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SECRET MINUTE TO PS/SECRETARY OF STATE FROM MR ELLIOTT DATED 26 MARCH 1986

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ASSESSMENT OF UNIONIST/LOYALIST REACTION TO INTRODUCTION OF THE PUBLIC ORDER ORDER

It was agreed at a recent meeting of the Political Developments Group chaired by Mr Burns that I should submit this week an assessment of the likely reaction from the various Unionist groupings to the introduction of the Public Order Order at the beginning of April.

2. The attached paper is the result of a collaborative effort by [redacted]. The security side of NIO(B) have also been consulted. The picture is far from clear. Developments over the past 48 hours have necessitated constant alterations to the draft, and although we have not wished to delay its issue any further, there will inevitably be further developments in the days ahead. Substantial changes of direction will be reported as they occur.

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3. The conclusion which we draw is that despite the extraordinary lack of co-ordination in particular between the DUP and the UUP leadership, we cannot assume that the eventual protest demonstrations will be insignificant. Past experience suggests that the Unionists are likely to be able to get their act together if only at the eleventh hour. However there is a strong body of opinion calling for the avoidance of violence and strike action.

M. Elliott

M ELLIOTT

26 March 1987

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ASSESSMENT OF POSSIBLE UNIONIST/LOYALIST REACTION TO INTRODUCTION OF
THE PUBLIC ORDER ORDER

A statement issued on 24 March in the name of Mr Molyneaux and Dr Paisley announced that the main thrust of Unionist opposition to the Public Order Order would take the form of a number of protest marches throughout Northern Ireland on Saturday 11 April, led by the Unionist MPs with the support of the Orange Order and other loyalist groupings. Molyneaux has subsequently dissociated himself from this statement. This paper examines the background to these events and attempts to assess what is actually being planned.

2. Throughout 1986, Unionist political leaders responded to rumours of changes in the Public Order legislation and the repeal of the Flags and Emblems Act by issuing threats of unspecified civil resistance and an escalation of the civil disobedience campaign.
3. In January and early February 1987, attention was focussed on other forms of protest against the Anglo-Irish Agreement, principally the Unionist petition. Since the petition's formal presentation at Buckingham Palace on 12 February and the Secretary of State's response, the main issue has become the Public Order Order. Unionist leaders have portrayed it as stemming directly from the Agreement and introduced at Irish request. They have also attacked vigorously the assertions by Ministers that the Order is based on GB legislation and have argued that the differences are very substantial. Some have taken the opportunity to criticise the Order in Council procedure itself. These themes are likely to remain prominent for some time.
4. The enthusiasm of Unionist leaders for protest action is stimulated by the absence of any other specific issue to serve as a rallying point. However there has been considerable disagreement between Unionist leaders about the lengths to which protest action should be carried.

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Unionist Parties

5. Publication of the Draft Order on 3 February was followed by a series of calls from DUP figures including Dr Paisley, Peter Robinson and Belfast Lord Mayor, Sammy Wilson, for a "Province-wide uprising" and withdrawal of support for the RUC. Similar calls followed from UUP leaders, including Mr Molyneaux and the Grand Master of the Orange Order, Rev Martin Smyth. At a DUP meeting on 19 March, Dr Paisley said that 'Militant Unionism' should reassert itself on the day on which the Order came into effect (widely believed to be 1 April). DUP Chief Whip, Jim Allister, also urged that the Public Order Order should be used as a "springboard" to launch a major new campaign against the Agreement. On 23 March Peter Robinson called for "acts of defiance" including "freedom marches" on the day, with similar protests continuing throughout the year.

6. Intelligence suggests that the DUP has considered as a demonstration of opposition to the Order another 'day of action', but preliminary soundings by the DUP in the community have shown that another strike would receive little support particularly from such loyalist strongholds as Harland and Wolff, where the shipyard workers are conscious of the economic situation and concerned about job security. During his 23 March statement Peter Robinson appeared to rule out any strike action. Any such action is most unlikely to have UUP support.

7. Despite earlier indications that 1 April was to be the date for co-ordinated demonstrations against the Order, Molyneaux and Paisley announced in an apparent joint statement on 24 March that Saturday 11 April had been designated the "Day of Defiance" when Unionist MPs and Councillors would lead parades - for which no notice would be given - in most parliamentary constituencies in Northern Ireland. Participants in the marches were urged to offer only non-violent resistance to the RUC, by sitting down if confronted, though the organisers acknowledged that "there may be legal consequences for participating in such acts of defiance, but Ulster has a history of making sacrifices in defence of liberty".

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8. Remarkably, the following day Molyneaux alleged that he had never seen the statement, which had been issued without his knowledge and consent, and that he and Paisley had agreed to delay any statement until consultation with other Loyalist groups had been conducted. It is clear that Molyneaux has been wrong-footed by the premature issue of this statement, and that he will now find it difficult to support the sort of demonstration called for even should he wish, or feel obliged, to do so. His party at leadership level and below have always been anxious to avoid a repeat of the "day of action" on 3 March 1986. Nevertheless the UUP are very keen not to be upstaged by the DUP and will wish to be prominent in whatever action is taken. Molyneaux's disclaimer may be another effort to demonstrate that he is more than Paisley's lapdog. It is also possible that UUP negotiations with the Orange Order, without whose support demonstrations on 11 April would be less than wholly effective and would have a predominantly DUP/Ulster Clubs flavour, are incomplete, and they may be jeopardised by the premature announcement. It is therefore unclear what Molyneaux's next move may be. He will clearly wish to bring his discussions with the Orange Order to a successful conclusion, but whatever their outcome, it seems certain that there will be a number of parades on 11 April, with or without UUP and Orange Order support or participation.

Apprentice Boys/Orange Order

9. The Apprentice Boys of Derry and the Orange Order have stated that they will not abide by the new regulations. At a meeting in Belfast on 21 March the Belfast lodges reaffirmed their opposition to the new Public Order Order. A spokesman refused to disclose what decisions had been taken about the form of protest. The delay between this meeting and the Unionist leaders' premature announcement on 24 March indicates that efforts are being made to ensure that the line taken by the various Unionist/Loyalist groups is properly co-ordinated, and that the political leaders are committed to taking the lead. These negotiations may now have been interrupted. Martin Smyth, Grand Master of the Orange Lodge, has said that the Orange Order would comply with the provisions of the new Order, but only to the minimum extent necessary to remain within the law. It is not clear at this stage whether he will be obliged to shift his ground. The Orange Order has already announced plans

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for a large rally in Ballymena on 16 May to protest against the Anglo-Irish Agreement and there has been some discussion about a change in format in the traditional 12 July parade in Belfast. Instead of going to Edenderry as usual, some elements have suggested splitting the parade into 4 groups, in order to increase pressure on the Security Forces. Views within the Apprentice Boys and the Orange Order are far from unanimous. More moderate elements continue to make considerable efforts to keep the organisations on the right side of the law and, for example, to purge the Orange Order of "kick the Pope" bands. It remains to be seen whether the more militant elements will continue to hold sway.

UDA/UVF/Ulster Clubs

10. Neither the UDA nor the UVF appear to have made their own specific plans at present for protests against the Public Order Order, but members are likely to take part in any protests planned by other organisations on an individual basis. (There are early indications, however, of UDA plans to stage some form of protest, unconnected with the Public Order Order, in mid April. We shall continue to monitor the intelligence and update this assessment as necessary). The Ulster Clubs, however, have made clear their attitude towards both the Public Order legislation and the repeal of the Flags and Emblems Act. In the March issue of their publication 'Defiant', the Ulster Clubs reprinted Dr Paisley's pamphlet setting out the DUP's arguments against the Public Order legislation. Ulster Club Chairman, Alan Wright, has also stated publicly that his members will ignore the new regulations and organise marches strictly according to the previous rules. At a meeting of the Ulster Club General Council in late February, members were also instructed to find out the names and addresses of RUC officers living in their area, with the clear purpose of organising further intimidation of police officers at home if there is any confrontation with the Security Forces during marches. The Ulster Club General Council has also encouraged members to pull down tricolours flying in Northern Ireland and to ensure that the Union Jack is flown on the officially appointed days. As yet there has been no indication that the Ulster Clubs have planned separate parades to mark the formal introduction of the Public Order Order on 1 April. Instead they will appear in strength at the parades

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planned for 11 April. In addition a march is due to take place on 20 April in Portadown to mark the first anniversary of the death of Keith White, though it is not clear whether this is separate from, or part of, the Apprentice Boys March on the same day. Other marches are likely to take place both in the run up to and during the Easter marching period.

Ulster Resistance

11. Little has been seen so far this year of 'Ulster Resistance'. Intelligence, however, indicates that further recruitment has taken place and preparations are being made to acquire paramilitary style uniforms. There has also been a press report that Ulster Resistance will be "used to challenge the Public Order legislation". Since Ulster Resistance is a DUP creation, we cannot rule out the possibility of the DUP using it as its shock troops in any form of protest.

Conclusion

12. The determination of the Unionist leadership to exploit the Public Order Order as a rallying-point for demonstrations against the Agreement is not in doubt. Mr Molyneaux, in a letter of 24 March to the Prime Minister, has warned "that the antagonism and sense of anger and frustration which already prevails in the Province will be heightened when the recent discriminatory Public Order legislation comes into force". But major differences over tactics have emerged and there has been a singular lack of co-ordination. By delaying the "Day of Defiance" from 1 April to 11 April the Unionists have given themselves time to overcome these difficulties and, if they finally proceed with a joint exercise, to plan the demonstrations carefully and rally support through the various constituent organisations involved. The organisational ability of the Orange Order is well known, and if its participation can be secured, together with that of all the Unionist MPs and the Ulster Clubs, large turnouts throughout the Province can be expected.

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13. The success - or otherwise - of the 11 April parades will have a substantial effect on the Unionists' attitude to future demonstrations against the Agreement and its supposed creatures. A good turnout and an absence of violence is bound to encourage them to exploit other Loyalist parades, in particular the Portadown march on Easter Monday and the 12 July parades.

14. Close attention will be paid to RUC tactics in handling loyalist (and republican) parades and in enforcing the new regulations. Any confrontation in the course of parades will lead to further intimidation of RUC officers at home and may provoke some street disorder and rioting in loyalist strongholds.

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