

ASST/ SEC 229/4
2 APR 1996
C.C.R.U.

FROM: J R FISHER
ANGLO-IRISH SECRETARIAT
24 APRIL 1996

JRF/33824/96/ET

2. Cross...
PA-525/92
3. J.C.E...
S. 29 / 4..
1. in his hour 28.4
2. in Conference
25.4

- CC PS/SIR JOHN WHEELER (B&L) - B
- PS/PUS (B&L) - B
- PS/SIR DAVID FELL - B
- MR LEGGE - B
- MR THOMAS - B
- MR BELL - B
- MR DANIELL - B
- MR LEACH - B
- MR STEELE - B
- MR WATKINS - B
- MR BEETON - B
- MR MACCABE - B
- MR PERRY - B
- MR STEPHENS - B
- MS MCGIMPSEY - B
- MRS OSBORNE - B
- HMA, DUBLIN - B
- MR LAMONT, RID - B

UNDER/ SEC 989/4
25 APR 1996
CENT SEC

NOTE FOR THE RECORD
PARADES AND PUBLIC ORDER

In Conference
S. 29 / 4..

1. A MEETING WAS HELD ON 22 APRIL TO DISCUSS THE HANDLING OF FORTH-COMING PARADES AND PUBLIC ORDER. THE BRITISH SIDE WAS REPRESENTED BY MR STEELE, MR FISHER, MRS OSBORNE AND MS MCGIMPSEY. THE IRISH SIDE WAS REPRESENTED BY MR DONOGHUE, MR DOWLING, MR MAGNER, MR MCKEE AND MR O'SHEA.

SUMMARY

2. A SHORT, FRIENDLY MEETING SOUGHT BY THE IRISH SIDE SEEKING INFORMATION ON HOW THE NEXT ORANGE PARADE ON THE LOWER ORMEAU ROAD WOULD BE HANDLED, AND THE MARCHING SEASON GENERALLY. THE IRISH EXPRESS SUPPORT FOR INTRODUCING AN INDEPENDENT, EVEN QUASI JUDICIAL, ELEMENT TO THE PROCESS OF HANDLING PARADES. NEGOTIATIONS AND IMPORTANCE OF RUC INVOLVEMENT STRESSED TO THE IRISH AND THE PRACTICAL DIFFICULTIES IF THEY WERE NOT. IRISH SIDE REGISTER, BUT DO NOT PRESS, THEIR VIEWS. MEETING MAY BE A

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PRECURSOR TO FURTHER, STRONGER REPRESENTATIONS LATER IF PRESENT ARRANGEMENTS ARE SEEN TO LACK SUCCESS.

DETAIL

3. MR DONOGHUE SET THE SCENE AND UNDERTOOK TO HAND TO THE BRITISH SIDE, IN GOOD TIME, A NOTE OF POTENTIAL FLASH-POINTS REVEALED BY THEIR OWN ENQUIRIES. THE POLITICAL TALKS CREATED AN ADDED DIMENSION THIS YEAR WITH THE RISK OF ONE DESTABILISING THE OTHER. THE IRISH SIDE APPRECIATED THE OPERATIONAL CONSIDERATIONS BUT HOPED THAT THE NEXT MARCH PLANNED FOR 28 APRIL ON THE LOWER ORMEAU ROAD COULD AGAIN BE RE-ROUTED.

4. MR STEELE CONFIRMED THAT THE RUC WERE TO RE-ROUTE THE 28 APRIL MARCH. HE EXPLAINED THAT DEPUTY CHIEF CONSTABLE FLANAGAN HAD WORKED HARD TO SECURE AGREEMENT THAT THE EASTER MONDAY APPRENTICE BOYS MARCH WOULD HALT AT POLICE LINES AT THE ORMEAU BRIDGE AND BE FOLLOWED ONLY BY 1 1/2 HOUR PROTEST. HOWEVER, ALL PUBLIC ORDER SITUATIONS WERE UNPREDICTABLE; THE MARCH HAD ATTRACTED A LARGER CROWD THAN ANTICIPATED AND THERE HAD BEEN SOME DRINKING WITH THE OUTCOME THAT HAD BEEN WITNESSED. BUT LOWER ORMEAU RESIDENTS HAD STAYED AWAY AND GIVEN THE RISK OF INCIDENTS INVOLVING THE CATHOLIC COMMUNITY LIVING ABOVE THE BRIDGE, THE POLICE OPERATION (TO CLEAR THE AREA AT THE RIGHT POINT) HAD GONE OFF WELL IN THE CIRCUMSTANCES. THE RUC HOPED TO SECURE A SIMILAR AGREEMENT AS PREVIOUSLY IN RESPECT OF THE PARADE ON 28 APRIL AND FOR IT TO BE RESPECTED. THE FACT THAT THE MARCH WAS PLANNED FOR A SUNDAY WOULD, IT WAS HOPED, INHIBIT SOME MEMBERS OF THE ORANGE ORDER FROM ENGAGING IN A CONFRONTATION.

5. REFERENCE WAS MADE TO THE REV MARTIN SMYTH'S RECENT REPORTED STATEMENTS THAT ORANGE ORDER MEMBERS WERE PREPARED TO BREAK THE LAW (AND ITS IRRESPONSIBILITY), THE POLITICAL ROLE HE WAS PLAYING AND HIS MOTIVES. HE HAD EARLIER ARRANGED A MEETING WITH SENIOR LEADERS OF THE BELFAST ORANGE ORDER BUT HAD NOT ATTENDED IT HIMSELF. MR STEELE MADE PLAIN THAT THE MESSAGE

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BEING SENT TO POLITICAL AND ORANGE LEADERS WAS TO LOOK FOR COMPROMISE (ESPECIALLY SINCE THE IRA WERE LOOKING FOR AN EXCUSE TO INSTIGATE VIOLENCE) BUT PREDICTED THAT THEIR RESPONSE WOULD BE THAT CONCESSIONS BY THE ORDER WERE TOO OFTEN ONE-SIDED.

6. CITING RECENT LABOUR PARTY PROPOSALS, MR DONOGHUE TALKED ABOUT THE ADVANTAGES OF INTRODUCING AN INDEPENDENT ELEMENT TO THE PROCESS OF DETERMINING WHETHER MARCHES SHOULD TAKE PLACE AND THEIR ROUTE. THIS MIGHT TAKE THE FORM OF A TRIBUNAL WITH JUDICIAL POWERS AND A RIGHT OF APPEAL. THERE MIGHT BE COMPARABLE PROCEDURES IN PRESENT EMERGENCY LEGISLATION. THE IRISH SIDE SAW THE PRESENT ARRANGEMENTS AS INVOLVING THE RUC IN DECISIONS OF A POLITICAL KIND AND SAW FACE VALUE MERIT IN AN INDEPENDENT TRIBUNAL. THEY WERE AWARE OF PRACTICAL DIFFICULTIES INVOLVED (SOME WERE DISCUSSED) AND HE FELT THAT STATEMENTS MADE BY DCC FLANAGAN (REPORTED AS BEING THAT THE PROBLEM WAS NOT A POLICE BUT A COMMUNITY ONE) ADDED STRENGTH TO THE NEED TO INTRODUCE A NEUTRAL ELEMENT.
7. RESPONDING, MR STEELE SAID THAT DCC FLANAGAN HAD BEEN MISQUOTED BY THE PRESS. THE PRACTICAL DIFFICULTIES IN REMOVING THE RESPONSIBILITIES FROM THE RUC WERE CONSIDERABLE. THERE WAS NO GUARANTEE THAT PROCEDURES OF THE KIND PROPOSED BY THE LABOUR PARTY WOULD SECURE COMPROMISE AND IT ASKED TOO MUCH OF THE RUC TO POLICE SITUATIONS OF THIS KIND ARISING FROM DECISIONS TO WHICH THEY WERE NOT A PARTY. NEGOTIATION WAS AN ESSENTIAL PART OF THE PROCESS; THE RUC COULD NOT BE SIDELINED FROM THIS PROCESS AND THEY WERE AS WELL ABLE TO UNDERTAKE IT AS ANYONE ELSE. DCC FLANAGAN HAD ALL THE SKILLS AND 'FEEL FOR THE COMMUNITY' TO BROKER PARADE AGREEMENTS, IF THEY WERE AT ALL POSSIBLE. IT WAS ALSO IMPORTANT TO REMEMBER THAT THE PRESENT ARRANGEMENTS HAD WORKED WELL UNTIL LAST YEAR WHEN TROUBLE ONLY AROSE BECAUSE SINN FEIN HAD SEEN IT AS A WAY OF EMPLOYING THEIR SUPPORTERS DURING THE CEASEFIRE.
8. THERE FOLLOWS SOME DISCUSSION ABOUT THE NEED AND WAYS TO GET COMPROMISE FLOWING AND TO AVOID 'STAND OFFS'. THIS INCLUDED AN

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ACKNOWLEDGEMENT OF THE EARLIER IRISH PROPOSAL THAT RUC RE-ROUTING DECISIONS MIGHT BE ANNOUNCED EARLIER TO ALLOW NEGOTIATIONS. THIS APPROACH HAD NOW BEEN ADOPTED IN RELATION TO THE NEXT ORMEAU ROAD MARCH. THE KIND OF COMPROMISE WHICH MIGHT EMERGE FOR MARCHES LATER IN THE YEAR (PERHAPS IN THE FORM OF MARCHES TAKING PLACE EARLY ON IN THE MORNING BY EACH INSTITUTION, BUT WITHOUT BANDS OR BANNERS) WAS ALSO DISCUSSED. IT WAS BELIEVED THAT THE DEPUTY LORD MAYOR OF BELFAST, ALISDAIR McDONALD HAD MET ORANGE ORDER LEADERS WITH SUCH PROPOSALS. BOTH THE BRITISH AND IRISH SIDES RECOGNISED PARTICULAR DIFFICULTY OVER MARCHES DUE TO TAKE PLACE ON THE 12TH; IT WAS STILL A MATTER OF FEELING ONES WAY INTO THE PROBLEMS POSED BY THE MARCH AT GARVAGHY ROAD. THE POINT WAS MADE BY THE IRISH SIDE THAT BY THEN POLITICAL TALKS SHOULD HAVE BEEN UNDERWAY FOR A MONTH AND THAT ANY CONFRONTATION MIGHT BE HELD BY UNIONISTS TO HAVE BEEN ORCHESTRATED BY SINN FEIN WHICH COULD RESULT IN A UNIONIST REFUSAL TO ENTER INTO DISCUSSIONS WITH SINN FEIN.

9. MR DONOGHUE STRESSED THAT THE IRISH SIDE WERE SEEKING TO MAKE A POSITIVE INPUT INTO RESOLVING DIFFICULTIES, THE SENSITIVITIES OF WHICH THEY UNDERSTOOD. IN THAT CONNECTION, BRIEF REFERENCE WAS MADE BY MR FISHER TO THE NEED TO BE CAREFUL ABOUT PUBLIC STATEMENTS (SUCH AS THAT RECENTLY MADE IN THE DAIL) CONCERNING FREQUENT CONTACTS TAKING PLACE IN THE SECRETARIAT ON THE SUBJECT OF INDIVIDUAL PARADES, AND TO RESPECT CONFIDENTIALITY OVER THE PLANNED MEETING BETWEEN DCC FLANAGAN AND THE IRISH SIDE AT MARYFIELD LATER THIS WEEK.
10. IN RESPONSE, MR STEELE CONFIRMED THAT NO OTHER PROPOSALS FOR PROCEDURAL CHANGES WERE BEING ACTIVELY CONSIDERED (OR CHANGES CONTEMPLATED TO PUBLIC ORDER LEGISLATION) BUT THERE REMAINED AN OPEN MIND.
11. FINALLY, THERE WAS A SHORT DISCUSSION ABOUT THE RECENTLY PUBLISHED WHITE PAPER ON THE LAW AFFECTING THE USE OF LETHAL FORCE AND THE DECISION BY THE HOME SECRETARY NOT TO ALTER THE LAW. MR STEELE EXPLAINED THAT ALTHOUGH THE INTER-DEPARTMENTAL

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REVIEW HAD CONCLUDED THAT IF CHANGE WERE THOUGHT DESIREABLE THE OFFENCE OF MANSLAUGHTER MIGHT BE SUBSTITUTED FOR THAT OF MURDER IN CERTAIN LIMITED CIRCUMSTANCES BUT THIS HAD BEEN PUT FORWARD WITH NO PARTICULAR ENTHUSIASM (THERE WERE PROBLEMS PROVING INTENT AND IDENTIFYING WHAT CONSTITUTED GROSSLY NEGLIGENT BEHAVIOUR). THERE HAD BEEN LITTLE PARLIAMENTARY REACTION TO THE HOME SECRETARY'S DECISION, AND THERE WERE NO PROPOSALS TO CHANGE THE LAW IN THE FORESEEABLE FUTURE.

(SIGNED)

J R FISHER

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