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Disturbances near British Embassy on 18 July, 1981.

(This is a Departmental note. A Garda report is expected later)

now
attached

Part I

- 1.1. In general, there is no legal power to "ban" either a meeting or a procession.
- 1.2. A limited exception exists in relation to public meetings or processions within half a mile of Leinster House. ^(Superintendent) In those cases, a Chief ~~may~~ by notice prohibit the holding of the meeting or procession or - i.e. in a case where such a notice has not been given - a member of the Force may call on persons taking part in such a meeting or procession ^{to disperse} whereupon it is an offence not to disperse. In the absence of such notice or "call", it is not an offence to have a meeting or march near Leinster House⁷.
- 1.3.(a) The Vienna Convention on Diplomatic Relations is given the force of law by (and is reproduced as a Schedule to) the Diplomatic Relations and Immunities Act 1967 (No. 8). Article 22 (2) says:

"The receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity".
- 1.3 (b) It is understood that this represents no more than a formalising of a long-established "tradition" (which presumably was part of international law even then).
- 1.3 (c) Article 29.3 of the Constitution reads:

"Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States."

- 1.3 It appears clear therefore that no claim of a "right of peaceful protest" - which in any event may not be as unqualified as some demonstrators suggest - can prevail against the serious obligation on the State to protect Embassies. It would appear reasonable to deduce that the State is not only entitled but obliged to take precautions on the basis of a reasonable fear of what might happen and is neither obliged nor entitled to wait until there is proof that what is happening is actually endangering an Embassy.
- 1.4 As regards the apparent claim by Mrs. McAliskey, etc., that they have a "right" to hand in a letter to an Embassy "Official" (as distinct from a doorman), it seems clear that there is no such thing as a right to go to the door at all, let alone to be met by a diplomat. (There is a postal service to deliver letters.)

Part II

- 2.1. The situation that has been developing here over the last month or two seems (from the point of view of the maintenance of "law and order" here) dangerously similar to what developed in the aftermath of "Bloody Sunday" in Derry. The widespread condemnations of the British were exploited by the I.R.A. who became much more open and aggressive "down here" until the point was quickly reached where very many ordinary people became fearful of what was happening.
- 2.2 While, generally speaking, immediate media reaction appears to have been favourable to the Gardai, experience suggests that skilled propagandists will begin "working" on journalists and that we may in a few days begin to see "reappraisals" unless the "official side" keeps on the "publicity offensive".

- 2.3 People who have been involved in Northern disturbances have got used to a situation where R.U.C. and/or British Army are operating in a situation where the general civilian population is unsympathetic if not actually hostile. Because of that, the R.U.C./British Army have to adopt a relatively passive role when they are at the receiving end of stone-throwing etc, making only sporadic "attacks" on hostile crowds. This kind of tactic presupposes, amongst other things -
- (a) very high levels of "defensive" equipment
 - (b) high levels of available manpower
 - (c) a willingness to allow large areas to go without effective policing.
- 2.4 The underlying assumptions being made by many of Saturday's demonstrators - and by a minority of journalists - seem to be potentially very dangerous if they were to become accepted. The situation may call for a series of clear (though of course very carefully considered) statements of an explanatory nature.
- 2.5 It is important to bring out that not only were the Gardai subjected to a vicious attack near the Embassy but were stoned at various points along the route of the march. That speaks for itself.
- 2.6 The cost - both in malicious damage and in Garda manpower (overtime, subsistence etc.) - will take some time to estimate but it is suggested that, at a time of economic strain, it is right that the public should know what this kind of operation is costing them and what productive investment has to be foregone in order to pay for it.

Part III

- 3.1 The Gardai are already re-assessing the situation on the tactical level

(from a Garda point of view). There may be a need to support Garda plans by statements on behalf of the Minister and/or Government as to what is or is not acceptable behaviour, etc.