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To: HQ **From: Belfast**
For: Secretary Gallagher **From: Joint Secretary**

Subj: Conversation with the Chief Constable

1. Sir Ronnie Flanagan, the Chief Constable of the RUC, came to lunch in the Secretariat today. In the course of a wide-ranging discussion, Mr O'Donnell, Mr Hickey and I touched on a number of major current concerns with him.

Drumcree

2. Flanagan sees no prospect whatsoever that an agreement will be reached on Drumcree at this stage. He firmly predicts, accordingly, that the Parades Commission will decide against allowing the Orangemen down the Garvaghy Road ("I would be astounded if they did anything else").

3. To police this decision, he will be putting a security force presence into the area several days in advance which will be on roughly the same scale as last year's. (Note: As signalled by the GOC to us last week, and as reported earlier by Mr O'Donnell, troop reinforcements will be flown in from Britain commencing this evening). The Army will deploy the same kind of concrete barriers to prevent Orangemen entering the Garvaghy Road and "we'll also be doing some ploughing this year" (in order to discourage Orange use of the fields adjoining Drumcree church).

4. Flanagan expects that there will be a stand-off very much on the lines of last year's. In overall terms, however, he seemed fairly sanguine about the public order outlook

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over the coming weeks. While there is undoubtedly scope for Portadown-related trouble in other parts of the North, he does not expect a large influx of Orangemen from elsewhere to support the Portadown brethren. He evinced broad confidence that the situation would be manageable in security terms and he was not as apprehensive as we have found him to be around this time in previous years. Paramilitary leaderships on both sides, he believes, have put out word to their people this year to "cool things".

5. As for the "Long March", Flanagan has been assured by the organisers that this event will be peaceful and disciplined at every stage. He will be keeping a careful eye on the feeder parades to ensure that these do not form up in sensitive areas and that the participants disperse after they have linked up with the main march. He will also be requiring strict compliance with the rules governing advance notice for feeder parades.

Finucane

6. Flanagan told us in strict confidence that there is likely to be an arrest in connection with the Finucane murder later this week. Stevens wishes to interview an individual associated with the weapon used for the murder and it has been arranged that the RUC will arrest him and hand him over to Stevens for this purpose. (It seems, incidentally, that Stevens raised with Flanagan the issue of whether he himself might have powers of arrest and that Flanagan discouraged such thinking, citing legal advice which warned against giving the suspect any grounds for a legal challenge to his arrest).

7. This individual has been interviewed in the past, but only about his own suspected role in the murder. He has also served a prison sentence for a related offence. The intention on this occasion would be to interrogate him about other people connected with the murder. Stevens hopes that he would provide a basis for the arrest of a number of other individuals and that a case could be built up incrementally against those suspected of carrying out the actual murder.

8. Flanagan suggested that Stevens should be in a position to furnish his report around September. It would come to Flanagan in the first instance but, he assured us,

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would be referred immediately to the DPP. As the RUC and the Stevens team are in ongoing contact with the DPP about the case, the DPP is unlikely to delay for long in considering the question of charges arising from the report. Flanagan speculated that there would be a period of roughly nine months between the laying of charges and the individuals concerned being brought to trial. All told, therefore, it should take slightly over a year from now to complete all the legal consequences flowing from the Stevens report.

9. He made clear once again that he would prefer to see the Secretary of State defer any decision on a public inquiry until after this process has been completed. He emphasised that he has no problems with an inquiry as such. However, running this in parallel with the criminal investigation would present significant legal problems and he believes that priority must be given to the criminal process.

10. We reiterated our Government's view about the compelling need for a public inquiry, which has been conveyed to the British Government at the highest levels. Flanagan, who was aware that work is underway in the British system on the legal problems identified, showed some mild sympathy for the Secretary of State's political predicament on this issue but continued to insist that he did not see how the problems could be overcome.

Panorama programme

11. The controversy relating to charges made on tonight's Panorama programme about security force collusion with Loyalist paramilitaries was clearly on Flanagan's mind.

12. He denied flatly having made the comment attributed to him by Param Cumaraswamy (to the effect that some lawyers here were "working for the paramilitaries"). He had some colleagues with him at the meeting concerned, which took place in October 1997, and their notes contain no such reference. Flanagan does not believe that any lawyers here would work for paramilitary groups and he would never have made a remark of that kind. As Cumaraswamy's assistant did not seem to be taking detailed notes, it is possible that there was a simple misunderstanding of something else he said.

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13. In February 1998, the NIO gave him a draft of Cumaraswamy's report. He spotted this reference and asked that it be deleted. Contrary to the claim made by Cumaraswamy, he made no phone-call to the latter's office but the UK Ambassador to the UN in Geneva took the matter up on his behalf.

14. As for a suggestion in today's Irish Times that he was aware of allegations about RUC collusion in the Finucane case as long ago as the middle of last year, he declared himself mystified. He could not remember having received anything from the BIRW before spring of this year and indicated that a trawl of relevant correspondence by his staff today failed to throw any light on this.

15. Flanagan was edgy about the interview he did for tonight's programme with John Ware, clearly not considering it one of his best. He put this down to strained relations with the programme producers over the following incident. The makers of the programme fitted out a vehicle for a "reconstruction" scene with a licence plate which had a reserved security force number. When this vehicle broke down in traffic, the RUC checked it and immediately sounded the alarm, with resulting cordons and general chaos. Flanagan was irritated by this and the interview took place against this background.

Port inquiry

16. We brought up our request for a meeting with Colin Port, referring to the Taoiseach's recent letter to the Prime Minister and the significant political pressures arising from the Nelson murder. As you know, the NIO had no difficulty with this request but there seemed to be resistance within the RUC, to whom the matter was referred.

17. Flanagan indicated two main concerns. First, he was afraid that a meeting of this kind might be presented afterwards by our Government in a way which could be construed as criticism of him. Second, assuming news of it got out, it would revive Unionist claims about Irish Government interference in security matters via the Anglo-Irish Secretariat and RUC acquiescence in this. He was anxious that any meeting should take place under RUC auspices (e.g. at RUC HQ and with himself in attendance).

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18. We explained to Flanagan that our main purpose would be to establish whether the Port investigation was being run on a basis capable of attracting nationalist confidence and Irish Government support. Meeting Port at RUC HQ and with the Chief Constable present would hardly be conducive to satisfying ourselves about his independence of the RUC.

19. In the course of discussion, however, we agreed that it might be possible for Flanagan to introduce Port briefly to us at a neutral venue and then allow us to have a private meeting with Port. Flanagan said he would discuss this idea with Port and come back to us by Wednesday of this week. We, in turn, said that we would float it with our own authorities.

Omagh

20. Confirming that yesterday's arrests were closely coordinated between the RUC and the Garda Siochana, Flanagan told us that they reflected an agreed approach of "starting from the outside and working in". While the individuals in question are not major suspects, a number of them are of interest because mobile phone conversations which they had on the day appear to link them to the bombing.

21. We brought up a suggestion by Ed Moloney in yesterday's Sunday Tribune (which, we understand, may have been inspired by a Trimble complaint) that no use has been made so far of the new legislation which was passed last summer. Flanagan explained that the DPP here has been setting the evidentiary bar very high in considering possible prosecutions under the legislation and that so far the RUC have been unable to present evidence of sufficient quality. He frankly admitted his own doubts about the efficacy of this legislation.

Ceasefires

22. Flanagan said that the Secretary of State is "very close" to a decision to re-schedule the LVF on the basis of the latter's involvement in recent terrorist activity. He suggested that the murders of Rosemary Nelson and Mrs O'Neill can both be attributed to the LVF and that the latter are also planning terrorist activity in the

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run-up to Drumcree. To the extent that the LVF has a coherent hierarchy, the leadership has authorised this.

23. In the case of the Provisional IRA, individual members have been responsible for recent murders and other attacks. He instanced the Collins, Fegan and Downey killings and last week's attack on Martin McGartland. However, there is no evidence so far to indicate that these have been authorised by the Provo leadership. That is the crucial difference, Flanagan suggested, in terms of judging whether or not a ceasefire is still holding.

Loyalist attacks

24. Finally, Flanagan felt that some progress is being made in tracking down the perpetrators of Loyalist attacks on Catholics and that two of the people recently arrested are key players. Mr O'Donnell is reporting separately on this discussion and other matters.

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