

BjF 24/7/95

cc: Mrs Brown - B
Mr Corbett
Mr Morrow ✓

*Ms Foster
Thk you
24/7/95*

*Mr Keenan
Pl. B/P to me - 24 July next
S.S.M
17/7/95*

From: Mr J A Canavan
CCRU

17 July 1995

To: Mr D J Watkins - B
US, Cent Sec

POLICY TOWARDS PUBLIC MARCHES

1. Your timely note of 14 July has expressed what a lot of us had been thinking over the past week. One of the main problems with the current system, whereby the RUC makes operational decisions on the basis of the likelihood of public disorder, is that it actually encourages those who wish to stop a march to threaten disorder. The marchers then regard this as blackmail and the verbal escalation begins, building up tension in advance of the march. The debate is firmly wedged in a context of potential violence, rather than of rights and respect for sensitivities.

2. Trade-offs and compromises are possible, witness the outcome of the Garvaghy Road confrontation. It appears that a similar compromise was almost achieved in the Ormeau situation. This points to the value of outside mediation, but this is usually brought in as last minute crisis intervention, rather than at the earlier stage when marches are being planned. What is needed are mechanisms to imbed consultation/negotiation in the process of pre-march planning. The following are possible ideas for doing this.

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TC2034

3. At a meeting with me on 11 July, Mari Fitzduff referred to initial work done some time ago on a Code for march organisers which she was minded to revive once the current marching season was over. The problem with this idea the first time around was the unwillingness of the Orange Order to get involved. After recent events, they may prove more flexible and CRC has certainly established good relations with influential Orangemen, such as Jeffrey Donaldson, in recent times. An informal code would have no particular weight in police decisions on banning/re-routing, but there would be a propaganda advantage to any organisation able to claim that it had stuck to the rules.

4. Other possible policy developments would involve legislative change (feasible before the next marching season?). One possibility would be a formal objection procedure, on the model of planning and licensing law. This might involve the advertisement of an intention to hold the parade, allowing the opportunity for objectors to state their case, before a final decision by the police/NIO/Minister. This would require a longer period for lodging notice of parades, with the consequential risk of spontaneous illegal marches which the police would have to deal with effectively, if the law was to retain any credibility. The criteria for deciding on banning/re-routing would have to be widened beyond Public Order to take account of community relations, disruption to traffic, trade etc.

5. An even more formalised system might involve a special commission to adjudicate on parades, taking the power to ban and re-route out of the hands of the police. Unfortunately, the police are the only organisation capable of enforcing such decisions and the scope for

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differences of view between the RUC and the commission would be immense. The commission itself would require to be politically balanced, with the dangers of resignations and splits in response to particular decisions.

6. A further option would be to discourage parades by using market mechanisms, ie charging for the use of the road and policing costs, which would obviously be greater if the parade was going through an area where it was unwelcome.

7. I toss these ideas into the ring, for what they are worth. What is important is that, assuming this marching season concludes with no further trouble, we do not put the issue aside until June 1996.

[Signed: JAC]

J A CANAVAN

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DJW/3/7

FROM: D J WATKINS
US CENT SECT
DATE: 14 JULY 1995

*Ms Foster
Thank you for 24/7
Monday, 24 July
A.S. Morris 17/7/95*

*cc Mr Steele
BIF E m on Monday*

- cc PS/PUS (B&L) - B
- PS/Sir David Fell - B
- Mr Legge - B
- Mr Thomas - B
- Mr Bell - B
- Mr Leach - B
- Mr Williams - B
- Mrs Brown - B
- Mr Canavan - B
- Mr Maccabe o/r - B
- Mr Bramley - B

*1. cc Mr Steele
2. Mr Canavan is doing
I expect we will be dealing
a lot of effort to this. I think
side of the home set up in the
shows fall 95. AL
17/7*

MR STEELE - B

POLICY TOWARDS PUBLIC MARCHES

1. I am sure that I will not be the only one to have been very disquieted by the recent events in Portadown and the Ormeau Road. In many ways they went precisely as you had predicted, doubtless not least as a consequence of the recognition by Sinn Fein in particular that an effective means of opposing Orange marches is by arranging a threatening counter demonstration.
2. I wonder if we ought not to use the time between now and next marching season to have a thorough review of policy in the area. It may be that we would conclude, after review of whatever options might be identified, that reliance on operational RUC judgement must remain the cornerstone. At the least there seems to me to be some merit in seeking to identify and appraise any other options that might be available since the last week has revealed the intensely political and community relations character of marching, putting its control (at best) at the end of the spectrum of operational

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independence. At minimum, it seems to me that there would be merit in weighing up whether the overall public interest is best served by leaving matters as they are, with the pretty clear political and community relations penalty that we inevitably incur. We might conclude that a similar penalty would be attached to any other option, but I believe that it would be worth rehearsing these options and their appraisals before Ministers over the course of the winter.

3. I recall that we had agreed in principle in 1992 to put not dissimilar work in hand between SPOB and CCRU, although my recollection is that this did not get off the ground. What I am now suggesting is that you might chair a small working party which might consist of, say, representatives of SPOB, PAB, Central Secretariat and the London office. It may be sensible to involve others such as from POB. We could discuss composition at an appropriate early stage. We might also wish to discuss whether and if so when to involve bodies such as the RUC itself and Community Relations Council which has done valuable work in this field in recent years. But it would be useful to know whether in principle you see merit in the overall proposal.

4. I shall be going on leave from Wednesday 19 July and returning on 14 August. You may wish to take that time to reflect further. Otherwise I would want to involve both Doreen Brown and Tony Canavan in this exercise and therefore any points you or colleagues may wish to make might be addressed to them in my absence.

[signed: DJW]

D J WATKINS

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