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From: PS/Secretary of State
12 July 1996

DESK IMMEDIATE

cc: PS/Secretary of State (L) - B
PS/Sir John Wheeler (B&L) - B
PS/Michael Ancram (B&L) - B
PS/PUS (B&L) - B
PS/Sir David Fell - B
Mr Legge - B
Mr Thomas - B
Mr Steele - B
Mr Leach - B
Mr Stephens - B
Mr Hill - B
Mr Ray - B
Mr Perry - B
Mr Lamont, RMD - B
Mr Budd, Cabinet Office
Mr Holmes, No 10 Downing Street
HMA Dublin - B

NB/As

R'6

John 15/7.

Mr Bell - B

DRUMCRREE/GARVAGHY ROAD: CONVERSATION WITH NIALL BURGESS

Niall Burgess rang me at 8 pm yesterday evening initially to say that it looked unlikely that a conversation could take place that evening between the Tanaiste and the Secretary of State (which had been a possibility earlier on). Burgess and the Tanaiste were, at that time, in Belgrade.

Burgess could not, however, resist saying that on the basis of what he admitted was relatively limited information, the Tanaiste was at a loss to understand why the Chief Constable had made the extraordinary decision to allow the Orange marchers to go down the Garvaghy Road. I made the point first of all that the decision of the Chief Constable had been taken on operational grounds, as had the decision he had made previously to prevent the march. I referred him to what the Chief Constable and the Deputy Chief Constable had said to the media in the immediate aftermath of the march, to the effect that circumstances had developed to the extent

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that, in the view of the Chief Constable, there was a real risk of loss of life if we were to persist in preventing the Orangemen from marching. I explained the Chief Constable's fear of between 30 and 50,000 Orangemen converging on Drumcree on the Eleventh Night with the strong possibility that the security forces would be overrun in such circumstances and that large numbers of Protestant 'gougers' would run amok in the Garvaghy Road estate, to the severe detriment of the nationalists living there.

I repeated several times the point about the appalling choice that the Chief Constable had been forced to make and the real risk of loss of life had he persisted in preventing the Orangemen marching. Burgess did not comment. He said again that the Tanaiste remained at a loss to understand why the decision had been taken. He said that they had received more complaints than in any time in the previous 3 years as a result of this action. He also said that the Tanaiste was very perturbed about what he was hearing about prospects for the Ormeau Road on 12 July, citing the fact that several people had complained that they had been prevented from getting to their homes. I said in response to the latter that if there were complaints to be made, there were of course proper channels of complaint to the RUC. Burgess accepted this.

I said that we had to distinguish between what had happened today and the events preceding it, which were essentially to do with the Chief Constable's duty to maintain law and order and protect life; and what needed to be done in the future. I drew Burgess' attention to what the Secretary of State had said in the house that day that we would institute a review of the marching and parades issue generally, which would certainly include an independent element. Again, I repeated this point several times emphasising the distinction between the political case for such a review and the operational responsibilities of the Chief Constable. The prospect of a review did strike something of a chord with Burgess. I was, for example, able to pick up a point he made about confidence in the nationalist community in the context of a review.

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But despite this more positive angle, there was no moving Burgess from his apparent bewilderment at why there had been a change of heart, and why we could not have worked longer to achieve the agreement that the four church leaders had been seeking. My repeated references to the proximity of the Eleventh Night and the fact that the church leaders had been unable to get anywhere near an agreement, fell on relatively deaf ears. I made the point that the Chief Constable's action in prohibiting the march in the first place had actually provided nearly 5 days for a local accommodation to be reached: this provoked no reaction. I also reminded Burgess that no-one on the nationalist side had uttered a word about the fact that the original decision by the Chief Constable to halt the march had been in the face of a very clear prospect of nationalist violence. Again, no reaction.

We finished the conversation by agreeing that it would be useful at some stage for the Secretary of State and the Tanaiste to talk if it could be arranged over the next 24 hours or so. However, this may have been trumped by the conversation which took place last night between the Prime Minister and the Taoiseach.

Burgess and I know each other pretty well so it was a totally amicable conversation though I did not attempt to conceal my exasperation at his inability, and inability of his boss, to appreciate the appalling operational dilemma that had been faced by the Chief Constable. There seemed to be more of a meeting of minds when I majored on the prospects of a review of the parades issue with an independent element. I believe this is where we will need to concentrate our main effort in assuaging Irish concerns.

(SIGNED)

MARTIN HOWARD
Private Secretary

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