



# An Chartlann Náisiúnta National Archives

<b>Reference Code:</b>	2016/52/102
<b>Creation Dates:</b>	29 July 1986
<b>Extent and medium:</b>	9 pages
<b>Creator(s):</b>	Department of the Taoiseach
<b>Accession Conditions:</b>	Open
<b>Copyright:</b>	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

--

Formal Meeting of Special Session of Conference  
21.00-22.00 hours : 29 July, 1986.

S T E E R I N G     N O T E

-----

AGENDA: THE POLITICAL AND SECURITY SITUATION

We would like to begin with a review of the events leading up to the 12th July and particularly the decision as regards Portadown, and then to go on to a discussion of how a constructive policy on marches could be developed. We understand that there are certain Cross-Border Security matters that you want to raise. And there is the question of the Joint Statement and the handling of the press after this meeting.

(As we have called the Special Meeting, we should begin the discussion on the political and security situation).

VIEWS ON RUC'S PORTADOWN DECISION

Points:

Our views were summarised in the paper we transmitted through the Secretariat on 15 July. Briefly:

- Last year, the decision to reroute the Orange parades was seen as a very positive signal by the nationalist community as indicating that:
  - (a) the rights of both traditions were being respected;
  - (b) the RUC was acting even-handedly and as the police force of both communities;
  - (c) a policy was developing which took into account that 'traditional' routes, because of population changes often passed nowadays through areas where the local community was different from the marchers and the wishes of the local community had to be respected.
  
- The policy statement on the July 1986 Parades at Portadown published by the RUC on 4 July seemed to indicate that a similar policy would be followed to that of last year. The existence of the Anglo-Irish Agreement which aims at ensuring that people from both communities in Northern Ireland should be able "to live in peace, free from discrimination and fear" confirmed the belief of nationalists that there would be an improvement rather than a reversal in 1986.
  
- The compromise worked out with the Orange Order and announced on the evening of 11 July by the RUC to allow the Orange march to parade through the predominantly Catholic Garvaghy Road reversed the progress made last year, appeared as a concession to loyalist threats (Mr. Paisley's invitation to the RUC to mutiny and his

night-time illegal march in Hillsborough), was deeply resented by constitutional nationalists in Portadown (compounded by the lack of any consultation), played into the hands of the IRA and damaged the process begun under the Anglo-Irish Agreement. The compromise was hailed by Mr. Paisley and other extreme loyalists as a victory.

- We are aware that the parade was not permitted to pass through Obins Street or Woodhouse Street as indicated in the RUC notice of 4th July but Garvaghy Road is a predominantly Catholic area (2,124 Catholics to 440 Protestants) with clearly defined Catholic and Protestant sections along the road. Garvaghy is not part of a traditional route, it involves a detour away from the Corcrair Orange Hall and was associated with Mr. Paisley's night-time march down that road on Easter Monday.
- We do not accept that there was a simple choice between security considerations (safe-guarding police men's lives and avoiding possible intercommunal violence) and political principle (standing up to Unionist blackmail and the Orange veto). No group should be allowed to benefit from defying the law. It is hypothetical to consider what might have happened but it is possible that Mr. Paisley and the Orangemen would have backed down in front of a determined government show of strength.
- The Portadown compromise has only postponed the day when the Government will have to face up to Unionist threats.
- From a political point of view, it has postponed the day when law abiding unionists will separate themselves from those who threaten violence or mutiny.

We would be grateful for your response to the paper we transmitted to the Secretariat on 15 July.

ELEMENTS OF A POLICY ON PARADES

- We would like to discuss with you in a positive way how a policy, acceptable to both traditions, could be developed on parades. We do not dispute the right of people to hold traditional parades, but the route is the problem; and there is also the need for better consultation procedures.
  
- Already there has been some indications of progress on policy. For instance:
  - (a) the Public Order legislation in Northern Ireland has been improved in recent years, e.g., by the 1981 Order where bands of questionable intention (e.g. Kick the Pope Bands) were excluded from parades;
  
  - (b) the Chief Constable's observation in his Annual Report for 1985 that 'the key aspect is the attitude of the population of the area in which a parade is intended to march' seemed to indicate that there was acceptance of the principle by the RUC that a Loyalist parade should not be permitted through an area with a nationalist majority and vice versa. Mr. Hurd's statement ("How does it benefit anyone to march through an area where the inhabitants do not support the view being expressed by the marchers and where the only result is to exacerbate intercommunal tension") on 19 June 1985 in the House of Commons was on similar lines.

We feel that a policy on parades could be developed to include the following elements:

- (i) The principle (the majority of the community along the route through which the parade passes to favour such a parade) should be developed both in application and through strengthening the legislation
- (ii) As to application, the RUC should put this principle into effect with consistency. To quote a recent "Belfast Telegraph" editorial: "Long before the crucial dates, the police must decide on wholly acceptable, non-controversial routes and stick to them". If parade organisers prove uncooperative, the option of a ban by the Secretary of State should be looked at more closely in future. (The Chief Constable could take the initiative in proposing bans to the Secretary of State).
- (iii) As to strengthening the legislation, the Public Order (N.I.) Order 1981 could be altered in a number of respects, e.g.:
- the principle outlined at (i) above could be embodied in the legislation in suitable language and any consequent changes in the existing wording made (e.g. the reference to the 'desirability of not interfering with a public procession customarily held along a particular route' should be suppressed);
  - clearly provocative marches are not explicitly covered in the present Order and the outlawing of such marches could be provided for (e.g. under 'Incitement to Hatred' provisions).
- (iv) arrangements for consultation between the RUC and local public representatives on proposed parade routes should be considerably improved.

Finally we note that the Chief Constable has already made suggestions for an Independent/Public Tribunal to take over responsibility for decisions on the holding and routing of parades. There is also the existing though minor role of the Police Authority as regards Parades. And there is the British Public Order Bill which is before Westminster. We feel that this whole matter should be further discussed at official level through the Joint Secretariat.

FORTHCOMING EVENTS - AUGUST

The rights of Catholics and also their personal safety must be protected during the marching season in August. Loyalists may well try to consolidate their position after Portadown by seeking to march through nationalist areas elsewhere. This must be firmly prevented. There will be the Black Preceptory Parades in or around 12 August and on 30 August. (We will also be watching the Internment Anniversary marches on 9 August). We are particularly concerned about the increase in sectarian killings and would welcome information about steps being taken by the security forces in Northern Ireland to safeguard Catholics.

CROSS-BORDER SECURITY MATTERS

Minister Nicholas Scott has indicated that he will raise a number of cross-border security matters. We will not know these however, until Monday and a separate brief will be prepared.

PROGRESS IN THE AUTUMN ON MATTERS OF INTEREST TO THE  
NATIONALIST COMMUNITY

The last paragraph of the draft joint statement will say:

"Both Joint Chairmen reaffirmed their commitment to the Anglo-Irish Agreement and declared their intention of pressing forward with its implementation".

There will be some discussion of the programme of work ahead and our concern to see specific results in the Autumn. Of particular concern to us is the question of three-judge Diplock courts. There are also the other administration of justice matters, in particular the creation of a second senior judicial post and the appointment of more Catholic judges, relations between the minority community and the security forces (RUC - Military accompaniment in contacts with civilians, RUC Code of Conduct and the Programme of Special Measures to make the security forces more readily accepted by the nationalist community, including Police Complaints Procedure), Bill of Rights, changes in electoral arrangements, Flags and Emblems legislation, the avoidance of economic and social discrimination and Irish language and culture.

There will be some discussion of the draft Order in Council on Police Complaints Procedure which was made public on 24 July. The Order will set up a Police Complaints Commission with independent supervisory powers similar to those in England and Wales, but with some specific additional provisions to cater for the Northern Ireland situation. It will not contain provision for an independent investigation element (as is provided in the Garda Síochana Complaints Bill), though in practice the supervising member of the Commission will have considerable discretion and involvement through supervising the investigation. The existing independent element in the

1970 Police Act - the Section 13 Tribunal - to consider patterns of complaints, will be abolished. The proposals will not be acceptable to the SDLP. They are subject to revision after three years.