented that attempts to deal with the Drumcree issue appeared to have been suspended until after the election. Hopefully, a greater degree of political activity and responsibility would be displayed after 1 May. He stressed that the Government's policy had always been to avoid narrowing the parades issue down to one of whether a particular parade took place or not. We did not support approaches which involved segregating disputed parts of Northern Ireland into "nationalist" or "Unionist" areas and which would be tantamount to the "cantonisation" of Northern Ireland. He pointed to the increased flexibility and moderation of the language being used on the nationalist side in relation to parades.

18. In response, Steele referred to the Orangemen's argument that they had been prepared to accept a single parade at Drumcree (as opposed to the seven or eight that had taken place in the past), with restrictions on bands and emblems. Donoghue observed that the Garvaghy residents were less willing to accept a restricted parade in the light of Trimble and Paisley's triumphalist display in 1995. Looking ahead to the arrival of the new Secretary of State, he said that it was important that he/she be presented with all the available options, including her/his right under the public order legislation to ban parades. Steele said that the Secretary of State would be fully briefed on all of the options.

19. Donoghue welcomed the decisions by the RUC to prevent recent parades passing down the Lower Ormeau Road. The decision to seal off the road for last year's 12 July parade (effectively imprisoning people in their homes) had been disastrous and had aroused great anger within the nationalist community. It was important not to play into the IRA's hands with heavy-handed security actions of this kind.

20. Steele said that RUC policy during the summer would be affected by the level of

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paramilitary violence on either side. The present lull in IRA activity may well be over and full scale violence on both sides resumed. Under such a scenario, paramilitary violence would feed into the parades controversy in a way that had not happened before.

21. In response to questioning from McKee, Steele said that paramilitary influence on events on the Ormeau Road last July had, in his view, been largely benign. However, it had been a factor at Drumcree where Billy Wright had been prominent. Despite his imprisonment, Wright's LVF were not leaderless and should be regarded as dangerous.

22. Donoghue asked whether troops would be brought in if needed at Drumcree. Steele said that the Army would be held in reserve. Their use would, of course, mark a significant escalation of the situation.

23. Turning to the Apprentice Boys' parade in Dunloy on 18 May, McKee said that the village residents feared that large numbers of Apprentice Boys would arrive in advance for a stand-off. Steele, pointing to the recent commendable behaviour of the Apprentice Boys, expressed some doubts about expectations of trouble.

24. Noting that the schedule for parades on 12 July varied from year to year, Steele said that it was too early to give a comprehensive assessment of which parades on that day were likely to cause trouble. It was important that politicians in the South and in Britain exercised care in their public comments so as not to inflame the situation. Loyalists were deeply suspicious of the role of the Irish Government in the parades issue (the police were often accused of taking instructions from the Secretariat). Donoghue pointed out that our Government had at all times shown tact and sensitivity in its public comments on Drumcree and other parades.

25. In response to McKee, Steele said that, facing into the summer, RUC morale remained high. However, there were serious doubts over whether or not they had the

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numbers to withstand a prolonged stand-off across Northern Ireland.

Parades Commission

26. Noting recent comments by Tony Blair and Mo Mowlam, Donoghue said that it appeared likely that a Labour Government would give the Parades Commission the determining powers proposed in the North Report. How quickly could the necessary legislation be produced?

27. Steele said that preparation of the legislation by the NIO was at an advanced stage. If the political will was present (including cooperation from the Opposition), and if the Parliamentary time was available, the legislation providing the Commission with determining powers could be enacted quite quickly, but probably not before mid-June. However, the NIO had reservations about such powers being given to the Commission so close to Drumcree. It could be very problematic if the effectiveness and credibility of a Commission with these powers were to be tested almost immediately at Drumcree. In reply, Donoghue argued that, without determining powers, the Commission would be seen as lacking all credibility and as irrelevant. Steele pointed out that it remained to be seen what view the new Secretary of State would take in this regard.

28. In response to Donoghue, Steele confirmed that the Parades Commission had been engaged in an extensive round of meetings with relevant parties. Informal discussions had taken place with the Orange Order and attempts to arrange a formal meeting were ongoing. The members of the Commission had "gelled well" together and Alastair Graham was proving to be an impressive Chairman.

29. McKee noted the importance of the relationship between the Commission and the RUC. If the new Secretary of State decided against giving the former determining powers, would Graham and his team have any way of influencing RUC decisions? It would be useful if they could advise the Chief Constable on the effects of RUC

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decisions such as, for example, the manner in which last year's 12 July parade on the Lower Ormeau Road had been handled. Steele said the Chief Constable was open to working closely with the Commission. He hinted that in the absence of legislation, a formal advisory role for this year might be considered.

Other issues

30. McKee asked how much progress had been made in terms of regulating the use of plastic bullets. There had been considerable concern at the firing of over six thousand plastic bullets at nationalists in the aftermath of the decision to allow the Orangemen down the Garvaghy Road.

31. In reply, Steele said the proposals contained in HMG Inspectorate's Report had been accepted in full by the police. The report had recommended that the guidelines for the use of plastic bullets be brought in line with the ACPO guidelines elsewhere in the UK. These guidelines were currently being reviewed. However, PBRs remained necessary to control crowds in certain circumstances. Water hoses were ineffective. Dowling stressed that plastic bullets should only be used in extreme circumstances.

32. Steele provided an account of an incident on 26 April in which a 13-year-old boy had been injured by a plastic bullet (secure fax 413 refers).

33. Steele said that the Chief Constable was examining a range of options aimed at ending the protests at Harryville. He (Flanagan) was very concerned at the serious drain on police resources which the protests were proving to be.

34 Regarding the cases of Wright and Fisher, Steele emphasised that the decision to refer these cases to the LSRB in October did not imply that they would be released. The difference between their cases and those of the Casement Three was that the latter had been given fixed terms. McKee noted that these fine distinctions were often lost on the population at large. The decision to refer the cases of Wright and Fisher on

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the grounds of the "exceptional circumstances" that pertained, and the failure to recognise the exceptional circumstances in the Casement Three's cases, further undermined nationalist confidence in the judicial system.

35. Steele provided an account of the decision to transfer Billy Wright to the Maze (secure fax 411 refers).

JH

Joe Hackett

29 April 1997

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