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Parades LGC 18 October 1995.

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*In opening the discussion on this item, the Tánaiste recalled the serious incidents during marches in Belfast, Derry and Drumcree in recent months. The bottom line was that parades should not go where they are not wanted. The perception in the nationalist community from Drumcree onwards was that the RUC on a number of key occasions had sought to conciliate the unionist and loyalist community, and that the concerns of the nationalist community took second place. Stressing the need for balance, he said that marchers should avoid confrontation. He added that he did not underestimate the difficulties in this area.*

*Referring to the Drumcree and Ormeau Road marches this summer, the Chief Constable stated emphatically that he stood over the decisions he had made in relation to the marches in question. He also made it clear that he was not happy with the course of developments at those marches. Describing the stand-off situation between Orange marchers and nationalist protestors at Drumcree (8/9 July), it was not true to say that the RUC had given in in the matter (that is, in allowing the Orange marchers ultimately to pass along the nationalist Garvaghy Road, without bands). There had been mediation by the two RUC Deputy Chief Constables and agreement had been reached. That agreement had been meticulously followed by both Orange and nationalists. The triumphalist posturings by politicians which followed was a separate matter and something which he described as wrong.*

*As regards the Lower Ormeau Road, Acting Deputy Chief Constable Flanagan and another RUC colleague (Wallace) had on 10 July engaged in negotiations with the Lower Ormeau Concerned Community (LOCC) group. An agreement had been reached allowing the Orange Order to march on the Lower Ormeau Road on 12 July and the Royal Black Institution to march there on 26 August. The LOCC had changed their mind on the agreement on 11 July, in the light of the developments at Drumcree and on seeing the TV images from there. Since the Orangemen believed they had an agreement in the matter, the RUC had no alternative in the circumstances but to allow the march to proceed. He said that*

*much had been made of people having been "hemmed in" by the RUC but in the end the marchers had gone down the road very quickly.*

*As an example of difficulties which had arisen in relation to other parades, the Chief Constable referred to Sinn Fein's attempts to march in Lurgan past a site which had been bombed three years back.*

*Referring to the Apprentice Boys Parade in Derry on 12 August, the Chief Constable noted that the RUC had subsequently allowed Sinn Fein on 5 October to march from the Waterside area to the Guildhall in commemoration of the first Civil Rights march.*

*More generally, and claiming that the RUC had endeavoured to pursue an even-handed approach in its policing of parades, he said that whether a march was wanted or not in an area was not the issue for the law. What some perceived as the simple solution of asking the Secretary of State to ban a particular parade was not as simple as it might appear. While a march could be banned, one could not prevent, say, 5,000 people walking from A to B. He said that Drumcree and the blocking of the A8 route to Larne had been issues of concern for many loyalists in Northern Ireland this year. It was also the case that loyalists used the marching season to express a level of concern about how they perceived things were going politically. When marches were banned elsewhere, this would normally be done with the support of 95% of the population. When marches were banned in Northern Ireland, communities were usually split down the middle on the matter. It was accordingly essential for political leaders on both sides within the local community to reach a level of agreement on marches and in regard to the local policing of same. Indicating that he had noted an incremental improvement on parades over the past few years, he referred in positive terms to the Royal Black Institution as having helped the RUC at various levels (e.g through their decision this summer voluntarily to re-route their parade away from the Lower Ormeau Road).*

The Chief Constable went on to say that he was looking at the possibility of some form of tribunal (relating to parades) and that he would put views in this regard to the Secretary of State. He insisted, however, that the whole issue of marches was not a legal issue but a social one.

The Tánaiste said he noted that there had been understandings in relation to certain parades but that, because of displays of triumphalism, those understandings had been lost. There was need to find a way out of these difficulties

The Minister for Justice questioned whether the RUC could not start their preparations and negotiations and the general decision-making process in relation to parades much earlier in the year.

The Chief Constable responded that the discussions on the Lower Ormeau Road parades had gone on over the previous six months. He also suggested that the people on the Lower Ormeau Road were not "free agents". They had been infiltrated by the PIRA who had been behind some of the events there. He added that it was only after bricks had been thrown against the police that officers in riot gear had been introduced (to deal with demonstrators during the Lower Ormeau Road parade).

In response to the Tánaiste, who asked for information on progress in regard to the RUC enquiry into the events on the Lower Ormeau Road on 12 August, the Chief Constable indicated that the inquiry was proceeding under the supervision of the Independent Commission for Police Complaints. He added, however, that not one of the complainants who had made complaints in regard to police action against them on that occasion had kept appointments to be interviewed on the matter.

Asked by O hIliginn if there had also been follow-up with Roy Beggs in relation to the blockade of Larne port, the Chief Constable confirmed that the events on

*that occasion were equally the subject of an RUC investigation.*

*Concluding the discussion on this item, the Secretary of State noted that to date this year there had been 3,135 parades - 2,447 loyalist, 270 republican or nationalist and 418 'other'. Of this total, only 11 parades - a tiny proportion of just 0.3% - had been classified by the police as having resulted in disorder, 4 of them occurring on the Ormeau Road. He believed that people were increasingly coming to regard those instigating "seeds of disorder" at parades as being out of kilter with what the "hour now demands" in Northern Ireland. Referring to the "dreadful cultural" aspects of marches, he said that when disorders occurred, they caused no end of troubles. Regrettably, some elements within the community continued to appear to see confrontation as a virtue.*

© Policing (future structures)

Opening the discussion, the Tánaiste asked how the reviews now being undertaken tied in with the preparation of a White Paper on policing, which, he understood, was not now expected before Christmas.

Minister Wheeler responded that he hoped to publish the White Paper on policing by the end of the year. Indicating that the firm proposals to be put forward would be based on the extensive consultations being carried out and maintenance of the tripartite management structure, he referred to the need to safeguard the operational independence of the Chief Constable and the police as a whole, while ensuring accountability through the *Police Authority*. *The Chief Constable would set out his plan for the deployment of financial resources, with the plan to be submitted for the approval of the Police Authority and the Secretary of State also. Turning to the review of policing needs and expenditure being undertaken, he said that this was being led by the RUC, but that the Police Authority and the Government through the NIO were also directly involved. The exercise was therefore a joint one. It would focus on likely policing needs, the sort of police service needed to meet those needs and the resources needed to deliver that service. The wide-*

*Pa Loyalist Grades 95*

Meeting of the Anglo-Irish Conference

17 October 1995

2. Confidence Issues

(b) Review of "marching season" and operation of the Public Order Order

Speaking Points

**Key Points:** Serious incidents during the marching season in Belfast, Derry and Drumcree. Parades should not take place where they are not welcome. Need for action in the future by the Secretary of State

**Marching Season and Aftermath**

- I would recall the serious incidents during Orange and loyalist marches in Derry, Belfast and Drumcree in recent months.
- The effects of these continue - for example, we have the summonses against a number of Derry people and the counter-summonses against a significant number of named RUC officers. This is certainly negative in terms of RUC/community relations.
- I would have to say that the perception in the nationalist community from Drumcree onwards is that the RUC on a number of key occasions sought to conciliate the unionist and loyalist community, and that the concerns of the nationalist community took second place.
- A number of serious injuries resulted from these incidents and I am concerned at the number of plastic bullets fired - whoever they were fired at.
- Can you offer any information on the progress of the RUC inquiry into the events on the Lower Ormeau Road on 12 August?

## Future Approach to Marches

- The RUC at present appear to find themselves frequently in the position of arbitrating between competing claims. This inevitably happens in terms that are controversial and inherently political, whether they intend that or not.
  
- I know that you take the view that the management of marches is an operational decision to be taken at the level of local RUC commander.
  
- I believe, however, that the time has come to take another look at the implications of what we have agreed between us in this Conference many times - that is that the right to march and to demonstrate should be exercised with respect for the rights and sensitivities of others and with regard to the maintenance of public order.
  
- The Public Order Order allows for the re-routing or prohibition of parades where there is a belief that serious public disorder may result.
  
- However, the present system is a direct incentive to counterdemonstrations, and illustrates the danger of seeking to resolve an essentially political matter through operational policing decisions.
  
- While I understand the need to preserve the operational flexibility of the RUC on the ground, there is a clear need to move away from a situation where year after year incidents during the marching season damage the overall political climate. This is essentially a matter for consideration at political level.
  
- I would urge you to consider the steps you and John Wheeler can take to prevent a recurrence of such incidents next year.

The annual recurrence of attempts by various organisation to march in areas or along routes where they are not welcome is the core of the problem. In the post-ceasefire climate, I believe we must address this problem at political level.

- In particular, it would help if you were to clearly signal, well in advance of the opening of the marching season, that operational decisions will be taken on the basis that the right to march must take full account of the principle that parading should not take place where it is not welcome.

- During the marching season itself, while fully respecting the operational needs of policing, I feel that you should be ready to direct the re-routing or banning of certain parades under the Public Order Order.

**If the Secretary of State responds by saying that decisions on marches are operational ones for the RUC:**

- Again I appreciate the operational role of the RUC, but it is obvious that the present approach puts a premium on counterdemonstrations which greatly complicate the task.

- But in circumstances where there is a clear threat of public disorder or severe disruption of community life, I believe that Governments must give clear direction.

- I have suggested that you state clearly well in advance of the marching season what the approach of the authorities will be and then act in cases where there is a clear attempt to subvert this approach.

- It would be helpful also to explore in good time whether we can both use our good offices to sponsor some agreed mediation/arbitration procedure on the flashpoint marches.

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Meeting of the Anglo-Irish Conference

17 October 1995

2. Confidence Issues:

(b) Review of "marching season" and operation of Public Order order

Background Note

1. Our basic principle with regard to the issue of parades which has been outlined in various Joint Statements issued following previous conferences is that the right to demonstrate should be exercised with respect for the rights and sensitivities of others and with regard for the maintenance of public order. While the area of RUC handling of parades is one of measurable and continuing progress under the Anglo-Irish Agreement, progress is by no means automatic. The subject requires discussion each year at Conference level (such a discussion took place at the IGC in April 1995) and through official-level exchanges with the British side in the run up to the full marching season. During such exchanges potential flashpoints are flagged and discussed with a view to accommodating the wishes of both side of the community to the greatest extent possible. While we are aware of the Chief Constable's view that the routing and handling of parades are, in the final analysis, matters for the judgment of the local RUC Commander, we have argued that this view must not be at the expense of our basic principle or of the objectives of the Anglo-Irish Agreement.

Traditionally the marching season is a factor which tends to complicate issues at street level. This year was no exception. Serious disturbances occurred around a number of parades, particularly in Portadown (Siege of Drumcree)

and in Derry and the Lower Ormeau Road in Belfast during the weekend 12/13 August. Several aspects of the arrangements and decisions made by the police gave rise to serious concerns- concerns which we registered with the British side.

#### Portadown

2. One of the major problems which arose this year surrounded Orange Order access to the predominantly nationalist Garvaghy Road on 8/9 July. A standoff resulted whereby the RUC formed a buffer between marchers and a group of nationalist protesters. Mediation efforts occurred over a 48 hour period to resolve the impasse. The RUC lifted their blockade of the Orangemen gathered at Drumcree Church and the parade ultimately passed along the Garvaghy Road, without the bands. Local nationalists were permitted to stage a counter demonstration to register their protest at what they regarded as an unwelcome march through their neighbourhood. Locals were very angry at the RUC handling of the incident and at their perception that the loyalists marchers were to be accommodated at their expense. David Trimble and Ian Paisley subsequently led the march in a display of triumphalism and claimed the incident as a victory. A medal was struck commemorating the incident and was presented to Unionist politicians, including Trimble, who had supported the march.

#### Lower Ormeau Road

3. This area has been one of contention for some time and the 1995 marching season was no exception. While several earlier parades (17 and 23 April) were rerouted by the RUC, subsequent parades crossed the Ormeau Bridge leading to nationalist protests. The **Lower Ormeau Concerned Community** has led nationalist opposition to the parades. We have advised the group at all stages to act in a restrained and dignified manner. Mediation efforts by the Quakers between LOCC and the Orange Order were also privately encouraged by our side.

In the event, the worst incident occurred on 12 August when Nationalist protesters were corralled into one area by the RUC. Following the Orange march there were widespread disturbances which resulted in a number of injuries. There were allegations of sectarian slogans and personal aggression by some RUC officers. The early deployment of RUC officers in riot gear has been a consistent feature of complaints made to us. The RUC's handling of the disturbances has been raised with the British Government through the mechanism of the Anglo-Irish Conference. A senior ranking RUC detective is carrying out an inquiry into the events of 12 August. The resort to plastic bullets at very close range led to one serious injury during the Lower Ormeau Road disturbances. There has been a subsequent allegation of intimidation of a witness by the RUC.

#### Derry

4. The **Apprentice Boys Parade** in Derry on 12 August also resulted in serious disturbances. In previous years, the march has been prevented from parading on the Walls of Derry. However, this year access to the walls has been reopened and the suggestion was made that the parade circuit most of the walls but not that part which overlooks the Bogside. It had appeared that local Apprentice Boys clubs had been willing to accept an RUC decision to restrict the march on these grounds. In the event, the march completed a full circuit of the wall. RUC officers removed nationalist protesters from a section of the wall and trapped them beneath the wall, behind a line of landrovers. The RUC subsequently admitted that over 100 Plastic Baton Rounds were fired during the disturbances in Derry. In total since the IRA ceasefire 273 plastic bullets have been fired by the RUC. In early September up to 30 individuals were cautioned by

the RUC in connection with the disturbances in Derry and files have been sent to the Director of Public Prosecutions.

Our main concerns regarding the handling of the Apprentice Boys Parade reflect some of our general concerns in this area:

- (i) the RUC's delay in deciding what action to take.
  - (ii) the apparent failure to inform the community of the decision taken.
  - (iii) the use of Plastic Baton Rounds
5. The difficulties this Summer vindicate the argument made by the Irish Government for some considerable time that the failure to balance the right to march against a corresponding duty to avoid provocation is a formula for continued tension in the marching season.

The persistent claims from the British side that the handling of parades is an operational one for the RUC has, we feel, resulted in a certain politicisation of the force in consequence of incidents such as the above. The danger also exists of a popular nationalist perception that the RUC is catering for the wishes of the larger community. The continual insistence on the operational nature of parade management tends to impede the potential for mediation and accommodation in the period prior to likely flashpoints. Furthermore the failure of the British side to provide a copy of the RUC document detailing planned parades (on the grounds that the management of parades should not be open to governmental influence) has impeded advancement.