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C O V E R

SECURE FAX

S H E E T

To: Mr. P. Teahan, Mr. M. Mansergh. (Leinster Hse)

From: Mr. Colin Goodnow

Subject: 3 reports from Belfast Secretariat attached

Date: 9.7.97

Pages: 16 (Including cover sheet)

Documents attached,

- ① Meeting between Irish Govt. and the SDLP. 3 pages
- ② Meeting with British Govt. 9 pages
- ③ Agreed timetable 5 pages

Ms. David Cooney asked me to fax them as a matter of urgency.

If there are any problems with transmission please call me at (01) 4780822 Ext. 2287

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ConfidentialPSM, PSS, S/S Ó hUiginn,
Counsellors A-I, Mr Teahon,
Mr Dalton, Dr Mansergh,
Ambassadors London &
Washington, Joint Secretary,
Section, BoxMeeting with the SDLP8 July 1997

1. The Minister for Foreign Affairs and the Minister of State had a brief meeting with the SDLP at Castle Buildings yesterday. The SDLP delegation consisted of John Hume, Seamus Mallon, Joe Hendron, Eddie McGrady, Sean Farren and Mark Durkan.
2. Hume reported on a meeting they had just had with the Secretary of State.

They had gone very hard on the Drumcree decision and its implications in terms of promoting extremism. The leaked NIO document had been very damaging, as it had given the clear impression that it had been policy from the outset that the march should go ahead. The SDLP had impressed on the Secretary of State the deep anger in the nationalist community and the complete loss of confidence in the British Government. The Chief Constable's justification of the decision with reference to a Loyalist paramilitary threat meant effectively that power came from the barrel of a gun.

With a view to calming the situation, the SDLP had proposed that a total moratorium be declared in relation to all parades. The Secretary of State had said that she would think about this.

On the NIO document, the Secretary of State's line had been that this had been one of many such memos and that the decision was genuinely not taken until the last moment. The SDLP had observed that her own chief security adviser had described a forced parade as the "solution" on the first page of the document.

3. Hume emphasised the gravity of the situation on the ground now ("something terrible could happen"). It was difficult to see what could be done to calm things down other than a moratorium decision.

McGrady said that the Secretary of State had admitted to having lost a lot of

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credibility. Her ability to engage in dialogue about accommodations for next weekend was, accordingly, limited. She had given no indication about the supposed premise for the Drumcree decision (the Loyalist paramilitary dimension).

Mallon noted her efforts to push the responsibility back onto the Chief Constable. The SDLP had raised the Lower Ormeau Road parade but had not been able to obtain even a modicum of hope in relation to next weekend's parades. Durkan said she had given an undertaking, however, to come back on the individual parades.

4. Hendron commented that Drumcree represented a massive victory for the IRA. The Ormeau Road was the SDLP's next big worry. The Chief Constable and the people around him told lies. He recalled the repeated assurances given to the SDLP in advance of last year's Ormeau Road parade that the decision had not yet been taken - only to hear from a journalist early on the morning of the 12th that it had already gone through. Sinn Féin could be expected to exploit this year's Ormeau Road parade to the full.
5. Asked by the Minister about the realistic prospects of achieving a moratorium, Hume said that this would involve the British Government calling in the Orange Order chiefs. In the current situation of extreme danger on the streets, (the worst he had experienced in years), with the risk of "total street violence" beginning from next weekend and leading conceivably into a state of emergency, a moratorium would certainly be the "lesser of two evils".

The Minister indicated that the Government would support Hume in his efforts to get this, though one would have to doubt the likelihood of success given the British Government's handling of Drumcree.

6. Mallon wondered whether it was realistic to expect a moratorium to be enforced by a Chief Constable who could not even prevent the Drumcree parade going down the short stretch of the Garvaghy Road. He predicted that lead bullets would be used by the RUC by the weekend (following "dry runs" at Coalisland and elsewhere).

In relation to the Ormeau Road, he saw only two options - either the march went through or it was stopped. In relation to Armagh, the objective would be to keep the Orangemen out of the Lower English Street and Shambles area. (He had been given

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an assurance about this by the RUC but did not trust them). In relation to Newry, a march through to the bus station (which was already burnt down) en route to Armagh was planned. He would be seeing the RUC this evening to ask them not to allow this march through but to have the buses go to the point where the Orangemen would normally congregate and pick them up there.

7. As regards Derry, Hume said that all the gates were now sealed off, which meant that ordinary residents could not get back to their own homes. Durkan had been told in the morning that the gates would be reopened but at lunchtime he had been told that an additional one was to be closed. The Orange parade should not be allowed to cross the bridge. A ban of this kind was the only hope of ensuring a peaceful Apprentice Boys parade in August.

The Orange Order had refused to meet the SDLP in Derry. Bishop Mchaffey felt he had an undertaking from the Orangemen that there would be no stand-off if they were not allowed to cross the bridge. This would be conditional, however, on the ban not being seen as a response to BRG representations, so it was a very fragile understanding

8. In conclusion, the Minister told the SDLP about his earlier meeting with Trimble and the agreement between the two Governments to coordinate closely on their responses to him.



David Donoghue

9 July 1997

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ConfidentialPSM, PSS, S S O hUiginn,
Counsellors A-I, Mr Teahon,
Mr Dalton, Dr Mansergh,
Ambassadors London &
Washington, Joint Secretary,
Section, BoxMeeting with the British Government
8 July 1997

1. The Minister for Foreign Affairs and the Minister of State had a meeting with the Secretary of State and Minister Murphy at Castle Buildings yesterday following the Plenary session.
2. The officials present on the Irish side included Second Secretary O hUiginn, Wally Kirwan, Val O'Donnell, David Cooney and the undersigned. The British officials included David Fell, Quentin Thomas, Peter Bell, David Hill and David Lavery.
3. The meeting dealt initially with the outcome of the Plenary and then turned to the parades issue.

POLITICAL ISSUES

4. The Minister mentioned the emphasis laid privately by Senator Mitchell on the need for the two Governments to agree in written form the responses to be given next week to the requests for clarification of the joint paper. There should be extremely close coordination in the delivery of these responses and strict adherence to the agreed line. The Minister had met David Trimble earlier. He had listened to the points made and had said that responses would be delivered in the trilateral format. The UUP leader had also sought a further bilateral meeting..
5. The Secretary of State said she planned to see Trimble on Thursday, to go through his points with him and to make "our best guess" as to the responses likely to be acceptable to both Governments.

The Minister replied that "best guesses" would be inadequate - this was a time for specific agreements between us. The two Governments had taken great care to achieve a balanced paper. Nothing should be said which might be prejudicial to its purpose, a key part of which was to facilitate an IRA ceasefire and Sinn Féin entry to the process.

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6. Hill indicated that the British side might be in a position to supply by Friday a first draft of the written responses. Murphy saw the envisaged meeting with Trimble on Thursday as an opportunity for the latter to clarify points he had made in his letter to the Prime Minister.

The Minister emphasised the need for officials to begin work straight away on some of Trimble's points. The Secretary of State agreed that contact between officials on these on Wednesday would be helpful, with a view possibly to having an outline of some responses ready before Thursday's meeting. Hill underlined Trimble's interest in a separate contact with the Irish Government next Tuesday for the purpose of clarifying the view we took of "parallel decommissioning" and other matters. He would then wish to see both Governments together. The Governments should try to facilitate him in order to avoid giving him any excuses for non-cooperation.

The Minister said we had no difficulty with this but the two Governments would have to "sing from the same hymn sheet". This was agreed.

7. O hUiginn suggested that Trimble would be seeking an assurance that, if parallel decommissioning did not happen, the relevant parties would be expelled.

The Secretary of State saw it as a good omen if it had been possible for Irish Ministers and Trimble to avoid a rancorous discussion of the parallel decommissioning issue at their meeting this morning, given the current very difficult circumstances. The Minister pointed out that he had merely listened to the UUP leader and had given no substantive response on this point. He again emphasised the vital importance of the two Governments sticking together in responding to the Unionists.

8. Hill suggested that the envisaged trilateral might take place next Tuesday afternoon.

PARADES

9. Turning to the Drumcree issue, the Minister said that Sunday had been a sad day for everyone. The Secretary of State agreed that it had been a disaster.

The Minister said that the Government had been very encouraged by the meetings which they had had with the British Government last week and had tried hard to give

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space for the Secretary of State's efforts to find compromise. The one proviso entered, however, had been in relation to the idea of forcing the parade down the Garvaghy Road (the "worst case scenario"). The Secretary of State would understand the Irish Government's dismay at the decision taken and the manner of its implementation.

As regards advance consultation, he had expected to have a phone call on Saturday. In fact, this did not happen until Sunday morning, at a point where the press conference had not yet been held but the security operation was already in progress. It was very difficult to explain to people in the South and to nationalists in Northern Ireland why a parade from a prayer service was allowed down the Garvaghy Road when the people of that area could not even get to their own church for Mass. This was a ludicrous situation.

As regards the leaked NIO document, he did not wish to make a meal of this. That would not be in the interest of either Government. But it would be wrong not to reflect the feelings in the Republic and on the ground in Northern Ireland. There was total dismay and anger in the nationalist community. The SDLP had told the Minister that the situation was worse than last year and, indeed, unprecedented for many years back.

However, we must now look to next weekend and what could be done in terms of compromise solutions. At least today's progress at the talks would enable the Governments to say that the process was moving forward and that there must be a political solution. The Taoiseach and the Minister had both been exercising restraint in their public remarks. It was now time to look forward, not backwards. He emphasised that next weekend would be crucial. The Government had been calling, and would continue to call, for an end to violent protest. It would be emphasising the importance of making early political progress. But Drumcree had made the situation very much worse than it had been. The British Government must ensure that there was no repeat of Drumcree next weekend.

10. In response, the Secretary of State recognised the difficult situation in which the decision had placed the nationalist community. She thanked the Taoiseach and the Minister for their very helpful remarks following the meeting in London last week. She also thanked them for "not going ape" in the aftermath of the Drumcree decision. While there was no point in going back over history, she wished to provide the

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following account to set the Irish Government's mind at rest (and show that "we were not completely bananas").

The British Government had been seeking an accommodation over several weeks. As their contacts developed, they did not know if they would achieve this or not. They thought that they might have obtained something from the proximity talks. But they were wrong - there had been no shift from the bottom line on either side. She had negotiated up to last Saturday. The Chief Constable "thought that he might have something" and had negotiated up to early on Sunday morning.

The late timing of all these contacts had put the Secretary of State in difficulty with the Garvaghy Road residents. She phoned them on Friday to explain the position and offered to go to the Garvaghy Road if there was value in this. However, the residents had said that there was nothing to talk about. It had not been as brutal a cut-off as had been portrayed. Brendan MacCionnaith had been very uncooperative. She did not go down to the residents, it was true, but she had phoned them to apologise for not being able to get there.

By Saturday, the absence of local agreement meant that, under the public order legislation, the responsibility passed to the Chief Constable to take a decision on grounds of public safety. The security information given to him was that, if he were to put the parade down the Garvaghy Road, there would be less risk. She had powers under Article 5 of the Public Order Order but, if she had exercised these, she would have had to override her security advisers. She decided that she could not do this if the advice available to her was that the option she was choosing would involve an excessive loss of life.

The Drumcree decision, she acknowledged, had not been a good decision in the eyes of some people. (Later in the meeting, she mentioned that Hume had told her that the situation was the worse he had encountered in 27 years and that she herself was worse than Roy Mason).

As for the leaked NIO document, this had been one of many written by officials. It had not predetermined the decision in relation to Drumcree. Other papers had argued for a ban, a rerouting via the "dog-leg" etc. The document had never been endorsed. The leaking of it from her Department had been a malicious move designed to affect herself or the process or the efforts of the two Governments - she

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had no doubt about that. It had been "the final nail in the coffin" in that it had given the impression of indifference on the British Government's part and had caused a major loss of support in the nationalist community.

As regards next weekend, there was not much accommodation that she could do at present, as the resident groups would not talk to her. She had appealed to the Orange Order to call off the Ormeau Road parade "for the sake of the Union and so on" but had not been able to get them to shift their position. Following Drumcree, no shift was likely from the nationalist side either. She saw no alternative, therefore, to a decision by the Chief Constable in relation to the parade.

Changes in the public order legislation would enable new criteria to be brought in to ensure fairness between the two traditions. But these could not be taken into account at present. There had been no time in the last six weeks to take action on this front but there would be time next autumn.

On the question of advance contact, she said that she had been given to understand that the Chief Constable would decide on Saturday. However, for reasons of operational advantage, the RUC kept putting off this decision and, accordingly, the phone-call kept having to be deferred. Bell noted that there had been contact through the Secretariat prior to the phone-call at 7.30 am. The Irish side pointed out that even that contact, at 3.20 am, only happened as the RUC operation was already underway.

11. The Minister observed that "Drumcree 2" last year had already shocked nationalists and that "Drumcree 3" had compounded this. As the Irish News had remarked, it seemed that the RUC could handle threats from one direction only. The decision amounted to an invitation to radicalisation on the nationalist side.
12. The Secretary of State said that "we must get the political aspect in" for the future. As of now, however, the Chief Constable had to estimate the security risk in each instance.

The Minister pointed out that the LVF strength in Portadown amounted to perhaps 25-30, whom the RUC were presumably monitoring on a continuous basis. One community had its freedom protected, it seemed, while the other found itself being beaten by the security forces. Reports from Deputy Rory O'Hanlon and (now

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Minister of State) Eamon O Cuiv, who had been present on the Garvaghy Road from Saturday afternoon, had noted there ~~was~~ ^{was} with which the RUC had gone about their task. That was the reality on the ground which had to be addressed. There were palpable feelings of hatred ~~on the part of the local community towards~~ ^{forward on the part of} the RUC.

This was the problem which both Governments would have to come to grips to. The Taoiseach and the Minister had sought in their public comments to discourage further violence. But they were in a situation in which the outlook for next weekend was horrendous. If the suggestion was that the Orangemen still did not understand the implications of what had happened and were intent on going ahead with their parades in contentious areas, was this for real?

The Minister highlighted the need to do something about the Lower Ormeau Road parade on Saturday. He also lent support to John Hume's moratorium proposal. In the present extremely difficult security situation, and given the Chief Constable's emphasis on security considerations, a moratorium on all parades as of now was sensible. A repetition of last year's handling of the Lower Ormeau Road parade, when the RUC effectively made prisoners of ordinary people in their homes overnight to facilitate the Orange marchers, could not be contemplated.

He sought, in addition, an assurance from the Secretary of State that the Orangemen would not be allowed across the bridge in Derry on Saturday. The SDLP had told him today that the gates which had been sealed off were to have been reopened but that they had since learned that a further gate would be closed.

He referred also to the proposed Orange parade in the Shambles area of Annagh and the proposed march through Newry (to a bus station which was already burned down). There had to be some sense of balance and an awareness of the security risks to deal with risk on one side of the community was unacceptable.

13. The Secretary of State said that she and the Chief Constable had tried to achieve a "lose-lose" situation. They had tried options such as the "dog-leg", a parade in the opposite direction, altered times and an approach involving no parade taking place this year - but none of this had worked. The reason why the Chief Constable had estimated that a forced parade would be the "lesser of two evils" in terms of potential loss of life was that Loyalist marchers who found themselves held within a Catholic area in the event of a decision against them would retaliate by attacking Catholics.

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She would "argue very strongly" about the Lower Ormeau Road parade but ultimately it would be for the Chief Constable to decide "which were the lesser of the two evils".

14. O hUiginn observed that it was becoming very predictable which "evil" the RUC would choose on each occasion.

The Minister underlined the very serious impact of what had happened on the Irish Government's efforts to bring about an IRA ceasefire.

The Secretary of State repeated that she had tried very hard to achieve a local accommodation on Drumcree. However, the bottom lines had not altered. They might have achieved an accommodation about ten days ago (on, she implied, the "dog-leg" option) but it had been impossible to move Brendan MacCionnaith. The Minister asked why it had not been possible to press the "McCartney approach".

15. The Secretary of State suggested that a stand-off at Drumcree church because of a ban on the parade would have meant "the province going up". When she had suggested to the RUC that the Loyalists might be contained in Portadown by the "ring of steel", the reply had been that this would leave them close to Catholic areas and that a bloodbath could well ensue. If that was the security advice she was given, there was very little she could have done. She could have overturned that advice but "not with a free conscience". She would have been exposed to a judicial review of her decision if she had turned down the security advice.

O hUiginn observed that the Orange card seemed to triumph each time and he warned of a radicalisation of the nationalist community at the hands of Sinn Féin if this continued.

16. The Secretary of State referred again to the forthcoming legislative changes. The Minister noted that, even with these, the role of the Chief Constable and the Secretary of State would remain unchanged. The Loyalist paramilitary threat had been seen to prevail. With Sinn Féin's position substantially reinforced, the SDLP's position was in tatters. Drumcree had played into the hands of the hard men on the Republican side, undermining the efforts of the Irish Government to achieve an end to violence.
17. Looking ahead to Derry, the Minister saw no reason why the Orangemen should be allowed to cross the bridge. With the Apprentice Boys' march looming up on 15

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August. It would be a recipe for disaster if the Orangemen were to be allowed over the bridge next Saturday.

18. The Secretary of State suggested that the RUC response to, say, warnings about six nationalist communities "going up" in a given situation would be that eight Loyalist communities would "go up" if that situation were to be reversed. She was prepared, for example, to deploy the Army in order to secure airports and ports or to bring in extra battalions for wider security duty. However, there were extremists on both sides and "both are equally daft".
19. The Minister pointed out that in nationalist eyes it was always the Orange card which prevailed.

The Minister of State observed that the traditional problems of the Orange Order's supremacist approach and proximity to the British Government were bad enough for nationalists. Now the Order's position was being bolstered further by references to the Loyalist paramilitary threat. This was very worrying for nationalists.

20. Oh Uigian emphasised that the British Government could not be seen to throw power behind one side or the other. Stability could not be ensured by the old "garrison approach" but was achievable only on the basis of equality of treatment. The Drumcree decision, the most profoundly political decision this year, should not have been taken on the basis of ostensible security advice. He asked what offer had been made by the Orange Order to the Garvaghy residents.

The Secretary of State replied that the residents had been opposed to any march and no alternative was acceptable to them. They felt betrayed by the NI Mediation Network in 1995 and misled in 1996. Their persistent message was that they had already yielded too much ground. She had found it almost impossible to negotiate with them. When she asked MacCionnaith what their agenda would be, his response was "the Joint Framework Document in essence". Mentioning a ten-minute argument with him and a very upset Sister Laura, she emphasised the effort she had put in with the residents.

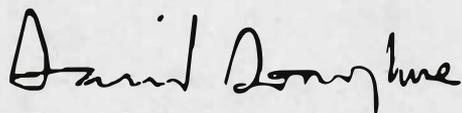
21. The Minister commented that "Trimble owes you one" after Drumcree. It was necessary to move him on, with a coordinated response to his points, and also to agree a generous response to the Sinn Féin letter. In general terms, the two Governments

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must be as frank as possible with each other and work together to advance the political agenda. In the event of a UUP walk-out, the Governments should be determined to move things ahead as the two Governments.

- 22 The meeting concluded with agreement on Friday 18 July as the date for the next meeting of the Anglo-Irish Conference.



David Donoghue

Joint Secretary

9 July 1997

09/07/97

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9 July 1997

No of pages including this one: 3

To: HQ
For: D. Cooney

From: Belfast
From: Joint Secretary

Subj: Agreed timetable

We have now received the final version of the timetable agreed in Plenary yesterday, which incorporates an amendment sought by the DUP (see the "Monday 28" entry)

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**INDEPENDENT CHAIRMEN'S SUGGESTED
TIMETABLE FOR REMAINDER OF OPENING PLENARY**

July 1997

- Tuesday 8** Chairman presents to the participants, for their consideration, this suggested timetable for the remainder of the opening Plenary.
- Wednesday 9** Bilaterals continue.
- Friday 11** Noon deadline for submission in writing to the Chairmen and circulation to the participants of any further requests for clarification of the Governments' proposal.
- Wednesday 16** Noon deadline for submission in writing to the Chairmen and circulation to the participants of request by any party which wishes its proposal on decommissioning to be put to a vote alongside those of the two Governments.
- Plenary meets at 2:00 pm for further discussion of proposals on decommissioning and clarification by the Governments in response to requests by participants.
- Friday 18** Noon deadline for submission in writing to the Chairmen and circulation to the participants of any proposed amendments to the Governments' proposal, or to other proposals to be voted upon.
- Monday 21 &
Tuesday 22** Plenary meets for debate on pending proposals on decommissioning and any proposed amendments thereto.

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Wednesday 23 Plenary meets for votes on proposals and amendments.

The order of voting to be as follows:

First, the parties' proposals which have been presented for a vote (the DUP has already indicated its desire for a vote on its proposal, so it will be voted on first; votes will then be taken on proposals by other parties which present a proposal for a vote, if any, in the order that they are received; if any amendments are offered to any party's proposal, votes on those amendments will be taken just prior to the vote on the party's proposal);

Second, amendments to the Governments' proposal;

Third, the Governments' proposal, as amended if amended, or in its original form if not amended.

Monday 28

(Assuming agreement on a proposal on decommissioning voted on July 23.) Plenary meets for participants to work constructively to implement agreements on decommissioning, for discussion and adoption of comprehensive agenda (item 3), and agreement to activate the Business Committee which begins work on preparations for the three-stranded negotiations.

Tuesday 29

Plenary meets for launch of three stranded negotiations and establishment of agreed mechanisms on decommissioning (item 4) and for concluding remarks by the Independent Chairman (item 5).

Plenary adjourns until September 15.