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6 July 1997 No of pages including this one: 5

To: HQ From: Belfast
For: Second Secretary O hUiginn From: Joint Secretary

Subj: Response to Drumcree decision

1. Further to your instructions, I have made representations in the strongest terms to my British colleague arising from the decision to force the Orange parade down the Garvaghy Road.

2. The following are the main points which I made this morning:

- The Irish Government recognised that there was a dilemma for the British Government. But this decision, and the manner of its implementation to date, was the worst possible way of resolving it.

- The Taoiseach and the Minister had already made clear their view that there should be no forced parade down the Garvaghy Road. If this could not be achieved, or if the "McCartney approach" could not be sold to the Portadown Orangemen, why could a re-routing option not have been resorted to? Why did the various other compromise ideas (ritualised protests etc.) also not find favour? If a parade had to be granted, why could it not be made subject to conditions such as greatly reduced numbers? Why, in other words, was the original Orange application granted without the slightest concession to the opposing viewpoint?

- In addition to the decision being the wrong one, the manner of its implementation from last night onwards had added enormously to the difficulties created. Compounding the offence caused by the Secretary of State's inability to honour the promise she had made to the residents (to

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convey the decision personally and in advance), the massive security operation in the middle of last night was the worst possible means of breaking the news to the residents. It added trauma and shock to the sense of betrayal at the hands of the Secretary of State and the Chief Constable.

- Despite the emphasis laid by our Ministers earlier this week on the importance of sensitive police handling, the brutality meted out by the RUC to unarmed protesters was totally disproportionate and had made an already difficult situation considerably worse. The zeal of the RUC, which we had hoped would be curbed on this occasion, showed every sign of emulating last year's appalling scenes. Instructions must be given to them as a matter of urgency to exercise restraint in dealing with the protests which were likely on the Garvaghy Road stretch of the parade.

- In this context, I drew attention to reports the Minister had received from a Derry contact about serious fears that there would be a repetition of last summer's reprehensible police activities there, which included assaulting people who were not involved in any protest but were going about their ordinary business peacefully

- The decision amounted to a massive capitulation in the face of Orange and Loyalist intimidation. This year, however, this was occurring in response not to actual violence and mayhem but merely to the threat of it. Combined with the manner in which the decison was being implemented, the net position was distinctly worse than last year.

- It would appear from the Chief Constable's remarks that, because of a Loyalist paramilitary threat, the Orange Order were to have their way. What message did that impart about law and order and the defence of democratic principles in Northern Ireland? Once again, with depressing familiarity, the "might is right" precept was being confirmed and a mockery was being made of the rule of law.

- It was extraordinary that the Chief Constable should seek to defend what was palpably a surrender to Loyalist paramilitaries. In addition, the decision would be greatly welcomed by those on the Republican paramilitary side

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anxious for a pretext to continue their campaign of violence.

- Nationalists would inevitably conclude that security advice - translated as: "Give the Orangemen, and the Loyalist paramilitaries, what they want" - had prevailed over principle, for the second year in succession. Short-term considerations of the most questionable kind had prevailed over longer-term credibility for the police, law and order and democracy generally.

- The very people who had refused dialogue were now being rewarded. How was this to be reconciled with the emphasis laid by the British Government throughout on the need for dialogue to solve this problem?

- Large sections of the Unionist community, as evidenced in yesterday's Newsletter editorial and otherwise, had been calling on the Orange Order not to parade down the Garvaghy Road. Yet this majority sentiment in the Unionist community was being ignored and the most recalcitrant element was being listened to. This was a doubly regrettable message both from a security standpoint and in the political talks context.

- Even last year, the then British Government had recognised that the Garvaghy Road was no place for an Orange march. We had not expected that their disastrous mistake would be repeated by the new British Government.

- The decision would cause destabilisation and polarisation elsewhere in Northern Ireland. Previously uncontentious parades would probably encounter nationalist resistance as anger and disappointment spilled over from Drumcree. Had these wider implications been taken into account?

- The RUC's view that a parade down the Garvaghy Road would be the lesser "evil" in that it would bring about less violence in Northern Ireland was very much open to question. The fact that a supposedly agonised reflection on the matter had produced the same conclusion two years in succession would deepen nationalist suspicions about the basic orientation of the RUC.

- The decision would have extremely serious repercussions for the peace process, the prospects of an renewed IRA ceasefire and the political talks. In

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this context, I pressed for early and imaginative thinking on the British Government's part in relation to measures which might mitigate some of the damage done in terms of confidence lost on the nationalist and Republican side. I made particular reference to the value of action on the key prison issues (such as improved visiting arrangements). I noted, by way of analogy, the media speculation (which seemed to be officially inspired) about measures which the Secretary of State might have taken to assuage Unionist feelings had the decision been to ban the parade.

- As regards the Secretary of State's emphasis on the potential of the Parades Commission, I suggested that this would have virtually no resonance with nationalists. Even if the powers recommended by North were to be legislated for, the Chief Constable and the Secretary of State would still be free to overrule judgements made by the Commission. This consideration would be uppermost in people's minds following today's decision.

3. In response to these points, Bell said that he would relay all of them to the Secretary of State, with particular emphasis on the need for balancing confidence-building measures. He said that the various concerns which I had outlined had been considered "backwards and forwards" over the past few days but that the decision had ultimately been that the parade would have to be allowed for overall public safety considerations in Northern Ireland.

4. As regards the re-routing options, the Chief Constable had wished above all to avoid a protracted stand-off around Drumcree, as had happened last year. His contacts with the Orange Order suggested to him that a re-routing would be as likely to produce this result as an outright ban.

5. Bell emphasised that this had not been an easy decision for either the Chief Constable or the Secretary of State. It may not even have been a good one. But it was the one which seemed to them to be least likely to cause spill-over violence across the North. The Chief Constable also believed the Loyalist paramilitary threat against Catholics to be a very real one and his decision, however painful, to be defensible in the nationalist community on those grounds.

6. In response, I observed that the purported reason for mounting the security cordons

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around the area yesterday was, inter alia, to protect the nationalist community from Loyalist paramilitary incursions. While this was indeed a very serious dimension. (and was one to which the staff of the Secretariat were, as he knew, particularly exposed and sensitive), it could not be seen to dictate decisions by the Chief Constable which would have far-reaching implications for the future of Northern Ireland. The Chief Constable's judgement had been a profound miscalculation because of the whirlwind which would potentially be reaped in terms of a collapse of respect for the rule of law and a perceived accretion in influence for paramilitaries on either side of the divide. This was the lesson which we thought the RUC and the British Government would have learned from Drumcree last year. It was tragic that they were falling into the very same trap again this year.

7. We forwarded earlier to you the texts of:

- the Chief Constable's remarks;
- the Secretary of State's statement;
- a Q&A paper prepared for her; and
- the conditions imposed by the Chief Constable on the parade.

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