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FROM: S J LEACH  
ASSOCIATE DIRECTOR POLICING AND SECURITY

20 June 1997

cc PS/Mr Ingram (B & L)  
PS/Mr Murphy (B & L)  
PS/PUS (B & L)  
PS/Sir David Fell  
Mr Thomas  
Mr Bell  
Mr Stephens  
Mr Watkins  
Mr Wood (B & L)  
Mr Brooker  
Mrs Brown  
Mrs Collins  
Mr Maccabe  
Mr Perry  
Mr Priestly  
Mr Smyth  
Mr Warner  
Mr Clarke  
Mr Webb  
Mr Carter (HOLAB)  
Mr Strain

1. MR STEELE [This is the gameplan which the Secretary of State requested. I am sure this is the only way open to us that has any chance of success. Signed JMS20/6]
2. PS/SECRETARY OF STATE (B & L)

DRUMCREE: INTERVENTION BY SECRETARY OF STATE

It now seems clear that no local accommodation will emerge to resolve the problem posed by the Drumcree church parade planned for 6 July. Although there have been one or two recent positive signs (for example, the possibility of informal

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contact between the GRRC and the Orange Order), there is rather stronger evidence of considerable hardening at grass roots level (not least on the loyalist side following the Lurgan murders). It is indicative that (as reported in Mr Crawford's note of 18 June) Trevor Reaney, the well-informed Chief Executive of Craigavon District Council, has commented that although he was cautiously optimistic about the outcome at Drumcree before the Lurgan murders, he was now filled with "insurmountable pessimism".

2. It is therefore necessary to consider what action should be taken in the two weeks or so before Drumcree. We would recommend that (on the lines sketched out in my submission of 6 June) the Secretary of State should invite the two sides to proximity talks under her chairmanship in a final effort to achieve progress. We understand that the Secretary of State would favour holding such an exercise at Hillsborough on Friday 27 and Saturday 28 June. It would be the logical culmination of the "listening meetings", and the further initiative involving the Secretary of State and John Steele announced on 15 June, and would build on the foundation of constructive relationships with both sides which have been achieved by those efforts.

3. Officials are working on the practical and logistical aspects of the initiative and further advice will be submitted as plans develop. The purpose of this note is to consider the tactical and policy challenges, and to suggest how they might be handled. It may be worth listing the main issues in question form.

What is the Government's objective?

4. The prime objective of the proximity negotiating exercise will be to achieve an accommodation between the two sides. Failing that, we would aim to gain

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Letter/Irish News (if they can maintain their joint approach). On the other side, Trimble and Archbishop Eames will have a role to play. There will be a need to keep very close to these key influencers as the proximity talks progress, to ensure that they can indeed support the outcome and that this message is passed to the GRRC. Careful co-ordination will be required; and (if the Secretary of State is content) a more detailed gameplan will be submitted in due course.

15. The general media presentation of these developments will also of course be very important. The strategy will need to include very timely guidance telegrams to overseas posts, as well as detailed briefing of the foreign and domestic press in Northern Ireland, taking up the Secretary of State's idea that an information pack on the parades issue should be made available.

What should happen in the final days?

16. The outcome of the proximity negotiations will have a crucial bearing on the timing of the Chief Constable's decision and its announcement. Ideally, it would be possible to announce the decision early, and accompany it with light or no policing on the Garvaghy Road, on the basis of an understanding with the residents. But if we cannot secure a reliable agreement with them that they will not occupy the road, the Chief Constable will clearly have to make the operational judgements he thinks appropriate.

Conclusion

17. If the Secretary of State is content with the broad approach sketched in here, we shall work up and submit a more detailed gameplan next week, including:

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agreement that protests against whatever decision is taken would be within the law, avoiding any physical challenge to the security forces or attempts to overbear them by summoning reinforcements; and we would also hope to gain a sense of what offsetting measures might be deployed to reduce the negative reaction and perceptions on whichever side was disappointed by the operational decision eventually made. A key objective would also be to demonstrate that - at what is widely perceived as a moment of crisis for the Province - the Government is playing a pro-active and imaginative role, and going the extra mile to find a solution (even if that effort eventually fails)

5. Those are the general objectives. But there is also a more specific one. While the Chief Constable has genuinely not made a decision, the consensus among the key players - the Secretary of State, the Minister of State, the Chief Constable, the GOC, the Parades Commission Chairman - is that, if there is no local accommodation, a controlled parade on the Garvaghy Road is the least worst outcome. An underlying objective of the talks will therefore be to:

- identify the maximum concessions which the Orange Order are willing to make to strip out from the parade resonances which nationalists might find offensive;
- to broker offsetting measures which might help to reconcile the GRRC to this outcome; and
- to gain an undertaking from the residents that any protest they mount will be peaceful and restrained.

What activity before proximity talks?

6. While it will be important to maintain some momentum in the days leading up to the proximity talks, the high level of exposure by the Secretary of State in recent days should probably be scaled down, to avoid the risk of dissipating the responsibility and authority of her position, which will probably need to be exploited to the full if the negotiations are to be successful. She should probably do no more than the meeting planned for Derry on 23 June; with Mr Steele taking on the remaining meetings next week.

How do we get the two sides to Hillsborough?

7. The two sides must clearly be given invitations sufficiently in advance of the proximity talks for them to make practical arrangements, but not so far ahead that they (particularly the GRRC) have time to devise plausible pre-conditions which might scupper the whole exercise. The scenario we would recommend is for the Secretary of State to write on, say, Wednesday 25 June, to the GRRC and the Orange Order inviting them to bring delegations (with the Orange Group including both the County Grand Lodge and Portadown District) to discussions at Hillsborough under the chairmanship of the Secretary of State on Friday 27 and Saturday 28 June. To assuage Orange sensitivities, the letter would spell out that these would be proximity talks, with each side dealing with the Secretary of State and her team, but not directly with each other. These invitations might then be delivered in person by Mr Steele or other officials, who could explain the Secretary of State's intention in a little more detail and deal on the spot with any concerns which either side might have. Since the invitations will rapidly become public once they are handed over, we should pre-empt this by publicising the

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initiative ourselves, stressing that it is a pro-active attempt to reach a fair local accommodation which no reasonable person should have any problem with. It will be important to brief key influencers in advance so that they can come in in support of the invitation; for example, Saulters and Trimble on the Orange side, and Hume, Brid Rogers and the Irish in respect of the GRRRC. The two Archbishops, and the two morning newspapers (who may well wish to continue their joint approach on parades) would also be important in helping to build up public expectation and momentum as the invitations are issued and the talks approach.

How should the negotiations be organised?

8. The logistics and physical arrangements for the talks could be quite important in helping to achieve a successful outcome. Separate advice will be submitted on the detailed arrangements, but the main features would probably be -

- Secretary of State to chair the talks with support from an official team led by Mr Steele (with appropriate support staff also available at Hillsborough);
- Chief Constable and Parades Commission Chairman to be present (or at least available to come to Hillsborough at short notice if required);
- GRRRC and Orange Order each to have six representatives (although if they ask for more it will be politic to agree);

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- complete separation between GRRC base and Orange base, with no chance of inadvertent meetings (it may be that a condition of the invitation to the GRRC is that Brendan McKenna will not seek to confront the Orangemen in person);
- food, drink, etc, available as appropriate;
- appropriate press handling facilities.

What is the Government's negotiating stance?

9. A key challenge in these negotiations will be to induce the two sides to start thinking about what compromise they are willing to accept, rather than whether they will compromise at all. Since we know that the compromise is likely to focus around a controlled march on the Garvaghy Road with offsetting measures, the way in which we play this reality in will be particularly important. It would clearly be wrong for the Government to disclose an early fixed position: a bald statement that a march will almost definitely be going down the road, and the only issue for discussion is the modalities of that event, would probably cause the residents to become more obdurate while taking the pressure off the Orange Order. On the other hand, negotiations in a vacuum, with no steer at all being given to the participants about what the likely outcome is on the balance of probabilities, might not sufficiently focus minds on the practicalities. It may be possible to set the negotiations in a realistic framework (and therefore remove grounds for subsequent accusations of bad faith) by making the following points:

- The Chief Constable has genuinely not reached a decision.

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- If a reliable local accommodation could be reached, then he would happily accept that and do his best to support it - eg through light policing if that was operationally justifiable
- One clearly possible outcome is for a controlled march on the Garvaghy Road. The Secretary of State proposes that the negotiations should address that as the base case for discussion, with the task of considering how it could be made tolerable to the residents through the specific arrangements for such a march and possible off-setting measures.
- Other options - eg a ban on the march, with compensating measures for the Orangemen - would not be excluded from the negotiations, provided they were judged to offer the prospect of a realistic outcome. At the end of the day, the Chief Constable would make his decision informed by the outcome of the negotiations and the flexibility shown on each side.

10. The precise details of the Government's negotiating brief would be for further consideration and refinement; but something on the lines of the above might with luck establish, in practice if not explicitly, that all sides are in the territory of finding the lowest common denominator for getting some Orange feet on the Garvaghy Road. It will be important to establish the atmosphere that, while the Secretary of State recognises the rights both of the residents and the marchers, both of those rights must in the end accommodate themselves to her over-riding responsibility, as the executive authority in the Province, to ensure along with the police that good government and the rule of law are maintained. She will support a reasonable compromise, but will not hesitate publicly to expose unreasonable



positions for what they are - and allow public opinion to judge. Establishing the idea that the Government means business and is capable of mobilising a significant range of public opinion in support of its position could be an important factor in persuading McKenna (and Sinn Féin) that it is time to play for the draw.

f How could the parade be adjusted to make it more acceptable to residents?

11. The arrangements for the parade currently being proposed by the Orange Order are:

- only Fomadown District members parade (probably around 1,200 in total);
- no "offensive" bands taking part - only accordion bands playing hymn music common to both traditions;
- marchers walk four abreast so that the parade will pass any given point in less than five minutes;
- parade well marshalled and disciplined; no triumphalism or confrontation (and therefore only minimal police presence needed if residents recalcitate).

12. Against this background, the main menu of possible adjustments to the march to make it more acceptable to the residents could include:

- i Numbers: some, perhaps sizeable, reduction?

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- ii. Bands: no bands or music at all.
- iii. Time: change time of church service and parades to reduce further any disruption to residents - eg earlier in the morning.
- iv. Direction: reverse direction so that outward leg is on the Garvaghy Road in the early morning.
- v. Regalia: remove regalia (swords, flags, banners) which residents claim to find threatening.
- vi. Incorporate visible sign of respect for Catholic tradition in parade: eg, if parade is indeed partly in memory of those who died at the Somme, specifically commemorate Catholic combatants - the 16th Irish Division - as well.
- vii. Package deal: eg Newsletter/Irish News idea that next year's march voluntarily foregone. Probably unacceptable to Orange Order - but might they be pushed to agree that form of next year's parade would be subject to discussion with the residents - perhaps to include McKenna if he were specifically to acknowledge his terrorist past and disclaim any present influence by Sinn Fein?

What offsetting measures are possible?

13. Possible counter-balancing measures which might help reconcile the residents (or, failing them, wider nationalist opinion) to the parade could include:

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- i. "Equality of cultural recognition" - if the root cause of the residents' opposition to the parade is retaliation for the fact that they feel excluded from Portadown town centre, then support for a nationalist parade/festival at an appropriately symbolic location in Portadown might be an effective counterweight. Support might include some resources and other practical measures (perhaps channelled through a body such as the Community Relations Council?) as well as a firm general statement that the nationalist community in Portadown has the right to expect generosity and tolerance in the town which they share with their Protestant neighbours. The residents may well be able to suggest other concrete ways in which parity of esteem for nationalists in Portadown could be demonstrated.
  
- ii. Task force to examine community relations in Portadown: Central Secretariat are working up proposals for a task force bringing together the relevant public bodies and a small number of local figures prominent in the community relations field, which would aim to identify measures to improve community relations in Portadown, to promote such measures and to manage an agreed co-ordinated scheme. Further advice on this (including the public expenditure implications, which we would aim to contain within the existing budgets of the bodies concerned, though probably with some skewing towards the Portadown area), will be submitted.
  
- iii. Tougher approach to band parades: Band parades (which the Drumcree parade, of course, is not) are a manifestation of the marching season which is criticised not only by nationalists but also by many

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Unionists, on the grounds of offensive sectarian behaviour and disproportionate disruption to the life of the community. The last Government undertook in principle that a registration scheme for bands would be introduced. It is however proving extremely difficult to devise a registration scheme which would be of practical value and would not be vulnerable to attack under the ECHR. But when the new parades legislation is enacted, the Commission will have sweeping powers over band parades as over all other types of procession. Subject to discussion with the Commission and the RUC, it should be possible to provide a strong form of words for the Secretary of State to use indicating a much tougher regime for band parades in the future.

- iv Continuing access to Ministers: Esteem and recognition are clearly important to the GRRC. Some undertaking that HMG would continue communication with them after this year's parade - continuing the very valuable confidence-building symbolism established by the Secretary of State's promise to let them know herself what the Chief Constable's decision is - could well be valuable.

What external influences can we bring to bear?

14. It will be of the highest importance to maximise public, media and political support for the concept of proximity negotiations and, even more importantly, the decision which is eventually announced. If we can shift the terms of the debate towards a general perception that what is on offer is reasonable and should be accepted, then it is far more likely that the GRRC will decide to cut a deal. Key influencers here will be the Irish and (to a lesser extent) US Governments, the SDLP (particularly John Hume and Brid Rogers), Archbishop Brady, and the News