

FROM: S M POPE
Security Policy and Operations Division 1
4 September 1995



~~2. Casson..~~

3. ~~file..~~

S. 6/9..

~~cc Mr Watson~~

1. cc Helen

2. ~~in Corbett.~~

S. 5/9..

- cc PS/Sir John Wheeler (B&L) - B
- PS/Michael Ancram (DENI, B&L) - B
- PS/PUS (B&L) - B
- PS/Sir David Fell - B
- Mr Legge - B
- Mr Thomas - B
- Mr Daniell - B
- Mr Steele - B
- Mr Williams - B
- Mr Wood (B&L) - B
- Mrs Collins - B
- Mr Perry - B
- Mr T Smyth - B
- Mr McKervill - B
- Ms J McGimpsey

[Annex A to follow by Box/Messenger]

1. Mr Steele [This detailed description of events in Derry on 12 August graphically illustrates the difficulties faced by the RUC. Given Sinn Fein involvement and the lack of co-operation all round there was no easy way out. But clearly the decision to permit the local lodges to complete a circuit of the walls was taken on reasonable operational grounds. sgd JMS 4/9]
2. PS/Secretary of State (B&L)

SDLP VIEW ON RUC HANDLING OF APPRENTICE BOYS PARADE

The Secretary of State was to discuss with officials today Mark Durkan's telephone call to John McKervill of 16 August about the RUC's handling of the Apprentice Boys parade in Londonderry on 12 August. Following the postponement of this meeting the Secretary of State may, anyway, wish to have a resumé of the RUC's version of events. This note expands on the record of the discussion at SCM on 31 August and will serve as background for Sir John Wheeler's visit to the City later this month; in considering an outstanding request from the SDLP group of the Council to discuss the issue and in informing discussion with Mr Hume when the Secretary of State meets him.

C O N F I D E N T I A L

2. The information given by the RUC has been provided in confidence and care should be taken in discussing it not least because it refers to events which remain operational issues for the RUC but which are also the subject of complaints and investigation.

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Durkan's Complaints

3. In his telephone call Mark Durkan followed five avenues. He:
- (a) criticised the police for not taking an early decision on the march and sticking to it (further suggesting that the RUC had deliberately allowed the matter to drift)
 - (b) suggests that the police, while telling the SDLP that no decision had been taken had, in fact, accepted that the parade should go the entire length of the walls
 - (c) claims that the RUC had reneged on an undertaking to tell the Mayor of Derry of the route decision before it had been made public
 - (d) suggests that the police attitude indicates that the Nationalist position would have been more respected had they threatened violence
 - (e) criticises the RUC for a 'heavy and menacing' presence in the city centre in the late afternoon.

Background

4. The Apprentice Boys' application to parade the walls was made on 2 August. This parade was intended to cover only the parent clubs - the main march scheduled for later on 12 August did not involve the walls and, apart from a brief 'incursion' into the commercial centre of the city ran, predominantly, through Protestant areas. The parent club parade (originally notified as 8 bands and 300 members, but later reduced unilaterally by the organisation to 4 bands) was intended to march clockwise around the walls and to be followed by a wreath-laying ceremony in the Diamond and a church service at St Columb's Cathedral. A map showing the main locations is at Annex A.

5. In assessing the Apprentice Boys' application, the RUC took account of a number of factors including the fact that the Apprentice Boys had paraded a section of the walls in 1994 and that, since then, the removal of security equipment and the opening of the whole circuit had rendered the walls a 'public place'.

The RUC also took the view that there was the limited scope for controversy or for genuine offence - it is only on the section between Butcher Gate and Bishop Gate that any may have been given. Even here, the distance between Nationalist housing and the walls and the fact that the Apprentice Boys had agreed that no music would be played on this section should have further limited scope for concern except for a small area adjacent to Fahan Street.

6. The RUC were well aware of the SDLP concern that the walls should not be used for parades at all and their worry that a precedent might be set. However, despite extensive discussions, no single SDLP position was identifiable, complicating the process of negotiation. Further, on 11 August, the RUC became aware that a group calling itself 'Bogside Concerned Residents' (organised by Sinn Fein) were intending to take action to block the march route. On the Protestant side, the RUC were concerned that there was a prospect of disorder at the main march if members of the organisation were dissatisfied with the arrangements agreed and for possible violent action by Loyalists against an Ancient Order of Hibernians march planned in the city for 15 August.

RUC Options

7. The RUC therefore concluded that they had three major options which were to:-

- (a) restrict the parade to the 1994 route
- (b) allow a parade over the whole circuit
- (c) refuse permission for a parade on the walls at all.

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8. Extensive discussion took place between the RUC and the various organisations and groups. These lasted from the afternoon of 4 August until 0908 on the morning of the parade (which was scheduled to take place on 0945).

9. During the discussions the RUC continued to face difficulty in attempting to reconcile groups who showed little commitment to reconciliation. The Apprentice Boys refused to countenance any alteration to the route for which they had applied. They did, though, agree conditions to reduce the possibility of offence or confrontation. They also accepted an invitation from the Deputy Mayor of Derry to discuss future parades with a Council Cultural Sub-Committee. The SDLP position varied from an objection to any parade to acceptance of any one series of options. No single view emerged. No assistance was offered, despite RUC urging, in obtaining from them any contributions which would make a parade workable or acceptable. The conditions negotiated with the Apprentice Boys were dismissed as irrelevant. The 'Bogside Concerned Residents' announced their intention to prevent the Apprentice Boys parading at a public media event on 11 August. They refused RUC requests to adopt a lawful protest and, as with the SDLP, rejected conditions negotiated with the Apprentice Boys. None of the organisations appeared to be prepared to make positive contributions to resolving the issue. The Mayor of Derry, though, appears to have consistently sought to reduce speculation and controversy - there does, though, appear to have been some difference in the messages sent by him and by the SDLP which exacerbated the RUC's difficulty in pinning down a consistent SDLP position and thus in responding to it.

The Events

10. From 0430 on 12 August the RUC began an operation to enable them to exercise any one of the three options set out in para 7. Despite Mr Durkan's assertions no decision was taken until shortly before the planned time of the march when the RUC (taking into account the need to minimise potential public disorder; damage to

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property and disruption to the life of the community and bearing in mind the legality of the Apprentice Boys application, the fact that the walls were a public place and the conditions accepted by the Apprentice Boys) decided to allow the march. The police accept that they had an obligation to inform the Mayor of their decision and agree that they failed to do so but point to the serious difficulties of doing so in the period between the decision being made and the march taking place.

11. Following the decision, those engaged in the unlawful protest (under the direction of Mr McGuinness) were removed at about 0930 and the parade passed between 0945 and 1025 with no major incident during which time, the protesters were confined to Magazine Street.

Subsequent Events

12. The morning parade on the walls was followed, at 1200, by the main parade which passed without incident until its final stages when verbal exchanges took place between bandsmen and spectators in the Diamond area. Spectators were moved away from the area and by 1520 disturbances had begun which, by 1600, had developed into a riot continuing until about 2100. A number of petrol bombs were thrown. Further violence broke out at 0150 and lasted to 0600. Shops were damaged, a bank was set on fire, a number of petrol bombs were thrown and PBR's were fired to restore order.

Mr Durkan's Complaints

13. The RUC - are well aware of Mr Durkan's comments both through the local media and because a number of complaints against them have been received and are under investigation. The RUC would, though, take serious issue with Mr Durkan's suggestion that an early decision should have been taken believing that this would have enhanced the opportunity for Sinn Fein orchestrated disruption and would have further increased the potential for public disorder. Similarly, the RUC would reject the suggestion that a decision had been reached earlier. A charitable view of Mr Durkan's position on

this might be that he misinterpreted the RUC deployment at 0430 as indicating that a decision had been taken - this is not the case. The issue of informing the Mayor has already been covered.

14. Mr Durkan's suggestion that the Nationalist position would have been more respected had they threatened violence appears to be a wilful misinterpretation of the explanations offered by the RUC in analysing each of the options. The 'heavy and menacing presence' referred by Mr Durkan might be seen as a reasonable RUC precaution given the open intention of Sinn Fein to provoke confrontation; the potential for serious public disorder and the actual violence which broke out later that day.

Conclusion

15. I apologise for the length of this minute which draws heavily on the RUC clarification of events on the day. The omission in Mr Durkan's criticism of the police of any acknowledgement of the confrontation part played by Sinn Fein is unfortunate and results in a less than perfect analysis of the role played by the RUC in handling a very difficult situation which carried the potential (which Sinn Fein appeared to have been actively seeking) for major public disorder. This aspect has also been overlooked in further communications from the SDLP group on Derry City Council.

16. For the moment, however, I suggest that Ministers should take no action. We would not, anyway, wish to be drawn into detailed comment on RUC operational matters and there will be opportunities for Ministers to express their private disappointment at Mr Durkan's remarks. SPOB 1 will provide appropriate briefing and lines to take for these occasions.

[sgd]

STEPHEN POPE