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SECURE FAX

*M Nolan*

*PA*

14 August, 1995.

To: Belfast  
For: Joint Secretary

From: H. Q.  
From: Sean O hUiginn

*Pa Orange Parades*  
*95*

1. In view of the disturbances which occurred over the past week-end, especially in Belfast and Derry, you are requested to raise this issue again with the British side as a matter of urgency. Several aspects of the arrangements and decisions made by the police authorities give rise to serious concerns. The following are the main such points:

Derry

2. As regards the Apprentice Boys' march in Derry on 12 August 1995, we understand that the public representatives of the Nationalist community had made clear to the police authorities that they had no objection to the Apprentice Boys marching along the Wall, except for the section between Butcher's Gate and Bishop's Gate which overlooks the Bogside. It seemed from earlier statements by the leadership of the Apprentice Boys in Derry that the local clubs would have accepted a police decision to impose this restriction on the march, especially as this is the first time since 1969 that the marchers have been allowed onto any portion of the Walls.
3. The delay in making a decision about the march route, or the failure of the RUC to inform the community of a decision already taken, as the case may be, added greatly to the tensions in Derry. There seem also to have been conflicting signals from the RUC relating to an opportunity for peaceful protest by local residents and to the possibility of a

meeting with the RUC Divisional Commander, which did not in fact take place. The overall impression left with the local community was of a police force whose priority was to enable the Apprentice Boys to march, in disregard of the sensitivities of the nationalist community, or indeed the wider climate of opinion in the nationalist community. That Mark Durkan felt impelled to make the strong criticism he voiced should be sufficient commentary on the impact of RUC tactics on the nationalist community in Derry.

4. We have also received several complaints about an unusually heavy police presence in front of the Richmond Centre when shoppers returned there in the afternoon. Similarly the large police presence in riot gear and with Land Rovers near Castle Gate was seen by many local residents as entirely unnecessary at that stage and simply acted as a target for young people. We are very concerned at the use of plastic bullets by the police later in the evening to deal with a small number of protestors, many of whom were in the 10-15 year age group.

#### Lr. Ormeau Road

5. The Lower Ormeau Road has again raised very serious questions about both (a) the strategy of allowing ostensibly operational police decisions to colour so significantly the climate of political opinion and (b) the heavy-handed tactics which seem posited on the assumption that a confrontation with locals is inevitable and that therefore the police may as well resort to riot-squad tactics with minimum effort spent on exploring alternatives. The immediate appearance and early deployment of riot-gearred officers has been a consistent feature in complaints made to us.

6. On the strategic aspects, the difficulties this summer vindicate the arguments made by the Tanaiste and others on the Irish side for some considerable time, namely 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 logical consequence of refusing to take a decision on this issue except in terms of competing actual and present threats to the peace was always to put a premium on counter-demonstrations. As we predicted, the result is an increasing politicisation of the role of the RUC, since they are left to arbitrate between competing claims, and inevitably do so in terms that are controversial and inherently political, whether they intend that or not.
7. From Drumcree onwards the nationalist perception, rightly or wrongly, is that the RUC, in the matter of public demonstrations, have sought to conciliate the larger community, if needs be at the expense of the smaller, with potentially baneful long-term effects, not just of nationalist perceptions, but potentially of the political climate as a whole.
8. On the tactics, the resort to plastic bullets at very close range has caused at least one serious injury, and you should register our strongest concerns on this issue. (The British side will no doubt themselves be able to assess the impact here and elsewhere of some crude batonning scenes which appeared on the television screens).
9. We would be glad to have the comments of the other side. In particular we would be grateful to know the outcome of enquiries into police behaviour, including the allegations of sectarian slogans and personal aggression being used by some members of the RUC.

10. On the more general level, you should indicate that we will be seeking a full discussion at the next Intergovernmental Conference of the whole philosophy and policy of the terms and application of the Public Order Act, whose impact is to embroil the RUC in deeply political decisions.

ENDS