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PS/Secretary of State (L&B) N

cc	PS/Mr Scott (L&B)	N
	PS/PCS (B)	N
	Mr Brennan	
	Mr A W Stephens	N
	Mr M Elliott	N
	Mr Ferneyhough	N
	Mr Innes	M
	Mr Spence	M
	Mr Bell	
	Mr Blackwell	N
	Miss Elliott	
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 STORMONT HOUSE ANNEX

MEETING WITH MICHAEL LILLIS : 17 JULY 1986

Mr Lillis called on PUS, at the latter's suggestion, in London on 17 July. The meeting was originally to discuss how both Governments might react to leaks but, in the light of developments since the weekend, concentrated instead on a wide-ranging review of the current situation and prospects for the Anglo-Irish Agreement. The discussion on leaks is recorded separately.

12 July and After

2. PUS recounted the factors which had determined the approach to the 12 July weekend. It had always been foreseen as a crisis for the Agreement, when unionist opposition might turn to widespread violence fuelled by controversial decisions on parades: the RUC had thought fatalities were likely. The Government's objective was to maintain the Agreement intact through the marching season. To this end it was desirable, if possible, to avoid a major confrontation on 12 July. Because of the threat to public order large numbers of police and soldiers had been deployed in Portadown and elsewhere. The routes and policing of the parades, however, were operational matters for the Chief Constable, who was conscious that the security forces were very tightly stretched by the large number of parades taking place across the Province. Portadown represented the most serious threat, and to minimise the likely disorder the Chief

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Constable had taken the decision to agree a compromise route which did not allow the Orange Order parade to pass through Obins Street and permitted only a limited number of lodges, under strict conditions, to pass down Garvaghy Road. Although the decision had been the Chief Constable's it was supported by the Secretary of State who considered that it had been vindicated by events. Despite overnight disturbances, the march itself was peaceful which, in operational terms, was a considerable achievement compared with the RUC's worst expectations. Over the weekend as a whole the RUC had demonstrated its even-handed approach: there had been a large number of police injuries, mainly resulting from clashes with loyalists.

3. Clearly some nationalists were angry that any parade in Portadown had gone through a Catholic area (although the Garvaghy Road route was a compromise which had been offered to and refused by Orangemen last year); but the Government believed that people in Northern Ireland, including nationalists, were relieved that the parades had passed off as peacefully as they had.

4. In the light of this assessment, the Government had been disappointed to see Mr Barry's statement, which appeared an over-reaction. The criticism of the RUC was unjustified and the suggestion that nationalists had been denied their right to equal treatment under the law was offensive. And the distinction which Mr Barry had later tried to draw between the police on the ground and the Chief Constable was unhelpful. The statement had produced an angry response in Northern Ireland, not only from unionists but from moderates like Mr Cushnahan; and the tone of the British press had been highly critical. Nevertheless, conscious of the damage that could be done to the Agreement, the Secretary of State had made a low-key response. His initial statement had simply emphasised his support for the RUC and his subsequent reply to a Parliamentary Question had been couched in unprovocative terms. It was to be hoped that this disagreement could now be put aside and both Governments could concentrate on working towards an autumn package to emerge from the IC, which would reassure nationalists that the Agreement was working, and demonstrate to unionists that they had not succeeded in undermining it.

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5. Mr Lillis emphasised the extreme seriousness with which events in Portadown had been viewed by the Taoiseach and Mr Barry and explained the factors which had led to the latter's statement. Before 12 July, the Irish had carefully avoided any comments on specific routes, although warning in general terms of the dangers of concessions to the unionists. They had felt let down by the news that the RUC was going to permit the loyalists to march along Garvagh Road, which seemed a retreat from the welcome stand made in 1985. Their final comment, on the morning of 12 July, was to request a ban on the Portadown march, which was a decision within the Secretary of State's powers, (although PUS pointed out that in practice such a decision would only be taken on the Chief Constable's advice).

6. From the announcement of the Chief Constable's decision on Portadown (which they had first learned of from the media), the Irish had come under strong pressure to make a statement. The decision was seen as a disaster, worsened by the triumphalism of Peter Robinson and Alan Wright and recalling memories of 1974. Nevertheless the Secretary of State's view had been fully reported by Lillis to Dublin and appreciated there, although not agreed with. It was two media comments, after the marching was over, that had made the pressure for a statement irresistible: the Secretary of State's comment that he understood Dublin's concern, but that no-one had spoken directly to him; and the subsequent press briefing that Irish protests had been made informally through the Secretariat. These had combined to create the impression that the Irish Government had not taken nationalist views seriously. At this, all the resentments in Dublin at the lack of progress in the last six months had boiled over. The Government's credibility amongst nationalists both North and South was under strain: the media were, for the first time, turning against the Agreement. The IRA, whose support the Agreement was designed to undermine, had been allowed to pose as protectors of Catholic people.

7. The Irish position was that they were entitled to raise specific matters about parades and marches under the Agreement. Although deleted from the final version of the Agreement, the accompanying question and answer brief had made clear that Article 7(b) included

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parades and marches: the Irish had, however, voluntarily agreed not to make representations about specific marches. In the Irish view, this did not restrict comments after the marches. The greatest offence had been caused by the appearance that Catholic marches were restricted to Catholic areas, but Protestant marches had been allowed outside of Protestant areas: it was the Irish Government's view that Catholic and Protestant marches were not being treated even-handedly.

8. PUS commented that all were agreed in principle that provocative marches were undesirable; but, faced with a difficult operational decision, the Chief Constable had rightly chosen to avoid major confrontation by allowing a tightly-controlled parade down Garvaghy Road. The negotiations leading to this compromise had not involved extremists: Paisley's and Wright's hopes for serious disorder had successfully been frustrated. He emphasised again that the decision had been for the Chief Constable and that under the terms of the Anglo-Irish Agreement the Intergovernmental Conference had no operational responsibilities.

Next Meeting of the Conference

9. PUS said that both Governments had always recognised the problem of different expectations arising from the Agreement and of different constituencies to be addressed. Mr Barry's statement, designed to calm nationalist doubts had itself created a storm of protest from the majority community which would make it more difficult to gain acceptance for the Agreement. Clearly, however, both Governments remained committed to the Agreement: the Secretary of State hoped that he could meet Mr Barry informally fairly soon (perhaps with one or two advisers each), with a formal Conference meeting held when there was work to justify it, in August or September. Mr Lillis said that the Irish Government needed an early Conference meeting to demonstrate publicly that the Agreement was working and to express views on the Belfast Telegraph interview and the Portadown decision: a single agenda item on the current political and security situation would be sufficient.

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10. PUS said that, whenever the next meeting took place, the Secretary of State would inevitably wish to discuss the recent cross-border terrorist incidents. The IRA's recent attacks made it more difficult to claim to unionists that the Agreement was improving cross-border security co-operation: the Agreement was being undermined by the ease with which terrorists could attack across the border. There had been improvements but there was still much to be done: the joint police working party's first report had been encouraging, but it must be implemented and the Secretary of State would be expecting regular progress reports to the IC. Mr Lillis commented that recent terrorist attacks had been interpreted in Dublin as deliberately designed by the IRA to encourage the impression that security co-operation was not working and thereby feeding Protestant paranoia; no obstacles were being put in the way of implementation of the first joint report. The Irish Government were wholly committed to defeating Sinn Fein/IRA. He added that there was considerable sympathy in the Government and among the SDLP for the difficulty faced by unionists in sitting alongside Sinn Fein councillors. PUS said that the problem of what to do about Sinn Fein was still under consideration.

Future Strategy

11. Turning to possible items for an autumn package, Mr Lillis confirmed that the Taoiseach had understood from his meeting with the Prime Minister that there was some possibility of overcoming the judiciary's opposition to 3-judge courts. PUS explained that no such hint had appeared in the British record. Although 3-judge courts were not ruled out, the concept presented very serious difficulties. In the absence of 3-judge courts, a package might have to concentrate on other measures in the administration of justice field, the RUC Code of Conduct, the accompaniment of Army patrols by the RUC and Flags and Emblems legislation.

12. Mr Lillis said that a package without 3-judge courts would be comparatively insignificant. It would make Irish extradition legislation, already difficult, virtually impossible. This should not be taken as a weakening of the Irish resolve to combat terrorism.

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but an indication of the Government's weak position in the Dail on this issue. Movement on 3-judge courts, however, would restore confidence in the Agreement. Another possibility was an indication of movement on a Bill of Rights for Northern Ireland: the Irish appreciated the constitutional difficulties involved but would shortly be making an ingenious proposal to apply elements of the European Convention on Human Rights to a technically-limited (possibly, reserved) area of Northern Ireland law. An announcement of intent on this in the autumn would be very helpful. There was also the possibility of action on fair employment. Mr Lillis dismissed progress on the Newry/Dundalk road as 'marginal' to nationalist interests.

13. PUS said that the Irish Government's political difficulties were appreciated, but failure to ratify the European Convention on Suppression of Terrorism would have an adverse effect on British opinion, where it was seen as a touchstone of the Irish seriousness about combatting terrorism. Progress on human rights had been made more difficult by the Irish divorce referendum but serious attention would be given to Irish proposals, although Ministers had always seen difficulties in incorporating the ECHR into domestic law or introducing a Bill of Rights for Northern Ireland alone. Fair employment might be a more productive area, although there was some anxiety to avoid any proposals being seen to emerge from the IC. Mr Lillis commented that the Agreement had to be seen to produce something.

14. The tone of the meeting was friendly and relaxed throughout, although at the outset Mr Lillis seemed slightly more hesitant and subdued than usual. At times I detected a slight distancing, although never overt, from the public position of his Government in recent days. He seemed rather pessimistic about the prospects for the Agreement in the coming months.

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18 July 1986