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Meeting to discuss the handling of paramilitary funerals

Venue: Maryfield

Date: 15 April 1987

Participants

Irish Side

Mr. Declan O'Donovan (D/FA)

British Side

Mr. Bill Innes (NIO)

Secretariat

Mr. Michael Lillis
Mr. Daithi O'Ceallaigh
Mr. Noel Ryan
Mr. Daire O'Criodain

Mr. Mark Elliott
Mr. Stephen Hewitt

The meeting was in two parts, an hour-long discussion followed by lunch. A report summarising the ideas which emerged from the meeting as a whole has already been sent. A copy is attached for ease of reference. This note is an account only of the discussion before lunch. It is cast in the form of a verbatim speech.

Mr. Lillis: I would like to thank you, Bill, for seeing me last week on the day of the Marley funeral (8 April). Our meeting today is a follow-up to a telephone conversation between Mr. King and Mr. Lenihan which took place about two hours after we met. When they spoke on the telephone the two Ministers had been looking at ITN's lunchtime coverage of the funeral. They both expressed concern at what they saw. We have been told that Mr. King described the scenes as "awful". We understand that Mr. King said your side was looking into the operational aspects of the problem and that something would be done.

At the time that I was speaking to you, Bill, we heard that the funeral was proceeding calmly and the hope was that things would settle down. There were a number of incidents later in the day.

We were anxious that the grass should not grow under our feet before this meeting took place and we are grateful to you for arranging it so quickly. What we would like to do is to see how we can go about repairing the political damage, which we believe to have been extensive which was caused by the events of the funeral. Provisional Sinn Fein have been given a new lease of life. It is quite clear now that the Provisionals (PIRA) set up the entire incident. We hoped that the police would be more adroit in handling the issue and would withhold some of the propaganda benefits they might have expected to reap.

In failing to do so we think the police have lost some of the ground and standing they had won with the minority community in the past year. What is your assessment of the situation, Bill?

Mr. Innes: The funeral did not go as well as we hoped but it did go as well as might have been reasonably expected.

Before we go any further I should say that I am here primarily in a listening role. The Secretary of State is, as you say, concerned about the problem and he is anxious to do something about it but, as yet, we have no firm proposals. I have no authority to say to you today "we are going to do this or that". However, I will try to respond informally on a personal basis to anything you have to say.

Could I first tease out the nature of your concern about paramilitary funerals? It seems to me that the kinds of concern that are being expressed generally can be summed up in two propositions. I would like to know which of these is closest to your view? The first proposition is; "paramilitary funerals are unacceptable but can't the police handle them better"? If that is your concern its a question of tactics and we can try and work out some way forward. The second proposition is; "paramilitary funerals should be policed in a different way in order to prevent propaganda benefits flowing to PIRA." If this is your concern the way forward becomes less a matter of tactics than speculation about the importance to be attached to the benefits reaped by PIRA.

Mr. Lillis: The nub of what I was trying to say to you when we met last week was "there has to be a better way" - even allowing for sensitivity about the autonomy of the police in "operational" matters. Incidentally, I saw that the Chief Constable has invited views from the public about the issue. This may indicate that he is less sensitive about his operational autonomy than heretofore, in this area at least. The question now is how to take the matter forward and regain quickly the ground that has been lost in West Belfast. I think the Chief Constable's interview on Friday was a useful signal although it cannot undo all of the damage.

It would not be our view that paramilitary funerals should be tolerated but there might be some scope for reviewing what counts as paramilitary display. I know there are definitions in your law and there are new proposals being put forward in the context of the Emergency Provisions Bill. Would you like to talk about these?

Mr. Innes: The proposal being put forward in the EPA Bill is not directed at funerals. I don't think that looking at the legal descriptions will help us very much. My understanding is that the RUC will accept the use of the tricolour. Placing a beret and gloves on the coffin is out, and the display or use of firearms is the most serious offence of all.

We both seem to share the view that paramilitary displays at funerals are unacceptable. The question is how do we prevent it? We can either do so physically, which is what has been happening recently, or, we can seek reasonable assurances that a display will not take place. The stance of the police at the Marley funeral was coloured by what happened during the Logue funeral in Derry. On that occasion an

undertaking by the family which had been put to the Bishop was a basis for the approach adopted by the police. That undertaking was broken. In the case of the Marley funeral, the family and a local priest had worked out an approach with the police but the affair was hijacked by a third party; PIRA. The RUC cannot deal with PIRA/Sinn Fein for reasons which you know and, I think would share. In any event, they are unreliable interlocutors. Let me put this question to you; "where were the SDLP during the funeral"? If undertakings are to be made stick they will have to be based on a broader coalition of goodwill than exists at present. The politicians have a role to play, as community leaders, as well the Church and the family.

Mr. Lillis: In the specific instance of the Marley funeral, I suspect that if the SDLP had become involved, PIRA determination to disrupt the funeral would have been even greater. There is nothing PIRA desire more than to embarrass the SDLP.

Mr. O'Ceallaigh: I am aware of at least four funerals in recent months where assurances that there would be no paramilitary display were given to the police by the families, where in the event there were no paramilitary trappings but where there was nonetheless a heavy police presence. That discourages other families from giving similar assurances.

Mr. Lillis: An analogy can be drawn with the arrangements for prison parole. We know these are very liberal indeed. They involve frequent temporary releases, sometimes allowing people to leave the jurisdiction. The reason why you have been able to apply such a liberal regime is that 99% of prisoners would not contemplate breaking parole because they know that failure to return to the prison would destroy the arrangements and would incur the wrath of their colleagues.

I think similar arrangements of sanctions and inducements could be created which would allow the RUC to return to the relaxed arrangements for policing funerals which used to obtain. I would suggest that the police take the initiative. They would deliberately and publicly let it be known that they are anxious and willing to talk to the clergy and to make contact in Belfast to discuss how to ensure that funerals pass off peacefully without a heavy presence on their part. This is the inducement or "carrot" element. Then they will try and lock the clergy and the families into whatever arrangements are agreed, for example, by having the policeman in charge of arrangements at the funeral be seen in public alongside the local priest on the day. The sanction or "stick" element would be that the police could make it publicly clear that, in the event of a paramilitary display occurring after an assurance had been given that none would take place, such assurances could not be accepted in the future. If PIRA were to disrupt such a funeral, of course you would then have to move in and arrest people in the normal way but the blame for the disruption would lie clearly with PIRA.

Mr. Elliott: The system will work better the broader the array of people who stand out against paramilitary displays at funerals. Why can't the SDLP make their position more clear? I can't see any political disadvantages flowing from their doing so and it could certainly help the police.

Mr. Lillis: Frankly I would imagine that the SDLP view is that the police have played into the hands of PIRA by the way they have handled recent funerals. If the SDLP were to intervene at the present time they would run the risk of appearing to be agents of the police.

Mr. Innes: The police are ready to talk to people, to make contacts and to work out arrangements with people on the ground in the way you suggest. However, for the arrangement to stick, widespread community support must be marshalled behind it. The main difficulty with the scheme is what to do with it when you have relaxed policing and a paramilitary display does occur. The police cannot rely on possession of the moral high ground to justify their failure to take action and they would be obliged to take whatever measures are necessary to prevent it happening again. The image of the North conveyed by last week's pictures of the Marley funeral was not very good but an even worse image would have been conveyed if shots had been fired over his grave without any attempt on the part of the police to prevent it. I am wondering how far and whether Sinn Fein would see it as in their interest to breach an arrangement of the kind you suggest.

Mr. Lillis: Even PIRA has to remain sensitive to the tolerance thresholds of the community. There is a strong tradition associated with bereavement in the minority community here, more so, I would suggest, than in the South or in many other places. Funerals are large ceremonial affairs and there is deep respect and feeling for a bereaved family in the community. This tradition is most marked in poorer areas. The IRA cannot afford to exploit bereavement regularly and brutally without breaching one of these tolerance thresholds.

Mr. O'Donovan: There are constraints on PIRA. They have to be sensitive to the views of the Church and the views of the family. The Marley family was basically in sympathy with PIRA so the need for sensitivity did not apply but they are obliged not to fly in the face of families' views. Normally these are factors which can be assessed in advance. However, it is certainly true that you cannot be sure of 100% success, you will have to allow an element of risk. Could I raise one more point. PIRA are claiming that there has been a new policy of policing funerals in operation since 1983 which has governed the handling of 25 funerals. There appears generally to be more strict handling of funerals in recent times. Is there a new policy in operation?

Mr. Innes: Not that I am aware of. The events at the Logue funeral had a major impact on the attitude of the police when it came to the Marley funeral. Like Logue, Marley was a senior figure in PIRA and this was also a factor in the police attitude.

Mr. Lillis: I think what we are working towards in today's discussion is how best we can arrive at an arrangement on mechanism whereby police can rely on assurances given to them from the community and where, in the event of PIRA exploitation of the situation, blame for any disruption will fall squarely on them.

Mr. Innes: I believe that maximising the degree of community cohesion is vital. If the family, the Church and local leaders are all behind an assurance, it is very difficult for PIRA to counteract this.

Mr. Elliott: The kind of language people use in describing the police is also an important factor. Condemnatory or grudging language is not conducive to the development of the kind of positive cohesion we are looking for. I suspect that the police believe that most people in these communities are, to a greater or lesser extent, hostile to them. This does not ease their task.

Mr. Lillis: While I think it desirable that there should be frequent and open contact between the SDLP and the police I wonder how the Church would view the SDLP taking a high profile?

Mr. O'Donovan: The Church might not welcome politicians taking over the role of mediators in this area.

Mr. Lillis: I think any difficulty here is surmountable. While the Church's main public focus could be on the new more intense contact between the clergy and the police, the SDLP might involve themselves, for example, by publicly welcoming the emerging understanding rather than to direct mediation.

Assuming we could get an arrangement off the ground, I would like to explore briefly how the police would handle funerals in the event of their being able to rely on assurances that there would be no paramilitary display. For example, what form would a "reduced" police presence take? How close could such a funeral come to being a normal, quiet, private funeral? Is sensitive policing a matter of distance from the cortege, a matter of numbers and dress? Of course, I accept that all of this is very hypothetical.

Mr. Innes: I think the worst of all possible worlds would be for the police to try to maintain a low profile at funerals while at the same time trying to organise themselves in such a way that they would be able to prevent any incidence of law breaking. I think those objectives are incompatible. Speaking personally, my view would be that if the kind of arrangement you describe gets off the ground the police would be obliged to withdraw to such a degree that they would entirely be unable to prevent an incident. Whether the police would be willing to go that far down the road, I simply cannot say.

Daire O Criodain
15 April 1987