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Anglo-Irish Intergovernmental Conference

18 July 1996

2. Confidence Issues

2 (a): Future Outlook

Background Note.

Review of Parades

Taoiseach's Proposal

1. In a letter to Prime Minister John Major on 12 July, the Taoiseach wrote;

“I suggest the immediate appointment of an Independent Parade Routes Commission whose function would be to arbitrate cases of disputed routes. Broadly what we have in mind is that the Commission would take evidence from all sides including the parade organisers, representatives of the communities impacted by the parade and the security forces. The Commission would do its work in public and announce its judgement well in advance of the parade date. It would then be a matter for the RUC to take the operational decisions required to ensure that the Commission's judgement was enforced.”

Announcement by Secretary of State

2. Speaking in the House of Commons on 15 July, the Secretary of State announced that the British Government intends to establish a 'review', the chairman and detailed terms of reference to be announced at a later date. The review, in his words, “would examine the current arrangements for handling parades and marches in Northern Ireland.” The review will be based on “evidence which any interested party will be free to submit.”

Further Details from British Side

3. The British side have indicated through the Secretariat that the terms of reference will be broad and that the review will welcome suggestions from all quarters, including the Government. An advisory role is envisaged. The review body would look at the general issue of parades and consider possible legislative changes, the preparation of codes of practice, a role for mediation and other aspects. It would examine the various proposals made for an independent commission. Significantly, the British side indicated that it would have no role in terms of the adjudication of individual parade routes.
4. As to its composition, the British side indicated that it would comprise five or six people and be chaired by a high-level person, though probably not a judge who would be recognisably independent and have a detailed knowledge of Northern Ireland and its political sensitivities. The review body will not be in a position to offer views on the remaining marches this season (it will not be charged to adjudicate on specific routes at any rate) and while there will be no deadline, its report will be requested in time to make legislative changes before next year's marching season.

Background on Parades Body

5. The suggestion of an Independent Tribunal to undertake advance arbitration on parade routes was originally mooted in 1987. It was again suggested last August by UUP and SDLP councillors on Belfast city council in the wake of last summer's disturbances. The SDLP proposed a committee of representatives of the parade organisers, representatives of local residents and of political parties. Steve McBride of the Alliance party also suggested an independent, semi-judicial tribunal to decide on routes. Recently, the Lower Ormeau Concerned Community (LOCC) have indicated that they support the idea but it appears they do so only if the tribunal was committed to the idea that all parades must have the consent of local residents (ie. that the tribunal's purpose would be to establish whether that consent existed or not). Representatives of the Quakers in Northern Ireland, frequent mediators on the issue, have also expressed to us a degree of support for the idea but recognise potential problems. Archbishop Eames called for the

establishment of a body to advise on parades. He has suggested the appointment of a judicial figure to the body. However it would appear that what he envisaged is a purely advisory body. His suggestion was been welcomed by, inter alia, the RUC Chief Constable and British opposition spokesperson on Northern Ireland, Dr. Mo. Mowlam.

6. The suggestion was raised at the Anglo-Irish Intergovernmental Conference of 17 October 1995 by the RUC Chief Constable, Sir Hugh Annesley, who said that he was looking at the possibility of some form of tribunal and that he intended putting his views in this regard to the Secretary of State. However, in a meeting with Irish officials of the Anglo-Irish Secretariat on 26 March 1996, the Chief Constable said that he had not forwarded any such proposals because it would take "too long in law" to implement such a proposal and also the proposal did not enjoy the full support of the British Government. Annesley appears to favour the idea, however, presumably because it would shift the burden of responsibility from the RUC for taking what appear to many to be political and not merely operational decisions. In recent weeks the British side of the Secretariat has intimated that Annesley is now looking more favourably on the proposals in the light of Archbishop Eames' comments. However, such a tribunal would require primary legislation and it is unlikely that time could be found for its inclusion during the current British parliament.

7. In the aftermath of the disturbances following the Apprentice Boys parade on the Lower Ormeau Road on Easter Monday last (8 April), RUC Deputy Chief Constable Ronnie Flanagan suggested that an independent body be set up to reach agreement on controversial parades. However, it would seem that Mr. Flanagan is suggesting an advisory rather than a semi-judicial body. At any rate, he has indicated (prior to Drumcree) his reservations about the efficacy of the idea and the difficulties associated with implementing its recommendations. Dr. Mo. Mowlam, British Shadow Northern Ireland Secretary, has also suggested the establishment of a tribunal though she has not put forward specific proposals. The Alliance Party has also suggested a tribunal at its recent annual conference.

8. The British side of the Secretariat informed us that a paper on the proposal has been drawn up by the Security and Police Divisions of the NIO (SPOB) and submitted to NIO Security Minister, Sir John Wheeler. The paper suggests a response to enquiries about a tribunal to the effect that any proposal would be considered which would alleviate tensions but that there remained serious problems with operating such a tribunal (e.g. the number of parades, the need to reach decisions at short notice, the absence of any guarantee that either side would agree with its decision). It is also understood that a working group has been established in the NIO to consider the matter further.

Government's Position

9. The Tánaiste has stated in the Dáil on a number of occasions (the last being 4 July) that he welcomes the idea of an independent body on parades as an addition to the debate on the parades issue. The Government would support such a proposal but acknowledge that acceptability to the parties involved would be an essential condition for its success. The proposal, he said, did not yet command sufficiently widespread support among those directly involved to say that it represented a solution to the problem. This position has been developed by the Taoiseach's recent letter to Prime Minister Major.

Concerns about the Proposed Review

10. From the Government's stated position, the review has the following limitations
- it falls very far short of the body envisaged in the Taoiseach's proposal which sought to establish a mechanism for arbitration on disputed routes.
 - it does not have the confidence of the nationalist community; as evidenced by the immediate reactions (see below).
 - it offers little prospect of addressing immediate problems such as Derry and related Apprentice Boys parades.

it was launched without the support of the parties directly related to the issue or without, apparently, any prior consultation with them.

11. The Committee on the Administration of Justice have privately advised that the Government refrain from endorsing the review proposal at the Conference given the widespread feeling that it is an empty British gesture designed solely for cosmetic purposes and that it is not enabled to tackle the issue of parades and the policing of parade routes.

12. Nationalist skepticism in Northern Ireland about the proposed review was summed up by the SDLP's Alex Attwood's dismissal of it as "a half-baked idea from a half-baked Secretary of State". The SDLP regard the proposal as a vague idea proposed for reasons of political expediency rather than as a considered response to the situation. While the commission will not make recommendations on specific parades, the problem remains whether the RUC would enforce recommendations from any source in the face of concerted loyalist opposition. With such recommendations, the efficacy of the review exercise and its relevance to the issue of parade routes is cast in some doubt. There is also a belief that the events of last week have become more than an issue of parades which need to be addressed, e.g. confidence in the RUC and the impartiality of the British authorities.

13. The Lower Ormeau Concerned Community stated in a press release on 15 July last that "residents have no faith" in the review. The statement continued,

"No review body or commission can bypass that fundamental need for consent and any attempt by the British Government to use a commission to force unwanted parades on the residents of the Lower Ormeau Road will be opposed by us. The only role which our community sees for a parades' commission is a role in assessing whether or not consent exists."

14. The other resident groups will likely adopt a similar attitude, though they will in all probability make submissions to the review if they are satisfied as to the independence

of its composition.

15. The Orange Order have yet to respond; a response may be forthcoming from a planned meeting of the hardline "Spirit of Drumcree" group which is due to discuss the events in Drumcree.

Main Potential Flashpoints - Apprentice Boys Parades, 10 August

Derry

Elements of the Parade

16. The parades issue appears to be heading for another major confrontation in Derry at the annual Apprentice Boys Parade which this year falls on 10 August (i.e. the Saturday nearest 12 August). The parent Apprentice Boys clubs traditionally assemble in Derry and parade on the walls in the morning. Last year was the first time since 1969 that they were allowed to march the entire route. The clubs beyond Derry traditionally assemble and parade at various locations throughout Northern Ireland (including the Ormeau Road) before travelling to join the Apprentice Boys in Derry where they march from the Waterside, across the Craigavon Bridge and around the Diamond. They are normally accompanied by bands, some of which travel from Scotland for the occasion and the number involved has reached some 20,000 in the past. Consumption of alcohol is a conspicuous contributing factor to the heightened atmosphere. The Apprentice Boys will likely seek to emulate the success of the Orange Order at Drumcree and insist on a march along the walls including those parts of it which overlook the Bogside and on the march around the Diamond.

Events in 1995

17. Last year, residents of the Bogside occupied part of the walls (at Butcher's Gate) on Friday evening in an attempt to prevent the march along the walls overlooking the Bogside and some 200 stayed there overnight. They were forcibly removed by the RUC (some thrown from the walls) and the march was allowed to proceed. This was the first time since 1969 that the parade was allowed to march all around the walls. It is also

believed that the failure to announce a decision on the route by the RUC added to the build-up of tension.

18. Further clashes with the RUC ensued at the Diamond that afternoon and nationalists rioted for several hours afterward. (As a result of this incident, an Apprentice Boy was charged and convicted of provocative behaviour (loud drumming) near the nationalist protesters in the Diamond.)

Events in Derry, 11-13 July

19. Following the RUC decision in Drumcree, violence erupted in Derry on the night of 11 July. Independent reports (e.g. from the CAJ) indicate that the RUC acted in an increasingly provocative manner and fired plastic bullets without provocation and in a manner likely to endanger life (i.e. with body and head shots). Approximately 40 civilians were treated in Altnagelvin hospital (and many others were treated at impromptu First Aid points set up at the scene), a number of whom suffered serious injuries as a result of plastic bullets. We have also received (and raised with the British authorities) reports that RUC officers baton charged patients awaiting treatment in Altnagelvin hospital, that RUC officers attacked peaceful crowds on Shipquay Street leaving a nightclub and fast-food takeaway and that a groups of RUC officers fired from the walls of Derry and cheered at hits. Up to 1,000 plastic bullets were fired on Thursday night alone. Some 500 petrol bombs were thrown. Reports also consistently point to Sinn Féin representatives' involvement in trying to calm the situation and being rebuffed.
20. On the night of 12 July, 35 year old Dermot McShane was killed when he was crushed by an RUC Saxon armoured vehicle. Over 1,000 plastic bullets were again fired overnight and 1,000 petrol bombs thrown. At least 22 people were hospitalised and many others were treated by doctors near the scene of the riots. Many others reportedly went home without treatment. Sporadic rioting continued on the night of 13 July.

Prospects for 1996

21. Feelings within the Bogside are running very high in the aftermath of Drumcree as was evident in the serious rioting which ensued. Reports of provocative activities by the RUC, the death of Michael McShane and the number of serious head injuries suffered by locals as a result of the use of plastic bullets have further exacerbated the situation.
22. The RUC statement that a senior officer has been appointed to investigate the death carries little weight with the nationalist residents of Derry, the CAJ reports, because of the collapse of confidence in the RUC. This lack of confidence has been fuelled by rumours that the RUC has begun to seize hospital records of those injured and that arrests may follow. The CAJ believes that an independent (i.e. international) investigation of the death will be required to assuage these suspicions. On the wider front, local opinion also believes that an independent investigation in all RUC activity in the city last week is required to clear the air.
23. Given the great pride in the city, locals are determined to avoid further damage and this will help fuel their search for an acceptable solution to the 10 August events.
24. There may be an attempt to occupy the walls and prevent the parent clubs from marching on the walls in the morning, at least that portion which overlooks the Bogside. There are reports that the mood within sections of the nationalist community is such that attempts are contemplated to block the access across the Craigavon bridge and prevent the visiting Apprentice Boys entering the west side of the city. The sentiment has been expressed, according to contacts, that "if they can do it in Drumcree, we can do it in Derry" i.e. use force of numbers to block the Apprentice Boys. A nationalist occupation of the Diamond is also a possibility.
25. There are indications that a group of MEPs may travel to Derry to observe events and members of the Oireachtas may also be present. The resident groups have asked for this type of outside presence in the belief that it restrains RUC actions or provides subsequent verification that RUC behaviour was unacceptable.

26. A delegation of residents groups, including two representatives from the Bogside residents, met the Taoiseach on 17 July in the course of which the Taoiseach noted the importance of the walls of Derry to unionist culture and the danger inherent in attempting to totally deny the Apprentice Boys access on 10 August and particular the accusations that that would generate from unionist leaders. The Derry representatives stressed that their objection was to the parade along the Bogside section of the walls and not the parade in principle.

The Lower Ormeau

27. Clashes also occurred last year on 12 August at the Lower Ormeau as the RUC forcibly removed protesters (upwards of 30 civilians and 12 police injured, with plastic bullets fired) who were attempting to prevent the Belfast Walker club marching down the road to board buses for Derry. Further confrontations were avoided when the Club used a different return route.
28. Opposition to any such parade will likely reoccur this year, though the LOCC has insisted that it will continue to make only peaceful protests. They are particularly irritated by the Apprentice Boy parades on the Lower Ormeau as the assembly and march serve only to organise the boarding and departure of buses for Derry i.e. they have no purpose intrinsic to the area.
29. It is also possible that members of the Oireachtas and other individuals will be requested to be present on 10 August as it is widely believed that the presence of the Oireachtas delegation on 11-12 July helped moderate RUC behaviour.

Other Potential Flashpoints

30. Given the heightened feelings at the moment, there may also be other clashes on 10 August. Clashes occurred last year in Dunloy and Rasharkin between local residents and loyalist marchers. The village of Rosslea may also object to a local Black Preceptory

march there and feelings are running high in a number of other areas such as Newry and Lurgan after the disturbances this year.

31. Last year, an Internment commemoration march in West Belfast was attacked by loyalists and clashes with the RUC ensued (the march is scheduled for Sunday, 11 August). Black Preceptory marches in Dunloy (31 August) and the Lower Ormeau (25 and 31 August) also have the potential for confrontation.

Possible Action to defuse 10 August Tensions

32. Defusing the situation in Derry and related areas must be an immediate priority if a repeat of last year's confrontations (or more widespread disruption) is to be avoided. Furthermore, an acceptable resolution of the issue would strengthen the hand of those who counsel dialogue, compromise and agreement. Conscientious, impartial, restrained policing in which an honourable and balanced compromise is reached and enforced would also help the badly tattered image of the RUC. The following steps may be considered;

- a NIO/RUC task force to be convened to immediately assess the situation, map out a course of action, contact the concerned parties (Apprentice Boys, local residents, political and community leaders) with a view to either direct or indirect mediation.
- should direct mediation not prove possible, the task force will develop a balanced compromise which will be announced in good time.
- the guiding principles of the task forces efforts should be to ensure that the day passes peacefully, that concessions are made and be seen to be made to local residents' sensitivities and that parity of esteem generally be seen to inform RUC decisions. In particular, should a balanced and enforced compromise prove necessary, parity of esteem will be evident in it.

- the NIO would, through the framework of the Intergovernmental Conference, keep the Government informed on a regular basis of the task force's progress and seek advice as appropriate, particularly on the establishment of parity of esteem viz the handling of the parades.