



An Chartlann Náisiúnta

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pt Policing
 cc Loyal Parades ⁷⁵
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5 May 1995

cc. Counsellor A1

Mr. Sean O hUiginn
 Second Secretary
 Anglo-Irish Division
 Department of Foreign Affairs
 Dublin 2

cc. A. Keller
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C. J. Bonne
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V. C. Donnellan

Dear Second Secretary,

Conversation with the Chief Constable

Sir Hugh Annesley was here for an informal dinner last night with the Irish side, accompanied by the head of his private office, Chief Superintendent Sillery. The Chief Constable was in unusually relaxed and reflective mood, perhaps induced by the continuing peace, about which he retains some worries however, and by a sense that he is coming to an end of his time in Northern Ireland. The conversation threw up many points of interest. Herewith the main ones as they occurred to me. Mr Mellett may have others to report separately.

Parades: trouble on the Loyalist side?

He foresaw trouble ahead in the marching season, mostly on the Loyalist side which was bitter about the political rise of Sinn Fein, anxious about the Framework Documents and angry with police decisions on the re-routing of parades. It was not always possible to predict where and when trouble would come, but he expected it would.

As it happened, the most serious Loyalist rioting so far this year erupted nearby in an area of Newtownards as we were speaking (at times early in the evening our conversation was drowned out by a helicopter circling Newtownards and the Lower Ormeau where an Orange VE parade had again been re-routed). Annesley said the police tactics were now to "sterilise" the bridge leading on to the Lower Ormeau, refusing access to either side.

We said the police had done a good job on parades in the last ten years, although we continued to have particular points of criticism. We had always doubted the wisdom of relying simply on the public order argument for police decisions on marches

because it encouraged people to say: "Well, if it takes a riot to cause the police to make a decision on public order grounds, let's threaten a riot". For that reason alone, decisions should not be based solely on a police expectation of disorder. There needed to be a political effort also to get people to accept that they could not expect to march in areas of the other side where they were clearly not welcome. The Government had made efforts in this direction in the mid-1980s but had declined our invitations to continue them.

Annesley acknowledged our point. He said both sides were becoming increasingly familiar with police use of the Public Order Order and sophisticated in their tactics. Increasingly, they were using the threat of disorder to put pressure on the police. As a result, he expected there would be tit for tat in respect of the decisions on the Lower Ormeau. Local Loyalist groups would mobilise against Republican parades and it might not be possible, for example, to allow Sinn Fein to march to the city centre as they had been allowed to do in recent years. He made clear in response to our question that what he expected was that the police would "sterilise" certain parts of the route or feeder routes.

We asked if the police saw much sign of the two sides talking to each other. He said this was a constant effort on the part of the police but he was realistic about the extent of the progress. He was sceptical whether a day would ever come when Orange and Green could march without triumphalism or provocation in each other's "territory", making it quite clear that this was one aspect of Northern Ireland's life with which he was sick to the back teeth (I did not remind him of his early sanguine reports to the Conference of how he had taken tea with the grateful citizens of Keady who, he claimed, had been happy to provide refreshments to the Armagh County parade). We encouraged him not to despair and to visit Rosnowlagh for the Twelfth!

Decommissioning

He repeated a view we have heard several times from senior police and army officers that the greatest threat posed by the IRA is not their arsenal of guns and semtex but rather their capacity to manufacture weapons themselves and the question of the resolve of some of them to resume the campaign of violence. He recognises that the issue of "decommissioning" of existing weapons is very much in the wider political sphere. Ministers must take political views into account. Moreover, the reaction of public opinion to any use, say, of semtex, which he thought more likely to be used in a resumed campaign in Britain, would have a powerful effect whatever the private security advice. But that advice is almost certainly calming on the question of decommissioning; the security forces are not encouraging the Government to make it an issue.

Continuing IRA activity

On the other hand, the security forces are conveying their worries to the Government about continuing targetting,

Supplying, exercising and researching by the IRA; they see no sign of the IRA "standing down" which is what they are looking for.

He expressed stronger worries than ever about the IRA units in East Tyrone and South Armagh, naming individual local commanders. He thinks that in South Armagh especially they are simply not susceptible to the influence of the leadership although efforts have been made to impose discipline on individuals; their personnel continue to be told that the whole peace initiative is a gambit and that they can expect a resumption. He believes that the South Armagh IRA is continuing to finance itself illegally and that it will resume in a serious way. "Where is the attraction", he asked, "in being simply an unemployed yob?". His analysis is similar to that presented by his new Deputy, Ronnie Flanagan, who says the IRA leadership is engaged in a "grand deception" of their own rank and file, but Annesley presents with a distinctly less optimistic tinge.

He recognises that the longer the peace goes on the less likely a resumption will be and that, if there is a resumption by any individual units, there is unlikely to be general support for it especially if it is clear that it is motivated by gangsters' greed rather than republican purity. He said "if we get to the end of the summer", that will itself be an important hurdle cleared although he recognised himself that "we said February and then Easter". There are psychological benchmarks along the way which will test the volunteers. In his current scenario, one year of peace will itself be a test.

We briefed him on the RSF arrests in Tallaght that afternoon of which he had not heard. He was surprised that the Secretary of RSF had been involved: he had thought her too clever to get near anything like an operation.

Response of the security forces/the Derry incident

We emphasised that the role of the police and the security forces generally (although he argues that the army is now practically invisible) will be vital. They must not be drawn into confrontation. In this respect, we said that whatever the rights and wrongs of the incident in Derry during the Prime Minister's visit on Wednesday, it was important that the police were seen on television in ordinary costume with no riot gear, no heavy weaponry, no landrovers in the front line. It was clear from the statements of Sinn Fein themselves that they recognised they had got it wrong.

Annesley was implicitly critical of one aspect of the police operation. He believes that the police should have taken or "sterilised" the small area outside the Tower Museum beforehand so that the protestors could not encamp there. This what the police had done successfully, and was doing again that night, on the bridge leading on to the Lower Ormeau Road.

He was dismissive of suggestions that people coming out of a

pub or other outsiders had caused a peaceful demonstration to go wrong in Derry. The trouble had come from within as well as without the initial group of protestors. They were told beforehand that a peaceful protest would cause no problem, but in the RUC's view, they had broken their word. He said the police had video evidence that could lead to the arrest of 18 people, including McLaughlin. We had a candid discussion about the demerits of proceeding to arrests. We pointed out that the police already had "won" in the minds of the wider public; arrests might change all that. Annesley acknowledged the point but said that if people got the impression they could act like that without retribution, there might be worse trouble later on. He doubted whether he could hold to a policy of no riot gear in the event of fatalities or serious injuries to the police. He said he was haunted by the repeated accusation of the mother of Constable Ferguson, a Catholic and the last policeman to be killed in Derry, that his death was needless, which was true because the police patrol had slipped up and given an IRA man a chance. Against his own argument, he said he had found rank-and-file police in Derry determined to continue the policy of normalisation.

The Police Authority and the Complaints Commission

Annesley was as assertive as ever about the Police Authority and the ICPC. There were two sources of power in Northern Ireland in policing matters, his and that of the Secretary of State. There was not room for another. On our side, we said we had never been impressed by the British policy in Northern Ireland of creating police quangos with the hopeless task of supplying a "democratic deficit" in a fundamentally divided society; we had always stressed the importance of direct Ministerial responsibility, internal discipline among the police themselves, the resolution of complaints informally and quickly rather than through the red tape of a complaints bureaucracy and, in serious cases, the importance also of a completely independent form of investigation. At the same time, if there was something called an "Independent Commission for Police Complaints", then it should have the power that it has constantly called for to initiate supervision of complaints itself. Annesley's view was that you can either have a genuinely independent system, without the participation of the police, or one that is basically subject to police advice, but not something in between. He was scathing about the ICPC's role in internal police tribunals where, he said, they frequently sought to re-address issues previously decided within the police or in the courts; he said they had not been successful in a single case.

Decline in Civil Cases

The growth in recent years of a Sinn Fein policy of taking the RUC to the civil courts in pursuit of compensation has been a serious embarrassment. Annesley said he had begun a policy some time ago of challenging civil cases which he had previously been advised by lawyers to settle and he felt he had had considerable success. Many of the complaints had been politically motivated but most had probably been taken for

monetary gain - he mentioned that even the slightest pressure of a hand on a shoulder (?) was worth £250. For whatever reason, civil cases had now "plummeted like a stone". He expected, incidentally, some action by the Fein Councillor in Derry, Mary Nelis, who was shown on television collapsing after contact with the police on Wednesday. He said she had "collapsed" before. He expressed strong views about Nelis and believed she was under pressure for her role in the recent "kidnap" of a young woman in Derry for which she is out on bail. We queried him on this case, referring to views former Bishop Daly had expressed; he was adamant that the young woman had been in real danger and that the police action was completely bona fide.

Reform of the RUC

Late last year, we had an informal dinner at Knock with Annesley and some of his inner circle. We took from that discussion and others that the goal of the RUC was to preserve its essential unity at the expense of changes in name, ethos, composition over a period of time, and perhaps some loose arrangements for some republican areas. They were clearly gearing up for a major PR exercise of their own which has occurred since, with mixed results.

Last night, Annesley seemed more conservative and longterm about what changes might be considered. He had no "magic formula" for restructuring or reform. He said he was encouraged by the increase in Catholic applications to join the force, but could not give figures for the success rate or take-up (to judge from a slightly prickly reaction, it has not been great). He raised the continuing competitions for entry and justified them on the grounds that the force needed to be renewed by the admission of younger people and could not be left to stagnate.

We wished him to consider early measures such as golden handshakes and transfer to other forces, especially for the middle and senior ranks. He was defensive, claiming there already was a good proportion of Catholics in the ranks of ACC upwards; we said the figure he mentioned, about 16%, did not come near reflecting the Catholic population as a whole and in any event covered far too small a sector of the RUC.

He has already taken some steps towards downsizing which will tend to improve the look of the Catholic proportion of the most senior ranks. Three current posts have not been filled and he now has a complement of two Deputy Chief Constables and seven Assistant Chief Constables. The North and South divisions have been merged under one Assistant Chief Constable; the Personnel and Complaints divisions have been merged under another; and the Special Branch has been left to a Chief Superintendent, acting as ACC, for the time being.

Time to go?

We have talked before about his own plans for retirement. He told me a year after he arrived in 1989 that he would not stay

much beyond five years. He now says he will be gone within two years or, as he put it, "John Chilcot will see me out" (a reference to the NIO Permanent Secretary's own plans to leave which he broached with us recently). His recent nomination of Ronnie Flanagan to act as Deputy Chief Constable can be seen as preparing for the succession (I should mention that this decision still lies for the moment with the Police Authority which surprised the establishment with the choice of Annesley himself). Incidentally, he dismissed press reports that he is seeking a job at INTERPOL as lies; likewise, that he wants to go on the lecture circuit; or that his wife has stayed in England and that he wants to rejoin her. He would, however, like to have more private and family time.

Yours sincerely,

Declan O'Donovan

Declan O'Donovan
Joint Secretary