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PS/Secretary of State (L)

cc: PS/SofS(B) -
PS/Mr Scott (L&B) -
PS/PUS (L&B) -
PS/Mr Bloomfield -
Mr Brennan
Mr A Stephens -
Mr Innes -
Mr Elliott -
Mr Spence -
Mr Blackwell -
Mr S Hewitt -

SPECIAL MEETING OF INTERGOVERNMENTAL CONFERENCE

UK Objectives

The special meeting on 29 July in London is, I understand, to be conducted in a low-key manner with only a restricted attendance. But it will nevertheless enable the Secretary of State:

- (a) to remove definitively any lingering misunderstandings of the Irish about events over the 12th weekend in Portadown and elsewhere. Our objective was, and is to maintain the Agreement intact through the marching season. It was therefore desirable to avoid a major confrontation on 12 July. The Chief Constable's operational decisions, supported by the Secretary of State, have been vindicated by events;
- (b) to reassure the Irish of our (and the RUC's) commitment to protecting nationalists. Over the weekend as a whole, the RUC have demonstrated an evenhanded approach: there had been a large number of police injuries, mainly resulting from clashes with loyalists;

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- (c) to re-emphasise that the security of those living and working near the border must be an equally high priority. This entails strenuous Irish commitment to enhance security cooperation. (The degree to which the Secretary of State will want to express dissatisfaction about cooperation at working level is a matter he will wish to discuss before the Conference.);
- (d) to express his disappointment at Mr Barry's criticisms following the 12th, which appear an overreaction. As moderate opinion in the North has pointed out, as well as the British press, the criticism of the RUC was unjustified and suggestions that nationalists have been denied their right to equal treatment under the law was offensive. The Agreement provides alternative channels for Irish remonstrance when this is justified. Nevertheless, conscious of the damage that could be done to the Agreement, the Secretary of State had made a low-key response;
- (e) to persuade the Irish that we remain determined to make the Agreement work. Disagreements over the 12th should now be put aside and both Governments could concentrate on working towards measures to emerge in the autumn from the IC, which would reassure the nationalists that the Agreement was working and demonstrate to unionists that they had not succeeded in undermining it.

Irish Objectives

2. The Irish will wish to use the meeting:

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- (a) to show nationalists in the North (and their own electorate) that they are zealous in pursuing their interests. But this is not best done by producing counter-productive reaction in Northern Ireland and Great Britain. Following the damage of the image of the Republic done by the divorce referendum, it is particularly necessary for the Irish to present their most acceptable face in the North;
- (b) to argue that the handling of the 12 July was ill-judged, and should on future occasions be different. But our tactics worked: over the 12th there were [] marches in Northern Ireland; there was only violence at [] and in only [] cases was this serious. Events could have been very much worse. The RUC, will, however, learn whatever lessons are to be learnt ;
- (c) to urge us to revitalise our commitment to the Agreement in the autumn. But the Irish are here pushing at an open door, although they should not persuade themselves (or others) that three-man courts are in the bag.

Attendance

3. On the Irish side Mr Barry, Mr Donlon, Mr Lillis and Mr O'tuathail will be attending; on our side the Secretary of State, Mr Scott, PUS and Mr Elliott. The meeting will begin in the Secretary of State's office and move on to the flat in Admiralty House for dinner.

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Briefing

... 4. Briefing is attached at Annex A on a restricted range of items which will probably be discussed - there is no formal agenda. The following items will probably be raised:

- (a) 12 July and After. The 12th and its aftermath will be the main topic of discussion. We must reiterate that operational judgements on the routing of parades must continue to be for the RUC and to convince the Irish that the Chief Constable's judgement was sound. The Secretary of State can stress that:-
 - (i) Following discussions with moderate Unionists the parade down Garvaghy Road took place early in the morning under strict supervision - only 250 people participated out of 1500 plus 2000 hangers-on; no slow marches with Lambeg drums either. (Garvaghy Road had been offered last year as a compromise and refused;
 - (ii) the parade had passed off peacefully - the Catholic Church and school were protected;
 - (iii) the Chief Constable's decision had pulled the rug from under the extremists (unfortunately Paisley and Wright had presented events as a victory which Mr Barry's reaction had not dispelled;
 - (iv) Brid Rogers is quoted (Irish Times, 14 July, Annex B) as saying that the march was limited in size and an improvement on previous years (but she goes on to say in the same interview that the Catholic population were treated as aggressors and that the parade was a big 'hiccup' in the Agreement);
 - (v) the involvement of either Governments in the politics of parades and marches made it more difficult to persuade the community that the

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Chief Constable takes his decisions on operational criteria in order to keep the peace.

- (b) Belfast Telegraph Article. Perhaps the Irish will not revert to this. If they do the Secretary of State can explain that the interview was intended to reassure Unionist opinion before 12 July and that it is wrong to take particular remarks out of context. Unfortunately there was no opportunity to vet the edited text. Even so the interview did stress our continuing commitment to the Agreement; our support for devolution and the right of the minority to equal treatment. (A detailed response to some of the points raised by the Irish is included in the briefing.)
- (c) Sectarian Killings and Disturbances. The Irish will share our concern about the recrudescence of sectarian violence in Belfast and elsewhere. However, security forces have increased patrolling in North Belfast and there are now security fences built in Manor Street under NIO auspices. If Mr Maginnis' claim that Irish statements prompted the attacks is raised, the Secretary of State might say it is impossible to know exactly what triggers these attacks. But they are clearly a reaction to the political environment. Therefore we must all try not to make statements that may be used as a pretext.
- (d) Border Security. The Secretary of State may wish to raise Border security in part to balance Irish complaints about violence towards the minority. The murder of Constable McVitty near the border on 8 July, the murder of two soldiers on 9 July, show the continuing ability of the IRA to mount attacks across the border and the continuing risk to people there. It is just as important

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to make progress on cross border security as to protect the nationalist population in Belfast. Cross border violence has the same effect on the Unionists as sectarian violence on the minority. The Joint Police Working Party's first report must be implemented as soon as possible (full briefing on this will be provided on Monday by LOB). We shall need to make rapid progress in respect of the other areas.

Autumn Package

5. Although the Secretary of State can agree with the Irish that it is important that the Agreement is seen to deliver measures that will commend it to both sides of the community in the autumn, he will not wish to be drawn into a detailed discussion. He may also find it prudent to remind the Irish of our difficulties, both political and procedural, with three-judge courts - though our minds are far from closed on the matter, and we are studying the problem carefully. He could also make the point that;

- (a) for us, the degree to which we were able to make progress must be viewed in relation to Irish ratification of the ECST without emasculating conditions; the ECST is an important symbol of Irish willingness to join with us in eradicating terrorism; and
- (b) an autumn package without a substantial element on security that will commend itself to unionists would be counterproductive in terms of the Agreement. It would not only stiffen unionist resistance, but make still harder the political rapprochement in the North that is in indispensable precondition of progress to devolution.

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Other Matters

6. Defensive "lines to take" are also included on Stalker, the reform in Police Complaints Procedures, and on the Black Judgement. Owing to the length and complexity of the last, the Secretary of State would be ill-advised to embark on any detailed discussion.

7. A note on the political scene, prepared by Mr Elliott is at Annex C, and a draft press statement at Annex D, which has yet to be agreed with the Irish.

PNB

P N BELL

25 July 1986

(Dictated by Mr Bell and signed in his absence)

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INTERGOVERNMENTAL CONFERENCE SPECIAL MEETING, 29 JULY

Index of Briefing

1. Portadown: Exchanges between UK and Irish Governments
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PORTADOWN

Points to Make : general

- (a) The Chief Constable of the RUC is a servant of the law not of politicians. Operational matters such as the controlling of marches in such a way as to maintain the peace are his sole responsibility.
- (b) Nationalists for years complained bitterly that the RUC was under political control and presumably would not wish for the Force to be subject to political direction.
- (c) We have no intention of seeking to interfere with the operational independence of the police, which is the keystone of the system of policing in the United Kingdom.
- (d) We have the utmost confidence in the Chief Constable and his senior officers who, all too often, have very difficult judgements to make.
- (e) In making them we firmly believe they are concerned only to act in the best interests of the community as a whole.

Points to Make : allowing the 12 July march down Garvaghy Road.

The routing of the march was entirely for the Chief Constable, but it can readily be defended:

- (a) the whole parade was not permitted to march down Garvaghy Road - only about 250 were allowed to march out of some 1,500 (plus 2,000 "hangers on") who would otherwise have participated;

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- (b) the march took place early in the morning, consisting of a limited number of lodges under strict supervision and conditions;
- (c) the Chief Constable's strategy ensured that the local Catholic Church and school were not left unprotected.
- (d) the primary role of the RUC was to maintain the peace;
- (e) the march passed off peacefully with only a few catcalls from a small nationalist crowd;
- (f) the Chief Constable's decision had pulled the rug from under the extremists leaving the way open for wiser counsel to prevail;
- (g) speculation about the involvement of the Conference in this subject heightened tension and was counter-productive - it became increasingly difficult to persuade the majority community that policing decisions were taken on the basis of operational integrity;
- (h) a number of police officers (including senior people) had sustained serious injuries in Portadown - proof of the RUC's determination to stand up to extremists;
- (i) Brid Rogers' admission that the Orange Parade in Garvaghy Road was limited in size and an improvement on the situation that pertained in the past (Irish Times of 14 July, article by Jim Cusack).

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POINTS TO MAKE : IRISH REACTION

The Irish reaction was inappropriate.

It did not take account of the overall success of the RUC's poliicing of the "Twelfth".

It tended to concede a victory to Unionists, and to give Nationalists the idea that they had somehow suffered a defeat.

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PORTADOWN
BACKGROUNDA. Essential Facts

Early on Friday 11 July, about 4000 people - some in paramilitary garb, and with weapons - congregated in Hillsborough in a DUP-led show of "taking over" the village. It appears to have been a late substitute for a plan to march through the "Tunnel" in Portadown, which a heavy security force presence precluded. There was good media coverage, but essentially it was a stunt. Paisley and others had been whipping up feeling all week, and urging loyalists to congregate on Portadown, where the Chief Constable had refused to permit the Orange march on 12 July to follow its traditional route, down the heavily nationalist Obins Street (the "Tunnel"). Friday night was consequently tense, with real fears among nationalists of attacks in their communities. At 9.00 pm, the RUC announced that a new route had been agreed with the Orange lodges, involving limited participation, by eight lodges, and taking in the Garvaghy Road, which has a great deal of Catholic, though also some Protestant, housing along it. This caused considerable nationalist anger; it was defended by the Chief Constable on grounds that it undermined Paisley and the Ulster Clubs, who sought confrontation, and was the course least likely to cause violence. There ~~were~~ scenes of violence on Friday night.

2. Saturday passed off fairly peacefully; there was only token opposition to the march, and some sporadic hooliganism. On Sunday night, however, there was an attack on Catholic homes in Rasharkin, Co Antrim - which is in the middle of a Protestant area - by about 50 men in paramilitary-type clothing. There was serious damage, and one serious assault. About 20 people have so far been arrested over the attacks.

3. The Irish Government made a series of strong representations after the Garvaghy Road decision, though have otherwise refrained

from specific representations on routing of parades, because of the sensitivity in Northern Ireland of the issue of their involvement.

On Tuesday, Mr Barry issued a statement, saying he "shared the deep resentment of nationalists about certain operational decisions of the RUC...it is intolerable that provocative demands by Unionists marchers should be listened to....I am determined to see that [nationalists'] interests are safeguarded...". Mr King issued a statement emphasising his full confidence in, and gratitude to, the RUC. Mr Barry in an interview on Wednesday afternoon said of the RUC: "I am full of admiration for their courage, and the even-handed way the vast majority of them have behaved for the last 12 months." Thursday's Irish Times^{*} quotes diplomatic sources in Dublin as saying Mr Barry would advance the case that operational police decisions with clear political implications should not be left solely to the Chief Constable.

- ... 4. The texts of both Mr Barry's and Mr King's statements are annexed. Mr Barry's intervention received strong criticism from Unionists and also some Conservative backbenchers, and from the leader of the Alliance Party, Mr Cushnahan, who roundly accused Mr Barry of ignorance of the North, and overlooking the sacrifices made by the police (127 injured over the weekend).

* 17 July

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STATEMENT BY IRISH FOREIGN MINISTER PETER BARRY TD ISSUED TUESDAY
15 JULY 1986

I have deliberately kept public silence about the events in Northern Ireland in order not to aggravate an already inflamed situation. It is necessary now to clear up misunderstandings which may have arisen about my position.

Nationalists have been dismayed by the events in the last 10 days. They have suffered at the hands of thugs and bully boys. Their lives have been at risk. There has been one tragic death and many serious injuries. Nationalist property has been vandalised and their right to equal treatment under the law denied.

My concern has been to see that nationalists are protected, particularly those in enclaves that are vulnerable to attack by sectarian mobs.

Throughout the last 10 days I have remained in constant contact with the situation on the ground. I have received detailed information from responsible leaders of the nationalist community for which I wish to thank them. I have taken full account of this in the messages which I have sent directly to the Secretary of State through the channels established by the Anglo-Irish Agreement.

I share the deep resentment of nationalists in Northern Ireland about certain operational decisions made by the RUC on the routing of marches and I have made my views known in strong terms to Mr King. It is intolerable that provocative demands by unionist marches should be listened to. I want nationalists to know that I am determined to see to it that their interests are safeguarded and that their physical security is protected.

I want to say also that I am shocked by the Sinn Fein/IRA attacks on members of the majority community. I condemn all this violence.

I call for restraint from all sides at this dangerous time. I call especially on the leaders of unionist opinion to show their abhorrence of unionist violence and to do everything in their power to prevent it.

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✓ 7/17/86

NORTHERN IRELAND
Information Service

16 July 1986

STATEMENT BY SECRETARY OF STATE

The Secretary of State for Northern Ireland, Rt Hon Tom King, MP, today issued the following statement:

"There have been criticisms from both sides of the community about the ways in which the RUC have policed the recent parades.

"May I therefore make clear that operational matters regarding marches are entirely the responsibility of the Chief Constable. I have full confidence in him in the difficult judgments that the RUC have had to make in these contentious matters. I would like to express my sympathy with those members of the RUC who have suffered injury in discharging their duty of protecting both sides of the community from the violence of extremists on either side. I would also record my appreciation of the very long hours of duty carried out by so many in the RUC and the security forces during the whole week-end of the twelfth, and my respect for the way in which they sought to discharge their responsibilities in an even-handed way.

"I confirm again that operational responsibility for the routes of marches is the sole responsibility of the Chief Constable and the RUC, and that I have no intention of seeking to interfere in any way with that position. That has been, and will continue to be, the position throughout the marching season, and anybody who is concerned about any particular event should follow the normal procedure and approach their local RUC officers.

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17 JUL 1986

"There has been too much violence and injury in recent days, which is quite unacceptable in a responsible and civilized community. In the coming weeks I look to both communities to show respect and understanding for each others' traditions and stand together against these occasions being exploited by men of violence on either side. "

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BACKGROUND

B. Irish views on Portadown

The main source of Irish views on Portadown is the seven page analysis passed through the Secretariat on 16 July, as representing Mr Barry's position: (Mr S Hewitt's note of 16 July to PS/SofS). The Irish Times editorial of 21 July (attached -Appendix A) seeks to reflect Irish Government briefing: it is in parts even less restrained. Much (perhaps inspired) offensive and inaccurate comment appeared in the Dublin press on 20 July: a selection by Mr Elliott is at Appendix B. The principal points to emerge from all this are:

- (a) Expectations had been raised among Catholics that the 12th and 14th July marches would not be allowed through Catholic areas by
 - violence when this had happened in the past;
 - statements by Ministers and the police critical of the principle of marches in areas where they were unwelcome;
 - an assumption that, following the Agreement, decisions on routing of parades in Portadown would be no less acceptable to Catholics than those of 1985.
- (b) Assurances had been given in more or less specific terms that the march would not be allowed down Garvaghy Road, which were "treacherously" breached (the Irish Times, reflecting "the word current in Dublin").
- (c) The decision to allow the march was not or ought not to have been purely a policing one. In an interview with The Sunday Press of 21 July, the Taoiseach said: "if you have political assurances that certain things will not happen, and the Secretary of State has the ultimate power of decision, then the fact that an operational decision is taken is not really the crucial issue ... either there was an intention to carry out these assurances, whatever operational decisions might be taken, or there was not". The Irish Times of 17 July quoted "diplomatic sources in Dublin" as saying Mr Barry would advance the case that operational police decisions with

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clear political consequences should not be left solely to two Chief Constables. But perhaps this is cover for an Irish belief that the Secretary of State was, in fact, responsible for the decision: the Irish Times of 21 July - "[This] was a political decision made by the Northern Ireland Secretary on the advice of the Chief Constable".

- (d) The decision was a "clear capitulation to those intent on intimidation" (Barry analysis, para 3), in the eyes of the minority "Loyalists correctly saw HMG as having, once again, flinched from confrontation with them" (Irish Times, 21 July).
- (e) Hence, it was also seen as a defeat for the Agreement.
- (f) Nationalists feel angry and frightened: "large numbers ... are living through one of the worst periods they have suffered ... in the present troubles" (Irish Times).
- (g) The RUC decision is hard to understand: Garvaghy Road is not a traditional route, it is 5:1 Catholic, not a "mixed area" as the Chief Constable said; it was logistically inappropriate for the Orange march, not being on a direct route; a more direct route, exclusively through Protestant areas, was available. Moreover, the decision was taken in consultation with loyalists and not nationalists.
- (h) Irish restraint and goodwill in handling the Agreement has not been reciprocated by HMG.

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