



# An Chartlann Náisiúnta National Archives

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## Parades

### General

1. The Secretary of State faces the unenviable job of tackling the crude litmus test of the Garvaghy Road - a forced Orange march, as it were, which might ignite nationalist rioting or a forced rerouting which might ignite loyalists insurgency. The outcome of the attempt by the Portadown Orange Lodge to march on the Garvaghy Road will be the defining fact of the marching season. She stated in an interview with the *Sunday Times* on 27 April 1997 that upholding the rule of law as paramount. She also indicated that there may be insufficient time to introduce the necessary legislation to give the Parades Commission the powers of determination.
2. The Secretary of State will likely be advised by the NIO that the security forces are ready to implement any decision but that all avenues for dialogue should be explored over the coming weeks. Even if unsuccessful, this dialogue might provide the outline for "an enforced compromise" akin to that which defused the situation in Derry last August. She will also probably be advised that it is premature to grant determining powers to the Parades Commission at this late stage, though the Commission retains a potentially valuable role as untarnished interlocutor.

### Background

3. **Drumcree 1996** has had two lasting ramifications within the nationalist community. The first was the profound damage done to confidence in the RUC; this has moved the debate within mainstream nationalism on what constitutes an acceptable police force decisively *toward* the Sinn Féin analysis (i.e. that the RUC is not redeemable in its current form and that change must be profound, even if it falls short of disbandment). The second is a distinct "greening" of views such that the distinction between constitutional and republican nationalism is less imperative. As one SDLP commentator put it, the weight of Drumcree on the nationalist psyche is greater than the cumulative weight of IRA acts of violence.
4. **Within unionism**, the prospect of Drumcree Mk. III has precipitated a dilemma between the desire to restate the deficit in unionist confidence by insisting on the right to march and the fear that insisting on marching will inevitably lead to a confrontation with the RUC, another challenge to the rule of law and all the attendant damage to the social, administrative and economic fabric of Northern Ireland society.
5. **Drumcree 1997**, the march by the Portadown Orange Lodge, led by Harold Gracey, is scheduled for 6 July. Some very tentative and delicate mediation efforts are underway, supported by the upper echelons of the Orange Order, particularly in the person of the current Grand Master Robert Saulters, though opposed by Joel Patten and the hardline Spirit of Drumcree Group which is opposed to mediation efforts. This line-up reflects a broader power struggle between those prepared to court disorder in support of an unfettered right to march (or right, as they see it, not to have to negotiate with republican provocateurs) and those who believe that disorder simply aids the republican objective of damaging the unionist cause.



6. Opinions within **resident groups** vary from a belief in their right to resist unwelcome parades (or that their consent must be sought first) to those who wish to see accommodation, preferably through direct dialogue. Dialogue, whether direct or indirect, has provided what progress there has been so far e.g. Derry Apprentice Boys (August 1996, talks under Hume's chairmanship), Dromore (provisional agreement, under threat from Spirit of Drumcree), Dunloy (agreement arising from proximity talks sabotaged by Spirit of Drumcree group at Carnlea and Cloughmills).
7. The members of the **Parades Commission** for Northern Ireland was announced on 26 March last. The Chairman is **Alistair Graham**, who is currently Chief Executive of the Leeds Training and Enterprise Council. He has previously been involved in trade unionism and hospital administration in Britain. He has extensive experience in mediation from his trade union career. His lack of knowledge on Northern Ireland is being presented by the British side as a plus. The other members of the Commission are **Berna McIvor** (Chairperson of the SDLP in Derry and Vice-Chair of the Western Education and Library Board and a close associate of John Hume), **Frank Guckian** (a leading Derry businessman, Chairman of the Western Health and Social Services Board and Chairman of the Planning Appeals Commission), **David Hewitt** (who served from 1993 to 1997 as the Independent Assessor of Military Complaints for Northern Ireland and **Rev. Dr. Roy Magee** (Minister of Dundonald Presbyterian Church who was credited with brokering the Loyalist cease-fire).

#### Key Points

- We agree with your view that the rule of law must be paramount. The lasting effect of Drumcree 1996 has been to undermine nationalist confidence in the rule of law when it is challenged by unionism.
- We believe that dialogue can unlock attitudes and pave the way for compromise. Resident groups have been conspicuous in their demands for talks just as the loyal orders and most leaders within unionism have been conspicuous in their lack of support for it. This failure to engage carries implications for nationalist confidence in unionism's ability to yield political accommodation.
- Robert Saulters has been a notable and courageous exception. We believe he articulates the view of the silent majority within unionism who wish to see neighbourly discussions on contentious parades replace open conflict with either the RUC or nationalist groups. Unionist leaders should be encouraged to follow his lead.
- For our part, we will continue to work with nationalist leaders to find a *modus vivendi* on the parades issue.
- Like you, we have supported the core recommendation of the North Report that the Parades Commission be given powers of determination on contentious parades. The delay in implementing this was, we believe, a mistake and responsibility for it rests with the outgoing administration.
- With such little time left for the Commission to explore the potential for mediation and

arbitration, we understand your concern about the efficacy of giving it that power, with the implication that it may be invoked, before 6 July. We also understand that there is a view that the role of the Commission involves long term investment in education and mediation as well as engaging in arbitration and determination.

- That said, the Commission needs within a reasonable space of time not only to make its presence felt but to demonstrate that it has the requisite power and support of the authorities to do the job envisaged for it.



## Bloody Sunday

### General

8. Our assessment of the new revelations will be completed shortly and be ready to be handed over before the end of May. At this stage, it is possible to say that the assessment will fatally discredit Widgery as effectively a white wash (though probably without using those words), paint a radically different version of events and point to the likelihood that the killings in many if not all instances were unjustified.
9. The Secretary of State will likely be advised to create a fire break by either issuing an apology of some sort (and hoping thereby to win a general absolution on that basis) or by appointing someone to examine the new material and buy some time. Since further material and witnesses will continue to be uncovered (by Channel Four amongst others) and since an apology is not the goal of the relatives, the Secretary of State would be well advised to avoid plumping for the former since it will inevitably fail in its objective.
10. Appointing an eminent examiner with the requisite terms of reference and powers of investigation would represent an admirable start to the process, despite inevitable carping from predictable sources, and give the issue further time to germinate as one demanding real engagement by the new administration. Early foreclosure on this issue will frustrate its potential (and potentially positive) resolution. Time is needed to allow the notion of *perestroika* in British policy in Northern Ireland, particularised in the issue of Bloody Sunday, to take root in the collective conscience of the new establishment. Appointing an examiner would allow for a degree of cooperation with the Government and an input into the evolution of the British response. If the republican movement has the wit to call a cease-fire, it will remove a significant barrier to frank engagement by the British on this (i.e. notions of British Army morale). Any official reexamination or new inquiry will depend for its efficacy on British cooperation. The full potential for British cooperation should be explored before the Government opts to take a unilateral position.

### Background

11. The British Labour Party leadership has been relatively reticent on the issue of Bloody Sunday. Some MPs from the party supported a House of Commons Early Day Motion on 30 January 1997 for a new inquiry into the events of Bloody Sunday. Writing under the aegis of unionist leaning *New Dialogue* group on 30 January and 5 February 1997 Harry Barnes MP called for a new and independent inquiry to examine the outcome of Widgery and to apologise to the relatives of the victims. Jeremy Corbyn M.P. has also called for an independent examination of "*the important and compelling*" new evidence from Don Mullan's book.
12. Dr. Mowlam stopped short of committing a future Labour government to launching a new inquiry. In response to a more forthcoming statement by Eric Illsley M.P., party spokesman on Northern Ireland economic affairs, that Labour might consider calls for a new inquiry into the events of Bloody Sunday, a spokesman for Dr. Mowlam said on 20 January 1997, "Our position has been that, if new information comes to light when we are in government on issues that have long been of concern to both communities, then

they would be given our serious consideration. However, our main aim is not to relive the past but rather to build for the future”.

### Key Points

- Meaningful engagement on this would represent a dramatic confidence building measure which could be undertaken without invoking the political axiom that Northern Ireland is a zero sum game i.e. that nationalist demands can only be conceded at unionist expense.
- It will be recalled that even the hardline *Newsletter* on 3 February called for an apology and said that Bloody Sunday “was about what is acceptable and what is not in a civilised society and the absolute responsibilities of a government towards all of the people, all of the time.”
- Our assessment will be completed shortly and we hope to be in a position to hand it over before the end of the month.
- When you and your officials have had time to consider it, perhaps we might review the situation at that point. While further new material, including witnesses from the British Army, may emerge, it is important that unilateral positions be avoided and that both Government's are *ad idem* on this.
- The issue has the potential to be an important contribution to the peace process. It can raise the debate of the problem of Northern Ireland to a higher ethical level (e.g. that all unlawful killing is unjustified and those responsible will be held accountable in some form; that official cover-ups and unethical behaviour will no longer be tolerated).
- Such an ethical debate, initiated by the British Government, would add considerably to the evolution of republican thinking and confirm in dramatic fashion that the role of the British Government in Northern Ireland has shifted decisively toward neutrality and integrity. It would challenge other parties to the conflict to examine, recognise and accept the consequences of past actions.
- Investigations continue which over time will add further to the controversy and make some accounting by the British Government virtually inevitable.
- Failure to deal meaningfully with this issue sustains the dangerous notion that Northern Ireland will continue to be treated as a special case undeserving of proper government ie. that it is to be managed without regard to the usual norms of probity. If, for example, Bloody Sunday had occurred in Dagenham and not Derry, Widgery would have been neither tolerated (as an exercise in exculpation) nor sustained (in the face of further revelations).