SECRET

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CABINET OFFICE

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R43/3 PT3

FILE TITLE

NORTHERN IRELAND

FILE BEGINS 21/5/43 ENDS 07.04.94 FILE No. R43/3 PT3

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REFERRED TO	DATE	REFERRED TO	DATE	REFERRED TO	DATE

CLOSED 1994

CAB 164/2219

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SECRET

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NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

FOLIO 105

CABINET OFFICE
A 5683
12 APR 1994
FILING INSTRUCTIONS
FILE No. R43/3

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon John Major
10 Downing Street
LONDON
SW1A 2AA

7 April 1994

C. Mrs Lomax
Mr Fitchew

Dear Prime Minister,

HUALON

I am writing to seek your support in obtaining EC approval to the provision of financial assistance to the establishment of Hualon in Northern Ireland.

Hualon is a major, publicly-quoted Taiwanese textile corporation employing around 9,000 people manufacturing textiles in Taiwan and Malaysia. Sales in 1992 were almost £600m.

Hualon proposes to establish a large scale vertically integrated textile plant in Northern Ireland to service principally the European market. The investment will be in four phases spread over an 8-year period. Fixed capital investment totals approximately £160m. At full capacity the plant will produce 170m metres of fabric each year and directly employ 1,800 people. Industrial Development Board in Northern Ireland proposes to offer approximately £61m in financial assistance (well within EC regional aid limits). All necessary approvals within HMG have been obtained.

In accordance with the then requirements of the Synthetic Fibre Discipline, the project was notified to the EC in December 1992. After consideration the EC decided, in

August 1993, to open a procedure under Article 93(2). Five objections were lodged. The common theme to all was the perceived negative impact of a project of this magnitude on existing European producers in an industrial sector which had already been through a period of structural change. It was contended that 1971 and 1977 Textiles Frameworks preclude Member States assisting additional capacity in the sector.

HMG on the advice of Kurt Salmon Associates (internationally recognised textile industry consultants) argue that in the sub sectors of the textile market to be targeted by Hualon:

- import penetration is already high and will continue to increase;

- Hualon products will compete principally with imports;

- Hualon's equipment is designed specifically for the efficient production of high volumes of basic fabrics;

- European producers are progressively abandoning this sub sector and either moving production offshore, importing fabrics or moving to up-market fabrics;

- with or without a base in Europe Hualon will continue to import (as will others) and therefore offer competition.

From a regional perspective the benefits are immense. Apart from the direct jobs a further 500 indirect jobs are anticipated plus 2,000 man years of construction work. Located just outside Belfast it will draw labour from North and West Belfast, both areas with major long term economic and social problems.

As a result of the 93(2) procedure, there is widespread public knowledge of the project in Northern Ireland where both expectation and anxiety are high. The three MEPs have lobbied Van Miert's Cabinet.

The procedure is nearing completion and a decision is anticipated before the end of April. Tim Smith has met with Commissioners Van Miert and Millan and will also be trying to meet Commissioner Brittan as soon as possible. They are sympathetic to the regional case but not wholly convinced on sectoral issues.

This project is now reaching a critical stage and it is clear the decision will hinge largely on political issues. It is my view that a letter from you to President Delors emphasising the importance of the project to Northern Ireland, especially at this time, would be most helpful.

If you are in agreement, I attach a draft letter (cleared with DTI, UK Rep, FCO and Cabinet Office) for your consideration.

Yours sincerely

Sue Rogers

for SIR PATRICK MAYHEW
(Approved by the Secretary of State
and signed in his absence)

J Delors Esq
President
European Commission
45 Avenue D'Auderghen
BRUSSELS B1040

April 1994

HUALON

I am sure you are aware of this major potential investment which is currently the subject of an Article 93(2) procedure. The project would be located in Northern Ireland and my purpose in writing is to emphasise the immense importance and regional benefits the project would bring to one of the most economically disadvantaged regions of the Community.

The Hualon project would be implemented over an eight year period. It would involve investment of around £160m. At capacity it would directly create 1,800 jobs with a further 500 indirect jobs. It will provide some 2,000 man years of construction work.

The project would be located near to Belfast and would draw labour from the mainly Protestant North Belfast and the mainly Catholic West Belfast - both these areas are severely economically disadvantaged even by Northern Ireland standards. Unemployment levels are around 24% and 25% respectively with 56% and 64% of these having been unemployed for over twelve months. Some have never held a full-time job.

The political importance of securing this project for Northern Ireland now cannot be overestimated. With your own sympathetic understanding of our problems I know you will recognise this. The

links between terrorism and social and economic deprivation are well recognised. There is no doubt that investments such as that proposed by Hualon, when located in areas to which both sections of the population have ready access, are very helpful to the constructive political progress to which the UK and Irish Governments and all political parties are firmly committed.

I understand that Karel Van Miert is sympathetic to the case but there are some lingering concerns about the impact this project may have on existing European producers. In their detailed appraisal of the project my officials, working with internationally recognised textile consultant, concluded that Hualon will be competing in the low cost, high volume sectors of the EC fabric market which are increasingly penetrated already by imported fabrics and abandoned by EC producers in favour of more up-market fabrics. They were therefore satisfied that the impact of Hualon on existing producers would be minimal, and indeed Hualon investment should be seen as a welcome reversal of the trend.

The Northern Ireland community already has extensive knowledge of the Hualon project, as a result of the 93(2) procedure, and there is considerable public expectation and anxiety about the Commission's decision. Announcement of this major investment, the largest in Northern Ireland for over twelve years, would be particularly helpful in contributing to a positive cross-community atmosphere in the aftermath of the Downing Street Declaration of December last which you so helpfully endorsed. Your personal concern for the well being of the people of Northern Ireland has been much appreciated there and in London. Commission clearance of Government backing for this project would be a clear endorsement of the social and economic progress which is crucial to the prospects for peace.

I have no doubt that you will agree the importance of this project to the people of Northern Ireland cannot be over-emphasised and against this background I hope you will feel able to support the case for the proposed aid.

cc: PS/S of S (L+B)
PS/Sir Robin Butler
PS/Mr Hurd
PS/Mr Sainsbury
PS/Sir J Wheeler
PS/Tim Smith
Sir John Kerr - UK Rep
PS/PUS
PS/Mr Fell
Mr Loughran
MC

FLOATS

COMMERCIAL IN CONFIDENCE

cc Mrs Lomax
Mr ~~Bird~~
Miss Harper
Mr Ollard.

R

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

FOLIO 104 N

SECRETARY OF STATE
FOR
NORTHERN IRELAND

Mr Constine

Miss Harper

29 MAR 1994
LORD PRIVY SEAL

Rt Hon Kenneth Clarke QC MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

28 March 1994

CABINET OFFICE
K 5305
30 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3
QF8091

Dear Ken:

POLICING STRUCTURE REFORM: NORTHERN IRELAND

Thank you for your letter of 17 March in response to mine of 2 March to John Wakeham on the subject of policing structure reform in Northern Ireland. I welcome your support for the reforms I am proposing.

The reforms should ensure a more effective use of policing resources and secure efficiency gains in the long term. I can give you the assurance you seek; that it is my intention that the reforms will be implemented within the existing resources allocated to the Northern Ireland Law and Order programme.

I am copying this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and Sir Robin Butler.

Yours ever,

Paddy

cc Mrs Lomax
Mr Bird
Miss Harper
Mr Orland.

Mr Coffine

FOLIO 104 M

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

29 MAR 1994
LORD PRIVY SEAL

Rt Hon Kenneth Clarke QC MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

28 March 1994

CABINET OFFICE
Qf 8077
30 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

Dear Ken:

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The reforms should ensure a more effective use of policing resources and secure efficiency gains in the long term. I can give you the assurance you seek; that it is my intention that the reforms will be implemented within the existing resources allocated to the Northern Ireland Law and Order programme.

I am copying this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and Sir Robin Butler.

Yours ever,

Paddy

R Mr Caraffine
M/s Harper

FOLIO 104

QF7969

CABINET OFFICE
K 5212
23 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

FROM: A SANDALL
DATE: 23 MARCH 1994

MR SANDEMAN

c. Mr Bird
Mr Maclean
Mr Brooker
(NIO)

NORTHERN IRELAND GRAND COMMITTEE

In the course of the debate on 9 March on setting up a Northern Ireland Select Committee, Mr James Molyneaux asked for clarification of the number of sittings of the Grand Committee per session, and of the procedure for adjourning a debate in the Grand Committee and returning to the same subject another day.

I attach a draft of a letter for the Lord President on the point.

The method of securing a second sitting (referred to in the third paragraph of the draft) is to ensure that the motion "That the Committee has considered the matter of X" is either talked out at 1 o'clock or negatived, but it is probably better for the Lord President not to volunteer this information.

AB

A SANDALL

DRAFT LETTER FROM THE LORD PRESIDENT TO THE RT HON JAMES MOLYNEAUX

NORTHERN IRELAND GRAND COMMITTEE

At the end of your speech on 9 March, on the motion to establish a select committee on Northern Ireland, you asked for clarification of a couple of points to do with the Grand Committee.

You suggested that there should be a clearer understanding of the number of sittings of the Grand Committee in each session. The Standing Order lays down no maximum or minimum figure, and the Government sees no particular reason why the number of sittings should not vary from year to year. We are always willing to consider suggestions for a meeting of the Committee if there is a general wish to debate a subject which could usefully be considered in that forum.

You also referred to the need to clarify the procedure for adjourning a debate and returning to the same subject on another day. I am assured that it is possible, within the existing rules, to have a second sitting of the Committee, but it would be much better to arrange this in advance, in consultation with the Chairman of the Committee and the Government Whip, rather than to attempt to sort something out in the minutes leading up to 1 o'clock. This is perhaps a point which could be considered at the same time as a proposal for a topic to be debated in the Committee.

2573

FOLIO 103

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

CABINET OFFICE
A 4823
23 MAR 1994
FILING INSTRUCTIONS
FILE No. RH3/3

fine
Mo Mowlam

23 March 1994

Dear Paddy,

M Bird

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Thank you for your letters of 10 December and 2 March, in which you sought colleagues' agreement to your proposals for reform of the policing structure in Northern Ireland.

You explained that you proposed to establish a new police body to ensure that the Royal Ulster Constabulary (RUC) is fully accountable to the local community. You would set overall objectives and priorities for policing and provide resources for the police, while the Chief Constable would retain operational independence and have responsibility for the efficient management of resources. You intended to announce your proposals in answer to a Parliamentary Question shortly before Christmas and then to publish a consultation paper giving further details of them.

Kenneth Clarke, Michael Howard, Malcolm Rifkind, Tony Newton, Ian Lang and William Waldegrave have commented on your proposals.

Michael, Ian and William were generally content with the terms of your proposed PQ reply, although Michael, in his letter of 15 December, asked you to remove the references to a tripartite structure, which he thought might lead to confusion with the new, and different, tripartite structure which he is establishing in England and Wales, and William asked you to include a reference in the reply to the Citizen's Charter. I understand that you have now answered the PQ, taking account of these comments.

Ken and Malcolm welcomed the proposals in the consultation paper, although Ken asked for an assurance that the gross costs of reform along the lines you proposed should be contained within your block provision. Malcolm in particular valued the fact that the reforms would enable you to establish overall counter-terrorist objectives and to determine directly with the Chief Constable the funding and implementation of RUC efforts to defeat terrorism. Michael initially had doubts about the structure, as he recorded in his letter of 21 February. He understood the need for you to adopt models which were significantly different from those used in England and Wales, but he questioned whether your approach would strengthen the accountability of the Police

Authority to the community. Your letter of 28 February explained why you considered the differences of approach justified, and Michael recorded his agreement to the line you were taking in his letter of 14 March.

No other colleague has commented on the policy content of what you propose, and you may take it that you have agreement from colleagues for this, subject to your being able to give the assurance which Ken has asked for.

Your letters also set out your view that the proposed changes to Northern Ireland policing structures should be enacted by a Bill, rather than by Order in Council, so providing an opportunity for debate and amendment which you have argued will be necessary given the controversial nature of the subject matter. You have bid for a place in the legislative programme for 1994/95, which Cabinet will be considering after Easter. As you know, Tony thought it important to avoid giving a commitment to finding time for a Bill, and I understand the wording at paragraph 7.1 of the draft has been revised accordingly.

I am sending a copy of this letter to the Prime Minster, members of EDH, Douglas Hurd, Malcolm Rifkind, Gillian Shephard, Nick Lyell, Alan Rodger, and Nick Ullswater, and to Sir Robin Butler.

Yours ever

WAKEHAM

The Rt Hon Sir Patrick Mayhew QC MP

Mr Cane (RNM Police Bill)
Miss Harper

FOLIO 102 Q

QF7959

FROM: A SANDALL
DATE: 22 MARCH 1994

CABINET OFFICE
K 5209
23 MAR 1994
FILING INSTRUCTIONS
FILE No. RH3/3

MR SANDEMAN

c. Mr Bird
Mr Maclean

NORTHERN IRELAND LEGISLATIVE PROCEDURES

The possibility of amendable Orders in Council relating to Northern Ireland was discussed at the Business Managers' meeting yesterday.

X The relevant statutes make no provision for delegated legislation to be amended by Parliament.

However, if the Government undertakes public consultation on a legislative proposal, it can make amendments to it as a result of the consultation before laying a draft order before Parliament on a 'take it or leave it' basis. A debate in the Northern Ireland Grand Committee on a proposal for a draft order could be regarded as a special category of public consultation for this purpose.

AS.

A SANDALL

Mr. Sandall

cc Mr Bird
Mr. Sandeman

Whilst x above may be true, are you saying the legislation precludes amendment

R43/3

FOLIO 102 P

fmi R12967

1. Mr Bird M3 17/3

2. Mrs Bailey

From Miss J M Harper
22 March 1994
cc Mr Sandeman
Mr Maclean
Mr Ollard

LPS/386/93: NORTHERN IRELAND: POLICING STRUCTURE REFORM

I attach a draft reply for the Lord Privy Seal to send to the letters of 10 December and 2 March from the Secretary of State for Northern Ireland. NIO completed the ring round on this case today, and plan to publish the consultation paper in response to an inspired PQ on Wednesday 30 March. The wording on legislation (section 7) has been agreed between the Lord President's and the Secretary of State's offices.

Jenny Harper

Miss J M Harper

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Thank you for your letters of 10 December and 2 March, in which you sought colleagues' agreement to your proposals for reform of the policing structure in Northern Ireland.

You explained that you proposed to establish a new police body to ensure that the Royal Ulster Constabulary (RUC) is fully accountable to the local community. You would set overall objectives and priorities for policing and provide resources for the police, while the Chief Constable would retain operational independence and have responsibility for the efficient management of resources. You intended to announce your proposals in answer to a Parlimentary Question shortly before Christmas and then to publish a consultation paper giving further details of them.

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I am sending a copy of this letter to the Prime Minster, members of EDH, Douglas Hurd, Malcolm Rifkind, Gillian Shephard, Nick Lyell, Alan Rodger, and Nick Ullswater, and to Sir Robin Butler.

WAKEHAM

The Rt Hon Sir Patrick Mayhew MP

chex.jp/gf/86 **POLICY IN CONFIDENCE**

CABINET OFFICE
P 11994
18 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

FOLIO 102 NM

Treasury Chambers, Parliament Street, London, SW1P 3AG
071-270 5000

17 March 1994

D

Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for
Northern Ireland
Northern Ireland Office
Whitehall
LONDON SW1A 2AZ

Dear Patrick,

POLICING STRUCTURE REFORM: NORTHERN IRELAND

I have seen your letter of 2 March to John Wakeham with which you enclosed a copy of the consultation paper which you propose to publish next week.

I broadly welcome the reforms proposed in the consultation paper. The reforms should generally enhance the effectiveness of policing in the Province and improve lines of accountability between the RUC and the proposed new Police Commission.

Neither your letter nor the consultation paper identify the financial implications of reform. But I am sure you will agree that the tightening of the administrative structure and the removal of duplicated work should lead to significant financial savings and that any gross costs arising from the reforms should be contained within your Block provision. I would be grateful for your assurance that this is your intention.

I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and to Sir Robin Butler.

Yours ever,

KENNETH CLARKE

chex.jp/gf/86

POLICY IN CONFIDENCE

Please associate
LPS/0386/93
Mr Bird
cc: Mrs Lomax
Miss Harper
Mr Ollard

fire



Treasury Chambers, Parliament Street, London, SW1P 3AG
071-270 5000



17 March 1994



Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for
Northern Ireland
Northern Ireland Office
Whitehall
LONDON SW1A 2AZ

Dear Patrick,

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Yours ever,

KENNETH CLARKE





PRIVY COUNCIL OFFICE
WHITEHALL. LONDON SW1A 2AT

Jenny

The negotiated text was the replacement. I would prefer it to be retained as our proposed amendment rather than the LP's, if you can.

With the Compliments of the

Private Secretary to the Lord President of the Council

22/3

Could I possibly see both to show LP.

7.1 The Government recognises that a change of this significance to policing structures and Northern Ireland is of great importance to the community. It cannot be implemented without new legislation. In the light of this, the Government would welcome comments on whether, when legislation is introduced, it should be by means of a Bill or an Order in Council. A final decision will have to take account of the availability of Parliamentary time.

chex.jp/gf/86

POLICY IN CONFIDENCE

CABINET OFFICE
A 4527
17 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

FOLIO 102 M

1 8/3

Treasury Chambers, Parliament Street, London, SW1P 3AG
071-270 5000

17 March 1994

Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for
Northern Ireland
Northern Ireland Office
Whitehall
LONDON SW1A 2AZ

Miss Harper

Mr Bird

Dear Patrick,

POLICING STRUCTURE REFORM: NORTHERN IRELAND

I have seen your letter of 2 March to John Wakeham with which you enclosed a copy of the consultation paper which you propose to publish next week.

I broadly welcome the reforms proposed in the consultation paper. The reforms should generally enhance the effectiveness of policing in the Province and improve lines of accountability between the RUC and the proposed new Police Commission.

Neither your letter nor the consultation paper identify the financial implications of reform. But I am sure you will agree that the tightening of the administrative structure and the removal of duplicated work should lead to significant financial savings and that any gross costs arising from the reforms should be contained within your Block provision. I would be grateful for your assurance that this is your intention.

I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and to Sir Robin Butler.

Yours ever,

KENNETH CLARKE

Sir Robin Butler

From: THE PRIVATE SECRETARY

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CABINET OFFICE
A 4442
16 MAR 1994
FILING INSTRUCTIONS
FILE No. R433

Roderic Lyne Esq CMG
Private Secretary to the Prime Minister
10 Downing Street
London

16 March 1994

Dear Rod,

CROSS-BORDER SECURITY CO-OPERATION

You and others will want to see the attached statement, issued this morning by the RUC Chief Constable in response to the story on page one of the 'Independent'.

As you know, in comments on cross-border security co-operation, the key points to make are:

- welcome recent successes, on both sides of the border, which are evidence of the intensive efforts by the security forces in both jurisdictions to combat terrorism;

- both Governments are committed to close co-operation, which is currently at an all-time high;

- but there is no complacency and both Governments keep the level of co-operation under careful review, so as to build further on existing co-operation. It is high on the agenda for discussions between British and Irish Ministers in meetings of the Intergovernmental Conference, between officials, and between the two chief police officers.

A copy goes to John Sawers, John Pitt-Brooke, Joan MacNaughton and Melanie Leach.

Yours,

Jonathan

PRESS RELEASE

CROSS-BORDER CO-OPERATION - STATEMENT BY THE CHIEF CONSTABLE, SIR HUGH ANNESLEY

The completely inaccurate story in today's 'Independent' newspaper - 'Ireland blamed for lapses of security' - cannot be allowed to go unchallenged.

The success rate of the Garda in finding arms and explosives, and making arrests, has been first rate and is plain for all to see. A classic example of this was the recent intercept of a Mark 15 mortar at Donnyloop, opposite Stranbane, on 4 March. This and other interceptions have been of crucial importance to the well-being of the security forces, and the general public, in Northern Ireland.

I confirm again that the level of cross-boarder co-operation is at an all-time high. Specifically, any suggestion that the Garda recently failed to follow through RUC intelligence in respect of anticipated terrorist attacks in Great Britain is completely without foundation. The RUC has not made any complaint nor is there any reason for so doing. On the contrary, the RUC is appreciative of the co-operation it receives from the Garda and of the cordial and high professional relationship which exists between it and the Royal Ulster Constabulary.

16 March 1994

POLICY IN CONFIDENCE

SECRETARY OF STATE

Please associate
LPS/0386/94
Mr Bird
cc Mrs Lomax
Miss Harper
Mr Ollard

MINISTRY OF DEFENCE
WHITEHALL LONDON SW1A 2HB
Telephone 071-21 82111/2/3

FOLIO 102 LM

16 MAR 1994
LORD PRIVY SEAL

CABINET OFFICE
Of 7800
17 MAR 1994
FILING INSTRUCTIONS
FILE No
MO 19/3J

R43/3

15 March 1994

Dear Patrick,

POLICING IN NORTHERN IRELAND

I am grateful to you for copying to me your letter of 2nd March to John Wakeham, with your draft consultation paper on Policing in Northern Ireland.

Your ideas for reforming the relationship between the Northern Ireland Office, the Police Authority for Northern Ireland and the Royal Ulster Constabulary are most welcome. In particular, I would wish to lend strong support to those reforms which enable you to establish overall counter-terrorist objectives, and to determine directly with the Chief Constable the funding and implementation of RUC efforts to defeat terrorism. Such a direct bilateral process seems to me to be especially important in the case of Special Branch, intelligence and other sensitive security work, which should remain subject to strict need-to-know limitations.

The Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for Northern Ireland

Recycled Paper

I am copying this letter to the Prime Minister, EDH Colleagues, the Foreign Secretary, and the Attorney General, and to Sir Robin Butler.

Malcolm Rifkind

1713

Miss Harper

POLICY IN CONFIDENCE

MINISTRY OF DEFENCE
WHITEHALL LONDON SW1A 2HB
Telephone 071-21 82111/2/3

FOI 102

SECRETARY OF STATE

CABINET OFFICE
A 4439
16 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

MO 19/3J

15 March 1994

Mr Birch

Dear Patrick,

POLICING IN NORTHERN IRELAND

I am grateful to you for copying to me your letter of 2nd March to John Wakeham, with your draft consultation paper on Policing in Northern Ireland.

Your ideas for reforming the relationship between the Northern Ireland Office, the Police Authority for Northern Ireland and the Royal Ulster Constabulary are most welcome. In particular, I would wish to lend strong support to those reforms which enable you to establish overall counter-terrorist objectives, and to determine directly with the Chief Constable the funding and implementation of RUC efforts to defeat terrorism. Such a direct bilateral process seems to me to be especially important in the case of Special Branch, intelligence and other sensitive security work, which should remain subject to strict need-to-know limitations.

The Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for Northern Ireland

Recycled Paper

I am copying this letter to the Prime Minister, EDH Colleagues, the Foreign Secretary, and the Attorney General, and to Sir Robin Butler.

Malcolm Rifkind

Please associate
LPS 11077/94
Mr Bird
cc: Mrs Lomax
Miss Harper
Mr Ollard

Miss Harper

POLICY IN CONFIDENCE

FOLIO 102 K

QUEEN ANNE'S GATE LONDON SW1H 9AT

14 March 1994

CABINET OFFICE
K 5083
15 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

15 MAR 1994
LORD PRIVY SEAL

Dear Patrick

NORTHERN IRELAND: POLICING STRUCTURE REFORM

I am grateful for your letter of 28 February to me on this subject, and for the further draft of your consultation paper which you circulated with your letter of 2 March to John Wakeham.

I recognised in my earlier letter that it was not your intention, and that it would certainly not be possible, for you to attempt to imitate the police authority structure which we are establishing in rather different circumstances in England and Wales. But, despite the particular difficulties which you face, I supported your desire to give a proper job to a new police authority body in Northern Ireland. Your discussions with the Northern Ireland Police Authority cannot have been easy, but the changes made to the latest draft seem to me to strengthen your proposals significantly. Arrangements for the setting of objectives seem much clearer and create a genuine role for the police authority. The relationship over matters connected with the policing plan is also much more effective. I can understand that you are unable to say more on the question of how members of the police authority are to be appointed - no doubt the extent to which you could include people who have been elected to office would depend on other developments. I appreciate the reasons why it has not been possible to give more than a limited role to the police authority in financial matters.

As you may know, I was worried at an earlier stage that some readers of the consultation document might make misleading comparisons with the arrangements which we are establishing in England and Wales. There is no such risk in your latest draft and I am grateful for the changes made.

I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

Yours ever
Michael

MICHAEL HOWARD

The Rt Hon Sir Patrick Mayhew QC, MP
Northern Ireland Office
Whitehall
London SW1

POLICY IN CONFIDENCE

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

14 MAR 1994

CABINET OFFICE
A 4284
14 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

FOLIO 102

Dear John

CROSS BORDER POLICING: NORTHERN IRELAND

I am responding to Patrick Mayhew's letter of 24 February proposing that the provisions on Anglo/Scottish police powers, in the Criminal Justice and Public Order Bill, should be extended to encompass Northern Ireland and the RUC.

The problems which occur in Anglo/Scottish operations are to a large extent routine ones which stem from the fact of a land border between the two countries which criminals regularly cross. These problems are not reflected between Northern Ireland and the mainland, and such problems as do occur are of a rather different kind from those which our proposals are intended to address. I think it will be more difficult to explain to Parliament why RUC officers should have powers to operate on the mainland, and vice versa, than why we need provisions to deal with the Anglo/Scottish border, and we would need to look to the Northern Ireland Office to assist us in briefing during the further discussion of these clauses in Parliament.

I have consulted ACPO, who, given the time constraints, are content with Patrick's proposals in principle, but would wish them to be supported by detailed operational protocols before being implemented. Subject to these two points, I am prepared to agree to Patrick's proposals and to amend the clauses in the Bill accordingly.

I am copying this letter to the Prime Minister, members of EDH and LG, Tony Newton, Sir Robin Butler and First Parliamentary Counsel.

Yours ever

Michael

MICHAEL HOWARD

The Rt Hon The Lord Wakeham
Lord Privy Seal
Privy Council Office
Whitehall
London SW1

Miss Leed

POLICY IN CONFIDENCE

HOME SECRETARY

QUEEN ANNE'S GATE LONDON SW1H 9AT

POLIC 101

14 MAR 1994

CABINET OFFICE
A 4286
14 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

RC Mr Bird
Mr Lever

Dear Patrick

NORTHERN IRELAND: POLICING STRUCTURE REFORM

I am grateful for your letter of 28 February to me on this subject, and for the further draft of your consultation paper which you circulated with your letter of 2 March to John Wakeham.

I recognised in my earlier letter that it was not your intention, and that it would certainly not be possible, for you to attempt to imitate the police authority structure which we are establishing in rather different circumstances in England and Wales. But, despite the particular difficulties which you face, I supported your desire to give a proper job to a new police authority body in Northern Ireland. Your discussions with the Northern Ireland Police Authority cannot have been easy, but the changes made to the latest draft seem to me to strengthen your proposals significantly. Arrangements for the setting of objectives seem much clearer and create a genuine role for the police authority. The relationship over matters connected with the policing plan is also much more effective. I can understand that you are unable to say more on the question of how members of the police authority are to be appointed - no doubt the extent to which you could include people who have been elected to office would depend on other developments. I appreciate the reasons why it has not been possible to give more than a limited role to the police authority in financial matters.

As you may know, I was worried at an earlier stage that some readers of the consultation document might make misleading comparisons with the arrangements which we are establishing in England and Wales. There is no such risk in your latest draft and I am grateful for the changes made.

I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

Yours ever
Michael

MICHAEL HOWARD

The Rt Hon Sir Patrick Mayhew QC, MP
Northern Ireland Office
Whitehall
London SW1

POLICY IN CONFIDENCE

43

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

FOLIO 100 N

CABINET OFFICE
A 3621
3 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon The Lord Wakeham
Lord Privy Seal and Leader of the
House of Lords
Privy Council Office
Whitehall
LONDON SW1A 2AI

2 March 1994

Mr Bird

Miss Harper

T.I. still promotes the privacy legislation option. Maybe NIO will think differently after the 8/3 FLG.
FB 4/3

Dear John:

In my letter of 10 December I set out the basis for my proposed reform of policing structures in Northern Ireland and attached a copy of a consultation paper which I proposed to publish. Change is essential to the administration of policing in Northern Ireland to improve the operational effectiveness of the RUC, to provide the best prospect of securing wider support for the RUC and to achieve the cost effective use of resources.

I have received some comments on the paper from colleagues; and have also been engaged in detailed discussions with the Police Authority for Northern Ireland. As a result of these discussions, the document has been adjusted to provide additional clarity on the principles behind my proposals and to take account of concerns expressed.

I have now achieved a broad measure of support for my proposals from the key participants in Northern Ireland and I am ready to take the issue into the public domain. I intend to publish the document in the week beginning 20 March and would be grateful for any final comments from colleagues by 17 March.

I am copying this letter to the Prime Minister, EDH colleagues, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

POLICING IN THE COMMUNITY

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1. INTRODUCTION

1.1 This paper proposes a strengthened framework for policing in Northern Ireland. The aim is to provide a structure in which there can be a more effective police service fully accountable to the whole community. The maintenance of law and order is a fundamental requirement of society, and responsibility of Government. This requires a police service which is efficient, effective and responsive to the needs of the community. Moreover, in Northern Ireland the arrangements for policing must take account of the particular problems of a divided community and many years of terrorist activity.

1.2 The Government believes that improvements need to be made to the structure of policing in Northern Ireland. The present arrangements for policing in Northern Ireland are based on a tripartite structure. Under it the Secretary of State for Northern Ireland is responsible for overall policing policy and security policy, for the provision of all funds and for the statutory and management framework for the delivery of policing; the Police Authority for Northern Ireland provides a range of services and all civilian personnel to the RUC using the funds provided by the Government; and the Chief Constable is responsible for police operations and the enforcement of the criminal law.

1.3 The Government is committed to the continuance of a tripartite structure of policing. It is committed to maintaining the operational independence of the Chief Constable and to the

avoidance of political direction of the police. It is committed to meeting the recommendations of the Hunt Report for "some body, representative of the community as a whole, to which he [the Chief Constable] can be accountable, and through which the wishes and fears of the community can be expressed".

1.4 The dedicated service of members of the RUC and the Police Authority over the last quarter of a century has transformed policing in Northern Ireland, strengthened links with the community and provided a high level of stability in the face of extreme pressures. But the present arrangements suffer from a number of shortcomings. These have made it difficult to address the objectives sought in Lord Hunt's report and to achieve the most efficient use of the substantial resources devoted to policing.

1.5 The Secretary of State, after discussions with the Police Authority and the Chief Constable, has concluded that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland by strengthening and clarifying the tripartite structure.

1.6 Under the proposals set out in this paper, the responsibilities and the lines of accountability of the Secretary of State, the Police Authority and the Chief Constable will be defined in statute. The Secretary of State will continue to be responsible for security policy, the provision of all resources, and the statutory and management

framework for the delivery of policing, and he will establish and monitor overall objectives and priorities for policing in Northern Ireland. A new Police Authority will have statutory responsibility for establishing objectives and priorities for the provision of police services to the community, monitoring the performance of the RUC in meeting these objectives against the resources provided, and ensuring that the RUC is fully accountable to the community. The Chief Constable's operational independence will continue to be safeguarded in statute, and he will in addition have full responsibility for the provision, maintenance and efficient management of the resources provided for meeting the objectives set by the Secretary of State and the Authority.

1.7 The Government believes that this strengthened and clearer structure will provide a more effective framework for policing Northern Ireland, and a police force more fully accountable and responsive to the concerns and priorities of those it exists to serve.

1.8 This paper uses, throughout, the term Police Authority to describe the body with the new powers and responsibilities it has identified. It is for consideration whether a new title is needed to reflect these new powers and responsibilities.

2. THE ORIGIN OF THE PRESENT SYSTEM

2.1 The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The resilience of that framework has since been severely stressed.

2.2 The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties which form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.

2.3 The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee drew attention to the lack of clarity in the legal relationship between the Government and the police, and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing, and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable, and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and professionalise policing, and was based on the premise that terrorism (if it recurred) would be a short-lived phenomenon, best tackled by military, rather than police, means.

2.4 The setting up of a Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964, despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.

2.5 Policing in Northern Ireland is wholly funded by central Government, by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is approximately £600 million. There is no history of local government involvement or local provision for police funding, at the county or borough level, usual in England and Wales.

2.6 The history of Northern Ireland and the experience of violence has created an environment in which sections of the community have felt unable to give unqualified support to the police service, or even to participate fully in the work of the Authority. The Authority's work has been seen as principally providing support services to the police, and as a result the role envisaged by Lord Hunt of representing the concerns and needs of the community to the police, and of holding them to account, has been obscured. Of necessity the Authority's routine work is not disclosed to the

public. The Government believes it is highly desirable that all sections of the community should be involved in the structures for policing in Northern Ireland and that there should, as far as security considerations permit, be more openness and publicly available information about policing policy.

3. THE PRESENT SYSTEM

3.1 This section describes in detail the three elements of the current structure.

Secretary of State

3.2 The Secretary of State is responsible, and accountable to Parliament, for overseeing the statutory and management framework for the delivery of policing in Northern Ireland. He also has a special responsibility for security policy. This involves establishing the overall policy for tackling terrorism which is implemented by the security forces, including the police.

3.3 One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by Her Majesty's Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC, as well as making recommendations for improvements. The inspection gives an independent, professional and comprehensive examination of the efficiency of the service provided to the public, and of the organisation and management of the force. In order to provide greater public awareness, the 1993 and succeeding reports will be published.

3.4 The Secretary of State approves the level of expenditure on policing, and provides the requisite

funds. His approval is required for any increase in numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment, by the Police Authority, of senior police officers. The Secretary of State can call for a report from the Chief Constable on any matter. There are very few specific statutory expressions of the Secretary of State's responsibilities for security policy; these are confined to a number of executive responsibilities under emergency legislation.

Police Authority

3.5 The Police Authority is responsible for appointing the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It obtains police resources from the Secretary of State and plays a direct part in the management of police resources, including buildings, vehicles and equipment. It is the employer of civilian staff for the force. Since 1990 it has had a statutory responsibility for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order 1989). The Authority may call for reports from the Chief Constable; and the Chief Constable is also required to provide the Authority with an annual report which is passed on to the Secretary of State, who lays a copy before both Houses of Parliament.

3.6 All Members of the Police Authority are appointed by the Secretary of State. The Authority consists of a Chairman, a Vice Chairman (both appointed by the Secretary of State), and between 14 and 20 persons to be as representative as possible of the community in Northern Ireland, including the interests of local authorities and other public bodies, the legal profession, trade unions, commerce and voluntary organisations.

Chief Constable

3.7 The Chief Constable is charged with the direction and control of his force and has responsibility for the even-handed application of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police operations. All police officers hold the office of constable. Because of the security situation, at present the police require military support in certain areas, but the police retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy.

4. THE NEED FOR CHANGE TO POLICING STRUCTURES

4.1 In England and Wales thirty years after the Police Act 1964 was passed, the Government has found that, the roles and responsibilities of the three parties - Secretary of State, police authorities and chief officers of police - require to be redefined and updated. The proposed changes were set out in a White Paper (Cm 2281) and are to be implemented in the Police and Magistrates' Courts Bill which has now been introduced in Parliament.

4.2 The position in Northern Ireland over the last 25 years has been very different, but experience over that time has demonstrated a number of shortcomings in the current structure. Some of these shortcomings have also been experienced in England and Wales. But many are unique to Northern Ireland, either because of the particular funding arrangements for the RUC, the absence of a significant history of local involvement in policing, the nature of the divided community, or the special demands arising from the security situation. Some particular deficiencies are set out below.

4.3 The **Police Authority** has responsibility for making arrangements to obtain the views of local people about policing, but it has little power to ensure that those views are reflected in the strategic direction of the force. It does not raise revenue or have ultimate control over the provision of resources for the police, and therefore it is not in a position to exercise its authority through decisions about the level of resources to be made

available for policing. Other ways must be found for the Authority to give substance to its responsibility for monitoring policing policies, and for holding the police accountable.

4.4 Because of reservations about the effectiveness of the Authority to influence policing in Northern Ireland, at present some important groupings in the community are unwilling to accept appointment to the Authority. The Government is determined to put in place structures which will command the support and confidence of all sections of Northern Ireland's divided community.

4.5 The **Chief Constable** directs police officers within the force but he is not the employer or manager of the civilian staff who work alongside them. Nor is he responsible for providing or managing the wide range of support services on which much of his operational effectiveness depends. He has to make a case to the Police Authority, and rely on it, to provide him with equipment and other resources. This creates bureaucracy and inhibits the most effective management of resources, with costly duplication of effort.

4.6 There is a lack of clarity about the **Secretary of State's** responsibilities for policing. The 1970 Police Act was written in the context of a Stormont Parliament, and the detailed policing duties of the Secretary of State contained therein do not fully reflect his responsibilities.

4.7 **Responsibilities for police finance, for security and for community issues are shared between the three elements of the structure.** This entanglement of responsibilities leads to uncertain lines of accountability. It can also lead to slow decision making and a wasteful duplication of resources.

5. THE WAY FORWARD

5.1 The Government has considered the matter carefully in consultation with the Police Authority and the Chief Constable, and has concluded that the current system needs to be changed; both to ensure that the RUC is best placed to tackle terrorism and other crime, and to be more responsive to the needs of the community on policing.

5.2 **The Government is committed to the continuance of a tripartite structure of policing** in Northern Ireland, involving representatives of the community, the Government and the police. Each element has an essential part to play in providing a relevant, balanced, effective and acceptable policing service. But the roles and responsibilities of each need to be more clearly established in a way which reflects their distinctive contributions. In line with the principles of the Citizen's Charter, a clearer structure is required to ensure that the police are more attuned to the needs of the people of Northern Ireland, building on the commitments made in the RUC Charter.

5.3 Accordingly, the Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

- clarifying the respective roles of the Secretary of State, the Police Authority and the Chief Constable; and

- defining lines of accountability between all three parts of the tripartite structure.

Responsibilities of Secretary of State

5.4 The distinctive policing responsibilities of the Secretary of State will be clarified and, where appropriate, set in statute. This will provide for greater openness about policing policy and the use of policing resources. Specifically the Secretary of State's responsibilities will include:

- overall responsibility for policing policy, security policy and the statutory framework of the policing system;

- establishing the province-wide objectives and priorities of policing in Northern Ireland, including security policy objectives;

- allocation of resources for the provision of policing in Northern Ireland and responsibility to Parliament for the use of policing resources;

- appointment of a Police Authority, representative of the community in Northern Ireland.

Responsibilities of Police Authority

5.5 The new structure will ensure that the new Police Authority has clear responsibilities and the means to give them effect. It will clearly be tasked with representing the community to the RUC, identifying the community's priorities within available resources, and holding the RUC to account for an efficient and effective delivery of its agreed objectives.

Specifically the responsibilities of the new Authority shall include:

- appointing senior police officers subject (as at present to the approval of the Secretary of State and also to any regulations made by him in respect of such appointments);
- establishing objectives and priorities for the provision of police services to the community within available resources provided by the Secretary of State;
- consulting in the community and building on the work of Community Police Liaison Committees;
- holding the Chief Constable to account for the quality and delivery of policing services to the community in Northern Ireland;
- oversight of the operation of the complaints process;
- publication of an annual report;
- advising the Secretary of State on any aspect of policing affecting the community.

Responsibilities of Chief Constable

5.6 The Chief Constable will have more control over police resources so as to ensure their most effective deployment in the delivery of policing services, in line with objectives set by the

Secretary of State and the Authority. He will continue to have operational independence, in directing and controlling the operations of the RUC in the enforcement of the law. These changes will allow the RUC to benefit from the best techniques in modern management and ensure the most efficient use of police resources.

Specifically, the Chief Constable will have responsibility for:

- operational management of his force;
- management of civilian staff, and for the buildings, equipment, vehicles and services employed by the RUC;
- advice to the Secretary of State on security policy.
- enforcement of the criminal law, with the support of the armed forces, where necessary.

5.7 These new responsibilities will require, in part, a civilian management structure to discharge financial and other resource responsibilities and to oversee the welfare of civilian staff.

Lines of Accountability

5.8 This section sets out the ways in which the lines of accountability from the RUC to the Authority and the Secretary of State will in practice be strengthened and improved under the new structure.

Appointments

5.9 The Government believes that the community as a whole needs the utmost confidence in senior officers of the RUC. Present responsibilities for senior police appointments (including the Chief Constable) and discipline will remain: the Authority appoints senior officers, subject to the approval of the Secretary of State. To enhance clarity and openness, however, the appointment process will be subject to regulation, so that the objective criteria to be applied to the appointment of those seeking high office in the RUC are publicly known and understood. The appointment of senior police officers is already subject to equal opportunities legislation. The importance of accountability for the power of appointment will be enhanced by the introduction of fixed term appointments for senior police officers, as announced by the Government in response to the Sheehy Report.

Objectives and Priorities

5.10 The Secretary of State and the Police Authority will have distinct statutory responsibilities for identifying objectives and priorities for the police. Those established by the Secretary of State will relate to overall Province-wide policing objectives, including in particular those concerning security policy. Those established by the Police Authority will relate to particular objectives identified by communities throughout Northern Ireland. These may or may not be Province-wide. The Authority's objectives will

be prepared against information from the Secretary of State on the availability of resources for policing. The Authority will wish to prepare its objectives and priorities in conjunction with the RUC - but any differences between the RUC and the Authority, or between the Authority's objectives and those of the Secretary of State, will need to be resolved by the Secretary of State. If the Secretary of State is unable to accept any priority or objective proposed by the Police Authority, he will be required by law to give the Police Authority reasons for his decisions.

Resources

5.10 The Chief Constable will prepare anually a costed police plan, in the context set by the public expenditure planning process, which would set out the means of achieving the agreed objectives and priorities, and set out detailed costings and supporting justification. This will be submitted for the approval of the Police Authority, before it is passed to the Secretary of State for his approval.

Monitoring

5.11 The costed police plan will form a central part of the RUC's accountability to the Police Authority and also to the Secretary of State. The RUC will provide monthly reports to the Police Authority and to the Secretary of State on the achievement of the plan and on the deployment of resources under it. The Police Authority will discuss these reports with the Chief Constable in respect of its objectives and

priorities, and seek such further information from the Chief Constable in respect of his decisions as was relevant to its functions. It will be open to the Chief Constable to seek the agreement of the Police Authority to any change in its objectives during the period of the plan, or to any proposal to reallocate or seek an increase in allocated resources relating to those objectives. For his part the Secretary of State would monitor expenditure and receive any requests from the Chief Constable for additional resources.

Reports

5.12 Both the Secretary of State and the Police Authority will have the right to call for reports from the Chief Constable in relation to the exercise of their responsibilities. The Chief Constable and the Police Authority will produce annual reports for publication. The annual costed police plan and the report of HMIC to the Secretary of State on the efficiency of the police service will be published - subject to any necessary security excisions.

6. A NORTHERN IRELAND POLICE COMMISSION?

6.1 The substantial redefinition of the role of the Police Authority and the fact that the new structure will be unique to Northern Ireland poses the question as to whether the change in its nature and responsibilities should be reflected in a new title. One suggestion is a Northern Ireland Police Commission. The Government would welcome comments and suggestions.

7. MAKING THE CHANGE

7.1 The Government recognises that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government is minded that when legislation is introduced in Parliament to implement these changes, it should be by means of a Bill rather than an Order in Council.

7.2 The Government's aim is to create, by means of these revised arrangements, a new and stronger partnership between the police, the community and the Government, which is better able to serve the whole community of Northern Ireland.

Comments

7.3 Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to

Police Division
Northern Ireland Office
Stormont
Belfast BT4

POLICY IN CONFIDENCE

LPS/0386/93 - MR BIRD - PL ASSOC
cc MRS LOMAX
MISS HARPER.

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

FOLIO 100M

cc MR OLLARD.

SECRETARY OF STATE
FOR
NORTHERN IRELAND

- 3 MAR 1994
LORD PRIVY SEAL

The Rt Hon The Lord Wakeham
Lord Privy Seal and Leader of the
House of Lords
Privy Council Office
Whitehall
LONDON SW1A 2AI

2 March 1994

CABINET OFFICE
Of 7507
- 4 MAR 1994
FILING INSTRUCTIONS
FILE No. 343/3

Dear John:

In my letter of 10 December I set out the basis for my proposed reform of policing structures in Northern Ireland and attached a copy of a consultation paper which I proposed to publish. Change is essential to the administration of policing in Northern Ireland to improve the operational effectiveness of the RUC, to provide the best prospect of securing wider support for the RUC and to achieve the cost effective use of resources.

I have received some comments on the paper from colleagues; and have also been engaged in detailed discussions with the Police Authority for Northern Ireland. As a result of these discussions, the document has been adjusted to provide additional clarity on the principles behind my proposals and to take account of concerns expressed.

I have now achieved a broad measure of support for my proposals from the key participants in Northern Ireland and I am ready to take the issue into the public domain. I intend to publish the document in the week beginning 20 March and would be grateful for any final comments from colleagues by 17 March.

POLICY IN CONFIDENCE

I am copying this letter to the Prime Minister, EDH colleagues, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

POLICING IN THE COMMUNITY

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Cover photograph courtesy of the RUC

1. INTRODUCTION

1.1 This paper proposes a strengthened framework for policing in Northern Ireland. The aim is to provide a structure in which there can be a more effective police service fully accountable to the whole community. The maintenance of law and order is a fundamental requirement of society, and responsibility of Government. This requires a police service which is efficient, effective and responsive to the needs of the community. Moreover, in Northern Ireland the arrangements for policing must take account of the particular problems of a divided community and many years of terrorist activity.

1.2 The Government believes that improvements need to be made to the structure of policing in Northern Ireland. The present arrangements for policing in Northern Ireland are based on a tripartite structure. Under it the Secretary of State for Northern Ireland is responsible for overall policing policy and security policy, for the provision of all funds and for the statutory and management framework for the delivery of policing; the Police Authority for Northern Ireland provides a range of services and all civilian personnel to the RUC using the funds provided by the Government; and the Chief Constable is responsible for police operations and the enforcement of the criminal law.

1.3 The Government is committed to the continuance of a tripartite structure of policing. It is committed to maintaining the operational independence of the Chief Constable and to the

avoidance of political direction of the police. It is committed to meeting the recommendations of the Hunt Report for "some body, representative of the community as a whole, to which he [the Chief Constable] can be accountable, and through which the wishes and fears of the community can be expressed".

1.4 The dedicated service of members of the RUC and the Police Authority over the last quarter of a century has transformed policing in Northern Ireland, strengthened links with the community and provided a high level of stability in the face of extreme pressures. But the present arrangements suffer from a number of shortcomings. These have made it difficult to address the objectives sought in Lord Hunt's report and to achieve the most efficient use of the substantial resources devoted to policing.

1.5 The Secretary of State, after discussions with the Police Authority and the Chief Constable, has concluded that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland by strengthening and clarifying the tripartite structure.

1.6 Under the proposals set out in this paper, the responsibilities and the lines of accountability of the Secretary of State, the Police Authority and the Chief Constable will be defined in statute. The Secretary of State will continue to be responsible for security policy, the provision of all resources, and the statutory and management

framework for the delivery of policing, and he will establish and monitor overall objectives and priorities for policing in Northern Ireland. A new Police Authority will have statutory responsibility for establishing objectives and priorities for the provision of police services to the community, monitoring the performance of the RUC in meeting these objectives against the resources provided, and ensuring that the RUC is fully accountable to the community. The Chief Constable's operational independence will continue to be safeguarded in statute, and he will in addition have full responsibility for the provision, maintenance and efficient management of the resources provided for meeting the objectives set by the Secretary of State and the Authority.

1.7 The Government believes that this strengthened and clearer structure will provide a more effective framework for policing Northern Ireland, and a police force more fully accountable and responsive to the concerns and priorities of those it exists to serve.

1.8 This paper uses, throughout, the term Police Authority to describe the body with the new powers and responsibilities it has identified. It is for consideration whether a new title is needed to reflect these new powers and responsibilities.

2. THE ORIGIN OF THE PRESENT SYSTEM

2.1 The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The resilience of that framework has since been severely stressed.

2.2 The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties which form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.

2.3 The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee drew attention to the lack of clarity in the legal relationship between the Government and the police, and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing, and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable, and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and professionalise policing, and was based on the premise that terrorism (if it recurred) would be a short-lived phenomenon, best tackled by military, rather than police, means.

2.4 The setting up of a Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964, despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.

2.5 Policing in Northern Ireland is wholly funded by central Government, by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is approximately £600 million. There is no history of local government involvement or local provision for police funding, at the county or borough level, usual in England and Wales.

2.6 The history of Northern Ireland and the experience of violence has created an environment in which sections of the community have felt unable to give unqualified support to the police service, or even to participate fully in the work of the Authority. The Authority's work has been seen as principally providing support services to the police, and as a result the role envisaged by Lord Hunt of representing the concerns and needs of the community to the police, and of holding them to account, has been obscured. Of necessity the Authority's routine work is not disclosed to the

public. The Government believes it is highly desirable that all sections of the community should be involved in the structures for policing in Northern Ireland and that there should, as far as security considerations permit, be more openness and publicly available information about policing policy.

3. THE PRESENT SYSTEM

3.1 This section describes in detail the three elements of the current structure.

Secretary of State

3.2 The Secretary of State is responsible, and accountable to Parliament, for overseeing the statutory and management framework for the delivery of policing in Northern Ireland. He also has a special responsibility for security policy. This involves establishing the overall policy for tackling terrorism which is implemented by the security forces, including the police.

3.3 One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by Her Majesty's Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC, as well as making recommendations for improvements. The inspection gives an independent, professional and comprehensive examination of the efficiency of the service provided to the public, and of the organisation and management of the force. In order to provide greater public awareness, the 1993 and succeeding reports will be published.

3.4 The Secretary of State approves the level of expenditure on policing, and provides the requisite

funds. His approval is required for any increase in numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment, by the Police Authority, of senior police officers. The Secretary of State can call for a report from the Chief Constable on any matter. There are very few specific statutory expressions of the Secretary of State's responsibilities for security policy; these are confined to a number of executive responsibilities under emergency legislation.

Police Authority

3.5 The Police Authority is responsible for appointing the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It obtains police resources from the Secretary of State and plays a direct part in the management of police resources, including buildings, vehicles and equipment. It is the employer of civilian staff for the force. Since 1990 it has had a statutory responsibility for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order 1989). The Authority may call for reports from the Chief Constable; and the Chief Constable is also required to provide the Authority with an annual report which is passed on to the Secretary of State, who lays a copy before both Houses of Parliament.

3.6 All Members of the Police Authority are appointed by the Secretary of State. The Authority consists of a Chairman, a Vice Chairman (both appointed by the Secretary of State), and between 14 and 20 persons to be as representative as possible of the community in Northern Ireland, including the interests of local authorities and other public bodies, the legal profession, trade unions, commerce and voluntary organisations.

Chief Constable

3.7 The Chief Constable is charged with the direction and control of his force and has responsibility for the even-handed application of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police operations. All police officers hold the office of constable. Because of the security situation, at present the police require military support in certain areas, but the police retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy.

4. THE NEED FOR CHANGE TO POLICING STRUCTURES

4.1 In England and Wales thirty years after the Police Act 1964 was passed, the Government has found that, the roles and responsibilities of the three parties - Secretary of State, police authorities and chief officers of police - require to be redefined and updated. The proposed changes were set out in a White Paper (Cm 2281) and are to be implemented in the Police and Magistrates' Courts Bill which has now been introduced in Parliament.

4.2 The position in Northern Ireland over the last 25 years has been very different, but experience over that time has demonstrated a number of shortcomings in the current structure. Some of these shortcomings have also been experienced in England and Wales. But many are unique to Northern Ireland, either because of the particular funding arrangements for the RUC, the absence of a significant history of local involvement in policing, the nature of the divided community, or the special demands arising from the security situation. Some particular deficiencies are set out below.

4.3 The **Police Authority** has responsibility for making arrangements to obtain the views of local people about policing, but it has little power to ensure that those views are reflected in the strategic direction of the force. It does not raise revenue or have ultimate control over the provision of resources for the police, and therefore it is not in a position to exercise its authority through decisions about the level of resources to be made

available for policing. Other ways must be found for the Authority to give substance to its responsibility for monitoring policing policies, and for holding the police accountable.

4.4 Because of reservations about the effectiveness of the Authority to influence policing in Northern Ireland, at present some important groupings in the community are unwilling to accept appointment to the Authority. The Government is determined to put in place structures which will command the support and confidence of all sections of Northern Ireland's divided community.

4.5 The **Chief Constable** directs police officers within the force but he is not the employer or manager of the civilian staff who work alongside them. Nor is he responsible for providing or managing the wide range of support services on which much of his operational effectiveness depends. He has to make a case to the Police Authority, and rely on it, to provide him with equipment and other resources. This creates bureaucracy and inhibits the most effective management of resources, with costly duplication of effort.

4.6 There is a lack of clarity about the **Secretary of State's** responsibilities for policing. The 1970 Police Act was written in the context of a Stormont Parliament, and the detailed policing duties of the Secretary of State contained therein do not fully reflect his responsibilities.

4.7 **Responsibilities for police finance, for security and for community issues are shared between the three elements of the structure.** This entanglement of responsibilities leads to uncertain lines of accountability. It can also lead to slow decision making and a wasteful duplication of resources.

5. THE WAY FORWARD

5.1 The Government has considered the matter carefully in consultation with the Police Authority and the Chief Constable, and has concluded that the current system needs to be changed; both to ensure that the RUC is best placed to tackle terrorism and other crime, and to be more responsive to the needs of the community on policing.

5.2 **The Government is committed to the continuance of a tripartite structure of policing** in Northern Ireland, involving representatives of the community, the Government and the police. Each element has an essential part to play in providing a relevant, balanced, effective and acceptable policing service. But the roles and responsibilities of each need to be more clearly established in a way which reflects their distinctive contributions. In line with the principles of the Citizen's Charter, a clearer structure is required to ensure that the police are more attuned to the needs of the people of Northern Ireland, building on the commitments made in the RUC Charter.

5.3 Accordingly, the Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

- clarifying the respective roles of the Secretary of State, the Police Authority and the Chief Constable; and

- defining lines of accountability between all three parts of the tripartite structure.

Responsibilities of Secretary of State

5.4 The distinctive policing responsibilities of the Secretary of State will be clarified and, where appropriate, set in statute. This will provide for greater openness about policing policy and the use of policing resources. Specifically the Secretary of State's responsibilities will include:

- overall responsibility for policing policy, security policy and the statutory framework of the policing system;
- establishing the province-wide objectives and priorities of policing in Northern Ireland, including security policy objectives;
- allocation of resources for the provision of policing in Northern Ireland and responsibility to Parliament for the use of policing resources;
- appointment of a Police Authority, representative of the community in Northern Ireland.

Responsibilities of Police Authority

5.5 The new structure will ensure that the new Police Authority has clear responsibilities and the means to give them effect. It will clearly be tasked with representing the community to the RUC, identifying the community's priorities within available resources, and holding the RUC to account for an efficient and effective delivery of its agreed objectives.

Specifically the responsibilities of the new Authority shall include:

- appointing senior police officers subject (as at present to the approval of the Secretary of State and also to any regulations made by him in respect of such appointments);

- establishing objectives and priorities for the provision of police services to the community within available resources provided by the Secretary of State;

- consulting in the community and building on the work of Community Police Liaison Committees;

- holding the Chief Constable to account for the quality and delivery of policing services to the community in Northern Ireland;

- oversight of the operation of the complaints process;

- publication of an annual report;

- advising the Secretary of State on any aspect of policing affecting the community.

Responsibilities of Chief Constable

5.6 The Chief Constable will have more control over police resources so as to ensure their most effective deployment in the delivery of policing services, in line with objectives set by the

Secretary of State and the Authority. He will continue to have operational independence, in directing and controlling the operations of the RUC in the enforcement of the law. These changes will allow the RUC to benefit from the best techniques in modern management and ensure the most efficient use of police resources.

Specifically, the Chief Constable will have responsibility for:

- operational management of his force;
- management of civilian staff, and for the buildings, equipment, vehicles and services employed by the RUC;
- advice to the Secretary of State on security policy.
- enforcement of the criminal law, with the support of the armed forces, where necessary.

5.7 These new responsibilities will require, in part, a civilian management structure to discharge financial and other resource responsibilities and to oversee the welfare of civilian staff.

Lines of Accountability

5.8 This section sets out the ways in which the lines of accountability from the RUC to the Authority and the Secretary of State will in practice be strengthened and improved under the new structure.

Appointments

5.9 The Government believes that the community as a whole needs the utmost confidence in senior officers of the RUC. Present responsibilities for senior police appointments (including the Chief Constable) and discipline will remain: the Authority appoints senior officers, subject to the approval of the Secretary of State. To enhance clarity and openness, however, the appointment process will be subject to regulation, so that the objective criteria to be applied to the appointment of those seeking high office in the RUC are publicly known and understood. The appointment of senior police officers is already subject to equal opportunities legislation. The importance of accountability for the power of appointment will be enhanced by the introduction of fixed term appointments for senior police officers, as announced by the Government in response to the Sheehy Report.

Objectives and Priorities

5.10 The Secretary of State and the Police Authority will have distinct statutory responsibilities for identifying objectives and priorities for the police. Those established by the Secretary of State will relate to overall Province-wide policing objectives, including in particular those concerning security policy. Those established by the Police Authority will relate to particular objectives identified by communities throughout Northern Ireland. These may or may not be Province-wide. The Authority's objectives will

be prepared against information from the Secretary of State on the availability of resources for policing. The Authority will wish to prepare its objectives and priorities in conjunction with the RUC - but any differences between the RUC and the Authority, or between the Authority's objectives and those of the Secretary of State, will need to be resolved by the Secretary of State. If the Secretary of State is unable to accept any priority or objective proposed by the Police Authority, he will be required by law to give the Police Authority reasons for his decisions.

Resources

5.10 The Chief Constable will prepare anually a costed police plan, in the context set by the public expenditure planning process, which would set out the means of achieving the agreed objectives and priorities, and set out detailed costings and supporting justification. This will be submitted for the approval of the Police Authority, before it is passed to the Secretary of State for his approval.

Monitoring

5.11 The costed police plan will form a central part of the RUC's accountability to the Police Authority and also to the Secretary of State. The RUC will provide monthly reports to the Police Authority and to the Secretary of State on the achievement of the plan and on the deployment of resources under it. The Police Authority will discuss these reports with the Chief Constable in respect of its objectives and

priorities, and seek such further information from the Chief Constable in respect of his decisions as was relevant to its functions. It will be open to the Chief Constable to seek the agreement of the Police Authority to any change in its objectives during the period of the plan, or to any proposal to reallocate or seek an increase in allocated resources relating to those objectives. For his part the Secretary of State would monitor expenditure and receive any requests from the Chief Constable for additional resources.

Reports

5.12 Both the Secretary of State and the Police Authority will have the right to call for reports from the Chief Constable in relation to the exercise of their responsibilities. The Chief Constable and the Police Authority will produce annual reports for publication. The annual costed police plan and the report of HMIC to the Secretary of State on the efficiency of the police service will be published - subject to any necessary security excisions.

6. A NORTHERN IRELAND POLICE COMMISSION?

6.1 The substantial redefinition of the role of the Police Authority and the fact that the new structure will be unique to Northern Ireland poses the question as to whether the change in its nature and responsibilities should be reflected in a new title. One suggestion is a Northern Ireland Police Commission. The Government would welcome comments and suggestions.

7. MAKING THE CHANGE

7.1 The Government recognises that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government is minded that when legislation is introduced in Parliament to implement these changes, it should be by means of a Bill rather than an Order in Council.

7.2 The Government's aim is to create, by means of these revised arrangements, a new and stronger partnership between the police, the community and the Government, which is better able to serve the whole community of Northern Ireland.

Comments

7.3 Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to

Police Division
Northern Ireland Office
Stormont
Belfast BT4

018/03/P

Sir Robin Butler

PRIVY COUNCIL OFFICE

WHITEHALL. LONDON SW1A 2AT

FOLIO 100

CABINET OFFICE
A 3524
- 2 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

- 2 MAR 1994

Dear Ian,

C. Mr Bird
Mr Leve
Mr Whitehall

SELECT COMMITTEE ON NORTHERN IRELAND

Thank you for your letter of 23 February.

I understand your concern that we will be proceeding with the establishment of the Northern Ireland Select Committee, while the Standing Order proposals for Scotland are left in abeyance. But in the current parliamentary climate they present quite different problems.

The Standing Order changes required for Northern Ireland are relatively limited and offer relatively modest possibilities for unwelcome amendments. The Scottish proposals, on the other hand, are very wide-ranging, involving eight new Standing Orders, the repeal of four existing Standing Orders and the amendment of three others. If the Opposition chose to be unhelpful, they could put down dozens of orderly, selectable amendments, which would make the handling of the debate extremely difficult.

There is a further point. Once the Northern Ireland Standing Order changes have been agreed it will be possible to implement them without much delay: all that will be needed is a report from the Committee of Selection and a one-hour debate. By contrast, as the companion to the Scottish Standing Order changes make clear, the principal elements in the proposal are dependent on general agreement among the parties: the termly calendar of meetings of the Scottish Grand, the programme of general debates, the greater use of the Grand Committee for second reading debates, and the timing of evidence sessions with Ministers. Equally we could not go ahead with meetings in Edinburgh or elsewhere in Scotland in the absence of reliable pairing arrangements. Little would be gained from getting these changes through if we are then going to be prevented from putting them into effect.

I assure you that the Business Managers are firmly committed to making progress on the Scottish parliamentary business changes, and that as soon as conditions are right we will put them on the Order Paper with a view to announcing an early debate.

I hope therefore that you will agree to my proceeding with the motion for a Northern Ireland select committee in the way I proposed in my letter to Douglas Hurd.

I am sending a copy of this letter to the Prime Minister, other Cabinet colleagues, the Chief Whip, the Attorney General, the Lord Advocate and Sir Robin Butler.

TONY NEWTON

Rt Hon Ian Lang MP
Secretary of State for Scotland
Dover House
Whitehall
London SW1A 2AU

3/3

CABINET OFFICE
A 3579
- 3 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

Miss Harper

FOI 99D

The Rt Hon Michael Howard QC MP
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

28 February 1994

Mr Bird

Dear Michael,

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Thank you for your letter of 21 February in response to mine of 10 December on the subject of the reform of policing structures in Northern Ireland.

You have expressed reservations about the role of the new police body/authority for Northern Ireland and drawn out comparisons with your own proposals for England and Wales. In reading your letter I have been reminded again of how very much the fundamentals of policing in Northern Ireland differ from the position in Great Britain, most particularly in terms of finance, but also in the policing task and the relationship of the police service with central and local government and other matters. I am entirely content to reduce the opportunities for comparison of my own proposals with your own to meet the first point in your letter.

In Northern Ireland we have been operating for almost 25 years a system of policing (under the 1970 Police Act) which was set up to meet a totally different situation from that which has pertained here for at least the last two decades, and which was not designed for the circumstances of direct rule. The police force is now four times the size that it was in 1970, is armed and has to operate with the support of 17,000 members of the Armed forces. It is 100% central government funded. All the key participants agree

that the current system of policing administration is unsatisfactory and needs to be reviewed.

It is against that very difficult background that I intend to give the new Police Authority very clear statutory responsibilities and duties and clarify in statute my own responsibilities. The new Authority's responsibilities will not be the same as those you are seeking to implement for England and Wales (just as, in fact, the existing Authority's are not) because the context is so very different. The concerns which you have expressed in your letter appear to focus on the fact the new NI Police Authority would not have precisely the same role as an English authority in budgetary matters. This is indeed the case, and cannot be otherwise when all the resources are centrally provided. But through the objective setting process, and through the costed police plan, the new Authority will have a role in resource matters. Moreover, these responsibilities will be enshrined in statute (in contrast to your own proposals for the Metropolitan Police).

You have suggested that I might enhance the responsibilities of the new Authority, by making it solely responsible for locally raised policing funds. I see that there could be some attractions in this notion, were any RUC funds raised locally, but they are not and in the current context I could not contemplate making a change of this nature.

You also expressed concern about the new Authority's role in appointments. Since my letter of 10 December, I have reconsidered the question of the role of the new Authority in senior RUC appointments. I had always intended that they would have a formal statutory role, but on reflection, in view of the need for the maximum public confidence in the appointments process, I have decided to retain current responsibilities. The new Police Authority will continue to

make senior appointments, subject to my approval. However, I intend to make the whole process more open by taking powers to make the process subject to regulation (powers which I believe you already hold).

I have discussed my ideas with both the Chief Constable and the Police Authority. The Chief Constable has always been in favour of the proposals. The Authority were initially suspicious, but following detailed discussion I have achieved a broad measure of understanding and secured their support to the principles underlying my reforms. I have also amended my proposals in a number of respects to take account of their views. The ground has now been prepared for taking my proposals into the public domain and I intend to publish my consultation document in the third week of March.

The changes are essential to improve the operational effectiveness and efficiency of the RUC and to provide the best prospect of securing wider support through the new Authority for the RUC. Having reached a broad measure of agreement with the Police Authority and the Chief Constable, I am now in a position to make progress on a problem which has been intractable for years. I will very shortly need to circulate a revised version of my paper to colleagues, with the intention of publication in the week commencing 20 March.

I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and to Sir Robin Butler.

LPS/0386/93 – MR BIRD – RL ASSOC
cc MRS LOMAX
MISS HARPER

FOLIO 99N

Northern Ireland Office
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CABINET OFFICE
Of 7506 cc MR OLLARD
- 4 MAR 1994
FILING INSTRUCTIONS
FILE No. R43/3

The Rt Hon Michael Howard QC MP
Home Office
Queen Anne's Gate
LONDON
SW1H 9AT

28 February 1994

- 3 MAR 1994
LORD PRIVY SEAL

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make senior appointments, subject to my approval. However, I intend to make the whole process more open by taking powers to make the process subject to regulation (powers which I believe you already hold).

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I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and to Sir Robin Butler.

CONFIDENTIAL
From: THE PRIVATE SECRETARY

Sir Robin Butler

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CABINET OFFICE
A 3010
24 FEB 1994
FILING INSTRUCTIONS
FILE No. R43/3

Roderic Lyne Esq CMG
10 Downing Street
London SW1A 2AA

23 February 1994

C - Mr Lever

Dear Roderic,

IRISH CHURCH LEADERS MEETING WITH THE PRIME MINISTER TO DISCUSS THE "CALL FOR FAIR EMPLOYMENT AND INVESTMENT IN NORTHERN IRELAND"

The Prime Minister's meeting at 12.30 on Thursday with the leaders of the four main churches in Ireland has been arranged at their request to provide them with support and publicity for their "Call for fair employment and investment in Northern Ireland". The meeting should also provide useful background for the Prime Minister before his visit to the United States.

Background

A detailed background note on the MacBride Principles and on the Call is attached at Annex A. The initiative, being completely independent of Government, and especially being interdenominational, is a most helpful move in bolstering our work in tackling those who support the MacBride Principles. In this context, the Call's emphasis on investment as being central to fair employment is most welcome (MacBride does not do this) and fits closely with our argument that MacBride is harmful and threatens US investment in Northern Ireland. Effectively the Call provides us with an additional lever with which to convert the more moderate MacBride supporters and we are exploring how best it might be used in conjunction with our current emphasis on our strong fair employment legislation and on the need for investment.

Handling

A speaking note is attached at Annex B. The key points for the Prime Minister to make are that the interdenominational initiative is valuable and positive and potentially of major significance to the people of Northern Ireland. In particular, its emphasis on investment is helpful given the problem of unemployment, particularly in the Roman Catholic community. The Prime Minister could also say that he will be promoting the Call during his visit to the States.

Attendance

In addition to Cardinal Cahal Daly, Archbishop Robin Eames, Reverend Doctor Andrew Rodgers (Moderator, Presbyterian Church) and Reverend Richard Taylor (President, Methodist Church), the Secretary of State will attend the meeting.

Press Coverage

The arrangements for the press coverage are kindly being made by your press office, in consultation with ours. There will be photocall at 12.45 for the church leaders and the Prime Minister. A short press release for the Prime Minister is attached and the Archbishop has also got a hand out.

A copy of this letter goes to John Sawers and Melanie Leech.

Yours sincerely,

Simon Rogers

SIMON ROGERS

CONFIDENTIAL

Annex A

BACKGROUND - MACBRIDE PRINCIPLES AND THE CALL

In 1986 the Irish National Caucus in the US developed and promulgated nine statements (which became know as the MacBride Principles) which were ostensibly designed to promote fair employment in Northern Ireland. HMG has consistently opposed the MacBride Campaign particularly because of the threat to US investment in Northern Ireland. This has not been an easy task, partly because the Principles have been advocated by some well-intentioned interests in the USA and partly because the Principles appear innocuous, especially in their amplified form. We have, to-date, through extensive lobbying and briefing, enjoyed a significant degree of success in opposing MacBride legislation

In our opposition to MacBride we have received valuable support from some moderate voices in the States, including from the Churches. On of these, Joe Beeman, a senior Presbyterian Democrat, started some time ago to look at alternatives to MacBride. He consulted widely with Church interests in the USA and in Ireland, and with influential groups such as the AFL/CIO, the Ancient Orders of Hibernians and US corporations.

The result was a successful launch on 14 January of a "Call for fair employment and investment in Northern Ireland" by the churches (copy attached). The launch took form of a high profile press conference by video-link between Belfast and Washington. In Belfast the announcement was made by Cardinal Cahal Daly, and representatives of the other churches. The Government deliberately kept its distance in case its involvement was misrepresented as sponsorship or authorship of the Call, which could have undermined it.

In Northern Ireland the Call was endorsed by a wide range of opinion, including the SDLP, and the Northern Ireland Community of the Irish Congress of Trade Unions.

In the USA, the Call was made by representatives of the Catholic conference, the Presbyterian, Methodist and Episcopal Churches and the AFL/CIO. In addition, following careful lobbying, the Ancient Order of Hibernians (whose members have been prominent in promoting MacBride legislation), welcomed the Call. Also, well known MacBride activists, who have been highly critical of our position, such as Pat Doherty in the Comptroller's Office in New York City and Father Sean McManus of the Irish National Caucus, felt that they had to welcome the Call.

The intention of the promoters of the Call now is to lobby more widely in the States. They believe a meeting with the Prime Minister, and his endorsement of their approach, would be of considerable assistance to them.

CONFIDENTIAL

A CALL FOR FAIR EMPLOYMENT AND INVESTMENT IN NORTHERN IRELAND

Preamble

This call for more investment and strong fair employment measures in Northern Ireland:

- is an outgrowth of the US visit of the four Irish Church Leaders (Roman Catholic, Presbyterian, Anglican and Methodist) in February 1993, which focussed to a Significant extent on investment and fair employment concerns;

- is a search for common ground where religious leaders and other pepie of good will can agree to work together on these matters, while recognising and respecting differences in other areas;

- is an attempt to offer a constructive contribution on a major problem, recognising there are other urgent and important issues facing Northern Ireland;

- stands on its own and is not intended to supplant, undermine or interfere with other good faith efforts on investment and fair employment.

Elements of the Call

(I) **Problems of Unemployment and Discrimination**

- There is high unemployment in both communities, but disproportionately in the Catholic community.

- There is historic discrimination in employment within a deeply divided society.

(II) **Urgent Need for Investment and Job Creation**

- There needs to be economic investment in Northern Ireland (and the whole island) by enterprises which will adhere to equal opportunity policies and will try to develop cross-community work forces.

- Investment by US companies benefits Northern Ireland; new jobs, fairly distributed, are a source of co-operation between communities.

- Investment can contribute to - the prosperity of both communities in Northern Ireland, an end to

disparities in unemployment, and a reduction in violence.

(III) **Both Communities Need Equal Opportunity and Fair Employment**

* There needs to be greater public understanding of the need for effective and fair anti-discrimination laws; we encourage governmental and non-governmental education to this end.

* There needs to be full commitment to strong fair employment laws, which ensure that new and existing jobs are distributed fairly between Protestants and Catholics, so as to utilise talents of all people of Northern Ireland.

* We recognise the impact of the 1989 Fair Employment Act for Northern Ireland; there needs to be vigorous enforcement of the law, especially use of contract compliance provisions in NI and efforts to reach out to the under-represented, whether Catholic or Protestant.

* We urge, where necessary and appropriate, the establishment of goals and timetables by both private and public sectors.

* There needs to be prompt consideration of and action on recommendations for improvements in the law in the light of experience, particularly recommendations from the Fair Employment Commission and the Standing Advisory Commission on Human Rights.

* Reverse discrimination or quotas are not needed or acceptable.

* These proposals require simultaneous progress in creating new jobs and addressing complex sources of unemployment in Northern Ireland that are unrelated to discrimination.

(IV) **The Importance of Constructive American Involvement**

* We encourage continued active and constructive interest on the part of Americans in support for investment and fair employment, linked to support for peaceful progress toward political solutions and

respect for the diverse traditions in Northern Ireland; fair employment and job creation is a matter of justice and morality, not sectarianism or partisan politics.

* Many Americans support the MacBride Principles, as amplified, as good faith, non-violent means to promote fair employment. We urge that any support of these amplified principles, which offer positive values and focus on fair employment, be joined with continued support for strong fair employment measures and an active commitment to investment and job creation. The amplified principles, as many of their advocates agree, should not be used to discourage investment or encourage disinvestment.

(V) **Broader Context**

* Continued violence, unemployment, and discrimination point to the need for a political settlement, which will create a more attractive environment for investment and job creation.

* Investment and fair employment can help create conditions which lead to greater justice and peace.

Annex B

POINTS TO MAKE

- Very grateful that you should want my endorsement of this important initiative, I am sorry I am only able to meet you for such a short time.

- I very much welcome this <u>interdenominational</u> initiative. Its emphasis on the importance of <u>combining</u> strong fair employment legislation with new investment is exactly right; it is much easier to achieve fair employment in a growing economy.

- I am told of <u>encouraging signs of progress</u> on fair employment in Northern Ireland:

  - firms which an under-representation of either Protestants or Catholics are taking affirmative action to redress those imbalances;

  - the overall proportion of Catholics in employment is rising steadily (though more work is needed all areas of unemployment).

- Important that the message contained in the "Call" is <u>promoted</u> both here and overseas. I encourage you to continue to promote the "Call" and seek to obtain broadly based consent and agreement to it. In my forthcoming visit to the United States <u>I will</u> certainly draw attention to this initiative.

Annex C

DRAFT PRESS RELEASE

PRIME MINISTER WELCOMES "CALL FOR FAIR EMPLOYMENT AND INVESTMENT IN NORTHERN IRELAND"

Speaking today, following a meeting with the leaders of the four main churches in Ireland, the Prime Minister welcomed the "Call for Fair Employment and Investment in Northern Ireland" made on 14 January. Mr Major said:

"I welcome this initiative and the opportunity to commend the work of the four church leaders. It is very encouraging that leaders and representatives of all parts of the community in Northern Ireland are working together in promoting fair employment and investment there. This is a fundamental issue of human rights.

"In the Fair Employment Act in Northern Ireland we already have the toughest legislation in Europe. We are reviewing the effectiveness of the Act and will report in 1995. I want to see the maximum possible progress in achieving fair employment. For that reason it is essential that all employers consider, where appropriate, affirmative action and the introduction of goals and timetables for the elimination of any imbalance".

Commenting on how the Call might affect unemployment, the Prime Minister said:

There is no doubt that unemployment levels in the Province remain unacceptably high, especially in the Roman Catholic community. We need new investment to create the jobs which will bring prosperity to both sections of the community. That is why this call for investment, as well as fair employment, is so important. The two go hand in hand".

The Prime Minister also expressed the belief that there were other wider advantages in promoting fair employment.

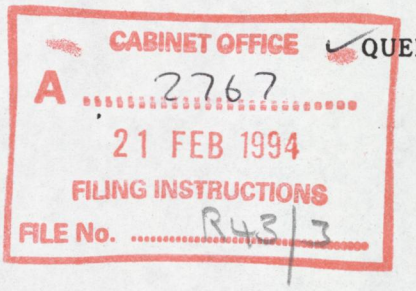
"Fair participation in employment is important not only as an end in itself but also as a contributory factor to an end to violence and peaceful progress towards political solutions".

22/2

Mrs Mayhew

POLICY IN CONFIDENCE





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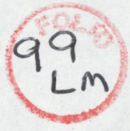
21 FEB 1994



Mr Bird

Dear Patrick

NORTHERN IRELAND : POLICING STRUCTURE REFORM

In my letter of 15 December responding to yours of 10 December on this subject, I dealt only with your proposed PQ and I am grateful for the changes you made in response to my letter. I said that I would follow up with comments on your draft consultation paper. I know that its publication was delayed, and this gave me more time to consider the matter, for which I am grateful. I know that our officials have been in touch about your plans.

I take it that your proposals are seeking primarily to address problems which are unique to Northern Ireland. I appreciate, in particular, the desirability of creating a policing structure in which all sections of the community are willing to participate. However, if the proposals were published in their present form, they would invite comparison with the proposals for England and Wales which we have just introduced in the Police and Magistrates' Courts Bill.

I think that they would be better presented as tailored to the rather different circumstances of Northern Ireland, and therefore reflecting elements which, though tripartite, have functions and relationships which are necessarily different from those which will be established by our Bill, or those in London.

That is a presentational point. As to the merits, I must say I have some doubts over the structure which you propose to create. You set out in paragraph 1.1 of the paper the objective that the police service in Northern Ireland should be 'fully accountable to the community that it serves;'. I find it difficult to see how the proposed structure would achieve that.

My doubts relate to the role of the new police body. In England and Wales we are creating a structure in which the Secretary of State will determine overall strategic priorities for policing

The Rt Hon Sir Patrick Mayhew QC, MP
Northern Ireland Office
Whitehall
London SW1

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POLICY IN CONFIDENCE

(the key objectives) and performance indicators relating to those objectives. It will be for the police authority to supplement the key objectives with local ones, to set the level of performance against both key and local objectives which the force is to aim at, and to monitor the performance of the force in-year.

In determining the local objectives and the standards to be set locally, the police authority will be taking account of local needs and preferences, knowing that the results will be published. The way in which the police force and the police authority will deploy their operational and financial resources for these purposes will be set out in an annual policing plan, which will give effect to the budget adopted by the police authority.

The policing plan will be published so that local people are well informed about what their police aim to do, and about how they aim to do it. Although, in practice, we expect the policing plan to be agreed between the chief constable and the police authority, the Bill provides that the police authority are to have the final say.

This clarifies the role of the police authority in the new structure. It will be accountable to local people for the performance of the force in achieving value for money and satisfactory service, and specifically for the force's performance as measured against key and local objectives. Via the police authority, the force is accountable to the local community.

The position in Northern Ireland is different, and I recognise that those objectives could be met in differing ways, but I am not convinced that your proposed structure would achieve them.

The proposed police body would have none of the budgetary or other powers in relation to the RUC which police authorities are to have in England and Wales, none of its members would be elected, and it would have no responsibilities in relation to the police budget. Beyond consultation, it would have no role in senior appointments.

Without some of those features, or some equivalent to them, I cannot see how it could exert any influence over the RUC, for example in serving to represent to the force what local people want. This is the raison d'être of a third body in a relationship which, given the other features of the Northern Ireland scene, is bound otherwise to operate on an axis between chief constable and Secretary of State. Indeed, it appears from paragraph 5.7 of the draft paper that such influence as the new police body might have would apply via the Secretary of State.

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I fear that the Secretary of State would find himself uncomfortably sandwiched between the competing demands of the chief constable and the police body, with nothing with which to impose pressure on either of them to co-operate with each other.

It seems to me that, if the police body is to operate responsibly and if it is to have a satisfactory working relationship with the other two parties, it must either have immediately, or it must expect to receive on proof of good behaviour, some responsibilities of its own.

You contemplate giving the police authority a role in the setting of objectives, and thus priorities for the RUC, which could challenge representatives of different sections of the community on the police body to find a way of working together and with the RUC. But I doubt whether that would be enough, particularly if its role were merely to advise you on objectives which you, rather than the authority, would set. Could it go further, and develop towards responsibility for allocating resources, initially perhaps within selected parts of the RUC's budget, so as to test developing working relationships further?

The legitimacy of its role in the eyes of the population and in the eyes of the RUC might be enhanced if it could include elected members, and if its role in relation to budgetary matters could be related to locally raised funds for relevant parts of the RUC's budget. I recognise the difficulty in Northern Ireland in finding how to achieve such objectives, and how to win acceptance for them - not least in the RUC. But, unless you can create a distinctive and worthwhile role for the new police authority, it will be difficult for anyone, including potential members and the RUC, to take it seriously.

I recognise that even limited responsibilities for the police body would make it more difficult for some potential participants to be seen to join but, if that problem is avoided by giving the police body no powers or responsibilities, it is difficult to see what such a body would achieve for the participants, or for the political process in Northern Ireland.

I realise that your proposals bear some similarity to the changes which I am making in London, with the introduction of a non-statutory Metropolitan Police committee. But I am not sure that helps you over the presentation of your proposals. The London arrangements are very much a product of history, and are constrained by the undesirability of amending the Metropolitan Police Act 1829. Given the other differences between policing in London and in Northern Ireland, and the fact that the

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In summary, although I fully accept that you need to adopt models which are significantly different from those which are to apply in England and Wales, I find it difficult to see what value is added by a police authority on the lines proposed. The position might be rather different if you could identify some initial responsibilities, and some others to which it might aspire later, which would give it a worthwhile role to discharge vis à vis the RUC, and thus be a route for the RUC's accountability to the community.

I am sending a copy of this letter to the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Attorney General and to Sir Robin Butler.

Yours ever

Michael

MICHAEL HOWARD

POLICY IN CONFIDENCE

Miss Harper

FOI 99L

QUEEN ANNE'S GATE LONDON SW1H 9AT

PI.Assoc.LPS/0386/93

21 FEB 1994

91-7243

Mr Bird
cc Mrs Lomax
Miss Harper
Mr Allard.

CABINET OFFICE
K 4720
22 FEB 1994
FILING INSTRUCTIONS
FILE No. R43/3

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Yours ever

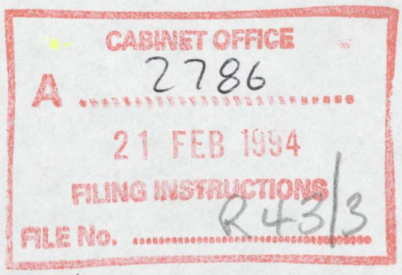
Michael

MICHAEL HOWARD

CONFIDENTIAL

Sir Robin Butler





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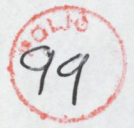

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

21 February 1994

C. Mr Leva
Mr Bird

Dear John,

NORTHERN IRELAND BROADCASTING RESTRICTIONS

The Prime Minister has considered the Foreign Secretary's minute of 11 February, together with the minutes of 16 February from the Northern Ireland Secretary and 17 February from the National Heritage Secretary.

The Prime Minister sees the force of the Foreign Secretary's argument. He agrees, as you know, that Ministers should review the Government's policy on broadcasting restrictions at a suitable time. However, the Prime Minister shares the view that it would be seen as an undue concession to the Provisionals if the Government were to lift the restrictions now. He, therefore, considers that the policy should stay in place for the time being.

I am sending copies of this letter to Jonathan Stephens (Northern Ireland Office), Alan Davey (Department of National Heritage) and Melanie Leech (Cabinet Office).

Yours ever,

Roderic.

RODERIC LYNE

John Sawers Esq
Foreign and Commonwealth Office

CONFIDENTIAL

Sir Robin Butler

CONFIDENTIAL

CABINET OFFICE
A 2581
17 FEB 1994
FILING INSTRUCTIONS
FILE No. R43/3

98

PRIME MINISTER

c- M. Leve
c. Mr Bird

NORTHERN IRELAND BROADCASTING RESTRICTIONS

I have seen Douglas Hurd's minute of 11 February in which he proposes the lifting of the broadcasting restrictions in the run-up to Sinn Fein's Ard Fheis later this month. I recognise the tactical merit of this proposal, but I remain of the view that now is not the time to make such a change.

To lift the restrictions at this sensitive moment would, I believe, be premature. There is a general expectation, reinforced by my recent statement that we did not plan to make any changes to the restrictions for the time being, that any such change would only be made in the wider context of developments in the peace process. Sinn Fein have yet to respond to the Joint Declaration or to renounce violence. During Gerry Adams' highly publicised visit to the United States during he gave no indication of a softening of Sinn Fein's position on violence, and his language on the Walden programme suggested a further kicking for touch beyond the Ard Fheis.

Although the proposed change might indeed, as Douglas says, put Sinn Fein under harsher media scrutiny, I fear that the decision would be presented as one of Government weakness, rather than strength, in that it would represent a retreat from our policy of not offering Sinn Fein anything further until they have responded positively to the Joint Declaration.

We shall also have to weigh quite carefully the reactions of the Unionists and how we are to handle their response

Having said that, I do acknowledge a new fact has come to my attention: namely that Broadcasters feel inhibited from subjecting Mr Adams to staccato, quick fire interviewing due to the technical difficulties of dubbing actors' voices. The Walden interview allegedly took seven hours to dub. This cuts both ways: the time factor in dubbing delays the time after an atrocity when an apologist is first heard, a contribution which always gives particular offence.

> I am copying this letter to Patrick Mayhew and Douglas Hurd, and to Sir Robin Butler.

P.B.

PB

17 February 1994

CONFIDENTIAL

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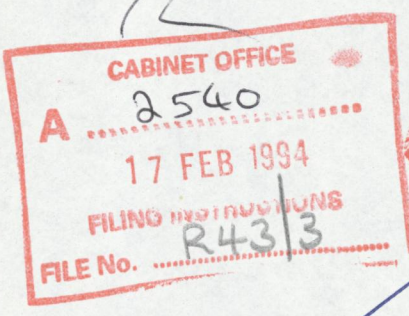
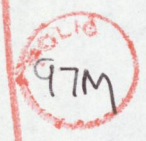




Prime Minister

NORTHERN IRELAND BROADCASTING RESTRICTIONS

C - Mr Lever

I have seen Douglas Hurd's minute of 11 February, which he discussed with me in advance.

This is a tantalisingly difficult issue. Douglas' suggested presentation is very attractive. But my PPS, Malcolm Moss, has talked to Jim Molyneaux and found him understanding, far from outraged, but firmly against the move on the ground of timing. Most back benchers seem in favour of lifting the ban, but not before the Ard Fheis. Roy Beggs and Willie Ross both said they hoped the rumour was not true.

I have concluded, with much reluctance, that we shall lose a good deal more than we gain (and in an important quarter) if we lift the ban now. I think we should, for the timing being, stand by Peter Brooke's written answer of 4 February.

A copy goes to Douglas Hurd, Peter Brooke and Sir Robin Butler.

Jonathan Stephens

PM

16 February 1994

(Approved by the Secretary of State and signed in his absence.)

CONFIDENTIAL

Sir Robin Butler

c- Mr Lyne this page
Mr Lever

I think this will be seen as a sign of weakness rather than strength.

PERB
15.2.

CABINET OFFICE
A 8373
15 FEB 1994
FILING INSTRUCTIONS
FILE No. R43/3

PM/94/011
Prime Minister

c- Mr Lever

Northern Ireland Broadcasting Restrictions

1. I have been giving some further thought to the broadcasting restrictions in Northern Ireland in the light of the Downing Street Declaration and Gerry Adams' continued international media campaign.

2. During his visit to New York, Adams received no support on the main issues, especially violence, but there was widespread sympathy for him on the broadcasting restrictions. He exploited this cleverly. The restrictions have also become the object of some derision in this country; the broadcasters, with some skill, have found a way round them, which enables Adams' views to be projected while at the same time making the Government appear petty-minded.

3. We introduced the restrictions when I was Home Secretary in 1988, to show our abhorrence of Sinn Fein, to deprive them of publicity and also, it must be said, to stave off proposals for wider reaching censorship. They served their purpose for a while, but I now believe the

restrictions have become counter-productive and that it would be in our interests to see them lifted. The difficulty is to find a mechanism to achieve that which does not provide (or at least appear to provide) the IRA with unwarranted rewards before they have given a favourable response to the Joint Declaration.

4. I think we can achieve this by presenting the lifting of the restriction as a challenge rather than a concession. The opportunity will present itself in the run up to Sinn Fein's Ard Fheis scheduled on 26/27 February. The gathering of all Sinn Fein's leaders will attract a great deal of media attention in Britain, Ireland, the United States and elsewhere. Sinn Fein seem unlikely to announce any new policy and will be pressed on this by the media. However, the media will be united in criticising our broadcasting restrictions and this will make it more difficult for us to put across our substantive points on violence and terrorism. Lifting the restrictions in advance would oblige the media to focus on the beam in the IRA's eye, rather than being distracted by the mote in ours. It would put the spotlight on the IRA and Sinn Fein if the restrictions were lifted in advance of the Ard Fheis and, in my view, would increase the pressure on them. I do not expect Sinn Fein to respond favourably. But continued prevarication by them would make it more difficult to lift the restrictions in the months after the meeting than it would be to do so now.

5. I therefore believe that it would be an astute tactical move to lift the broadcasting restrictions on all parties in Northern Ireland four or five days before the Ard Fheis is due to start. That way, the initial publicity it will receive can subside, and we will go into the media campaign which will surround the Ard Fheis in the best possible shape. I therefore recommend that we take this course of action. That would imply a lifting of the restrictions on about 22 February after your meeting with the Taoiseach on 19 February.

6. I am copying this minute to Patrick Mayhew and Peter Brooke, and to Sir Robin Butler.

Richard Stagg

for DOUGLAS HURD

(Approved by the Foreign Secretary and signed by Private Secretary in his absence abroad)

Foreign and Commonwealth Office
11 February 1994

CONFIDENTIAL

R

Sir Robin Butler

Nob

97

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

CABINET OFFICE
A 2165
10 FEB 1994
FILING INSTRUCTIONS
FILE No. R43/3

9 February 1994

- c - Mr Lever

NORTHERN IRELAND UPDATE

The Prime Minister found your letter of 4 February and its enclosure particularly useful. I am sorry that Bosnia, temporarily displacing Northern Ireland at the head of our agenda, has delayed this reply.

The Prime Minister agrees that there may be a case for a bilateral Summit in March, so long as it produces results of genuine substance (to be recorded in the communiqué). This will be easier to judge after the 19 February meeting with the Taoiseach and perhaps the Sinn Fein Ard Fheis. What will not be remotely easy is scooping a half day out of the Prime Minister's diary for a visit to Dublin.

The Prime Minister agrees that our commitment to a settlement across all three strands (last page of your letter) remains unchanged, and that we are not going for an internal settlement. However, he has commented that, on the other hand, we cannot let others veto internal progress. We may have a difficult decision to take at a later stage.

Action Plan

The Prime Minister has endorsed your Action Plan. Arrangements are now being made for his meeting with the Taoiseach. He is pleased that your Secretary of State was able to send the Tanaiste a joint framework document last week, and that another round of meetings to deploy "notions" is in train. He supports the proposal for a "Diner" which might usefully prepare the ground for his meeting with the Taoiseach. On the summit, see above.

The Prime Minister agrees that we should make vigorous efforts to put our point of view across in the USA. Would it be worth making a further attempt (possibly on 19 February) to persuade the Tanaiste to join in a joint

ministerial presentation there at an appropriate time? While Ireland is bound to come up during the Prime Minister's visits to Washington and New York on 28 February-1 March, he does not agree that our current information campaign should centre around this visit. To do so could invite a recrudescence of last week's stories about a split with the Administration over Ireland. It would also destroy the wider purposes of the Prime Minister's visit.

With regard to further ministerial speeches, the Prime Minister (diary, as always, permitting) remains interested in the possibility of making a speech on Northern Ireland himself. I believe that some work on a possible draft is in hand in your Office.

The Prime Minister knows that the timing of a possible White Paper will be a matter for fine judgement. He is keen to sustain momentum in the talks process. He would not want the White Paper to fade into the middle distance while the pace slackened.

I am sending copies of this letter to John Sawers (Foreign and Commonwealth Office) and to Melanie Leech (Cabinet Office).

RODERIC LYNE

Jonathan Stephens Esq
Northern Ireland Office

CONFIDENTIAL

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

CABINET OFFICE
A 1374
28 JAN 1994
FILING INSTRUCTIONS
FILE No. R43/3

28 January 1994

Dear Alan

Your Secretary of State wrote to Lord Wakeham on 24 December proposing that at this stage no change should be made to the Northern Ireland broadcasting restrictions. This followed a review by DNH officials, conducted at the request of the Prime Minister.

Replies were received from a number of members of the Cabinet, and Roderic Lyne has now written to say that the Prime Minister believes there should be a collective discussion of the pros and cons of changing the restrictions later in the year. Your Secretary of State will no doubt wish to keep the situation under review, and to write again to colleagues when he believes that the time is right for that further discussion.

I am copying this letter to Roderic Lyne, to the Private Secretaries of all Cabinet members and to Melanie Leech.

Yours

Joan.

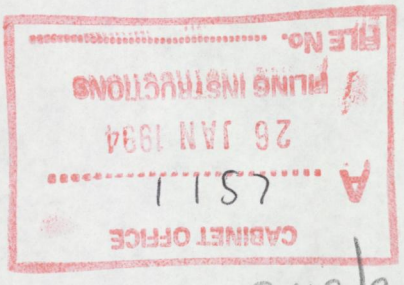
MRS J M BAILEY
Private Secretary

Alan Davey Esq
PS/The Rt Hon Peter Brooke, CH, MP

Sir Robin Butler

SECRET AND PERSONAL





Foreign &
Commonwealth
Office

London SW1A 2AH

25 January 1994

R43/3 c. Mr Lever

96

Dear Roderic,

Northern Ireland: Visit to Belgium by Gerry Adams

We received a report late yesterday evening from secret sources about plans for a private meeting today between Gerry Adams and Egon Klepsch, the President of the European Parliament. Simultaneously Sir John Kerr learnt in Brussels that a business contact had seen Gerry Adams on a flight to Brussels.

We instructed Sir John Kerr to take immediate action and he spoke last night to Sir Christopher Prout who undertook to try to ensure that no British member of the Parliament saw Adams. Sir John Kerr then spoke to Dohmes, Chef de Cabinet to Klepsch. Dohmes responded immediately that he could give Sir John an assurance that the President would not be meeting Adams officially. Sir John replied that if the President thought that he could make a distinction between an official and a private meeting he was completely mistaken. The meeting would not stay private for five minutes and the effect on opinion at Westminster and on the Northern Ireland political situation would be immediate and disastrous. Dohmes undertook to speak to Klepsch.

This morning, the Foreign Secretary asked Mr Heathcoat-Amory to speak to Klepsch personally to make clear that a meeting with Adams would bring the European Parliament into serious disrepute. On contacting Klepsch's Cabinet, however, we were assured that the President had decided that he would not see Adams either officially or privately.

Mr Adams is in Brussels and may try to arrange other meetings, possibly at the European Parliament Building. We cannot of course prevent individual MEPs seeing him, but we are doing what we can to find out about his movements.

I am copying this letter to Jonathan Stephens (NIO) and Melanie Leech (Cabinet Office).

Yours ever,

Nicko

(C R V Stagg)
Private Secretary

Roderic Lyne Esq CMG
10 Downing Street

SECRET AND PERSONAL

CONFIDENTIAL



Sir Robin Butler
CABINET OFFICE
A 1031
24 JAN 1994
FILING INSTRUCTIONS
FILE No.
R43/3
FOI 95 m

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

24 January 1994

C. Mr Brooke
Mr Lever

Dear Alan,

REVIEW OF NORTHERN IRELAND BROADCASTING RESTRICTIONS

The Prime Minister has seen the National Heritage Secretary's letter of 24 December to the Lord Privy Seal, together with subsequent correspondence from members of EDH and the President of the Board of Trade.

The Prime Minister notes that there is no consensus among Ministers yet on whether the broadcasting restrictions should be removed, strengthened, or left as they are.

The Prime Minister agrees with Mr Brooke that a change to the restrictions would be misconstrued in a period when we are awaiting Sinn Fein's response to the Joint Declaration. He believes that there should be a collective discussion of the pros and cons of changing the restrictions later in the year; but that no change should be made for the time being.

When the time comes to inform the House of Commons of the outcome of the review, the line could be that the Government had decided that now is not the time for change, but that the matter will be kept under consideration in the light of further developments.

You may now wish to make proposals on how and when this line should be surfaced.

I am copying this letter to the Private Secretaries to members of EDH, to Peter Smith (Department of Trade and Industry) and to Melanie Leech (Cabinet Office).

Yours ever,
Roderic Lyne

RODERIC LYNE

Alan Davey Esq
Department of National Heritage

CONFIDENTIAL

THE NATIONAL ARCHIVES

DEPARTMENT/SERIES CAB 164 PIECE/ITEM 2219/1 (one piece/item number)	Date and sign
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CABINET OFFICE
A 488
13 JAN 1994
FILING INSTRUCTIONS
FILE No. R43/3

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

FOLIO
94
M

The Rt Hon Michael Howard QC MP
Secretary of State for the Home Department
50 Queen Anne's Gate
LONDON
SW1H 9AT

10 January 1994

Dear Michael:

"CRIME AND THE COMMUNITY": REVIEW OF CRIMINAL JUSTICE POLICY IN NORTHERN IRELAND

Last March I gave Ken Clarke advance sight of the discussion paper "Crime and the Community" outlining my proposals for developing a co-ordinated response to crime in Northern Ireland.

I am now writing to let you and colleagues know the outcome of public consultation and the decisions that I propose to announce by means of an inspired parliamentary question, probably in the week beginning 17 January.

The overall response to the discussion document was most encouraging. More than 40 submissions were received, reflecting the views of almost every organisation in the Northern Ireland criminal justice system as well as a number of other bodies and individuals. Almost all welcomed both the overall direction of our proposals and the opportunity to participate in so broad a review of policies. What comments and refinements were suggested related almost exclusively to the detail of the proposals.

The proposals set out in the attached papers have been framed in the light both of the local responses to "Crime

and Community" and of our developing approach to law and order throughout the United Kingdom. They take due account of developments since March, in particular the changes to the 1991 provisions made in the Criminal Justice Act 1993. They are specific measures, aimed at Northern Ireland's particular needs. And they are phased in such a way as to enable us to achieve worthwhile progress within the reality of tight resource constraints for the foreseeable future. I believe them to represent an effective, integrated and relevant response to the problem of "ordinary" crime in Northern Ireland.

I attach a draft parliamentary question and answer, together with an explanatory document which I intend simultaneously to place in the Library of the House. The texts have been seen by and reflect the comments of your officials. We have also consulted the Lord Chief Justice of Northern Ireland and officials of the Northern Ireland Court Service and the Attorney's office.

I am copying this letter and attachments to the Prime Minister, the Lord Chancellor, the Lord Privy Seal, the Secretary of State for Scotland, the Attorney General, and to Sir Robin Butler.

PM/SOFS/16785

DRAFT QUESTION:

To ask the Secretary of State for Northern Ireland, what action he proposes to take following consultation on his discussion paper "Crime and the Community"; and if he will make a statement.

DRAFT ANSWER:

I have considered carefully the response to the discussion paper "Crime and the Community" and am today placing in the Library of the House the details of my proposals for implementing a wide-ranging strategy for dealing with crime in Northern Ireland. In the light of the positive and constructive comments I received on the discussion paper, I propose to commence implementation of the key recommendations in each of the areas identified in the paper. The resulting programme will improve the effectiveness of the criminal justice system in responding to the problem of crime in the years ahead. It will provide a sound statutory framework and will encourage a range of measures for preventing crime, challenging offending, and protecting victims.

Among the measures with which I propose to proceed are:

a community safety strategy encouraging local crime prevention initiatives with community involvement;

a pilot scheme for voluntary offence mediation;

measures to ensure the appropriate use of cautioning;

further action to reduce pre-trial delays;

a statutory framework within which a wider range of penalties for adults and juveniles will be available to the courts;

new arrangements aimed at securing better service to the public through improved co-ordination in the criminal justice system; and

the publication of more information about the criminal justice system.

Together the measures represent an effective, integrated and relevant response to the problem of crime in Northern Ireland. Their implementation will require the active co-operation and support of a wide range of people both within and beyond the criminal justice system. I intend to continue the process of consultation as the details of these proposals are developed, building on the broad measure of support for the ideas set out in "Crime and the Community".

NORTHERN IRELAND OFFICE

CRIMINAL JUSTICE POLICY PROPOSALS

Paper tabled pursuant to the Secretary of State's statement of
[ ] 1993

Background

1. The Northern Ireland Office undertook a wide-ranging review of criminal justice policy in Northern Ireland in 1992. It culminated in the publication of detailed proposals in the discussion paper "Crime and the Community" in March 1993. This provided the first opportunity for structured local public consultation on a range of important criminal justice issues.

2. More than 40 responses were received, including the views of most key organisations in the criminal justice system, several district councils and a number of voluntary bodies and individuals. A great deal of well-informed and constructive comment was offered. Both the publication of "Crime and the Community" and the general principles it embodied were broadly welcomed.

3. "Crime and the Community", and the debate it has engendered, will inform Government policy on criminal justice in the years to come. This paper sets out the Government's initial decisions on the way forward. They take account of recent developments in England and Wales. Their implementation will require legislative and practical action over several years. During 1994 it is proposed to bring forward the initial key legislative provisions and to commence implementation in each area. Further work will proceed as permitted by the availability of resources and in the light of further experience, evaluation and consultation.

Community Safety

4. As first steps towards the implementation of the proposed approach aimed at preventing crime, reducing the fear of crime, and encouraging developments likely to prevent criminality, the Government will:

encourage the development of local community safety initiatives, drawing on the considerable body of knowledge and experience gained from the current Safer Towns projects;

develop a new information campaign relevant to crime in Northern Ireland, obtaining sponsorship if possible;

develop proposals for an annual conference to inform community safety strategy, involving statutory and voluntary bodies, local community representatives, and the private sector; and

reconvene the Interdepartmental Group on Crime Prevention, to assist in the co-ordination of policy across government departments in Northern Ireland.

Mediation

5. The Government welcomes the level of support for the proposition that mediation might contribute to the aims of helping the victims of crime, ensuring that offenders make amends, and bringing home to offenders the pain and anguish that their offences cause. It has therefore decided to explore the potential of voluntary offence mediation, primarily as a complement to, rather than a substitute for, the normal processes of the criminal justice system. It intends to undertake work towards the initiation of a pilot scheme, in close co-operation with statutory and voluntary agencies. An

acknowledgement of personal responsibility for the offence will be a prerequisite to an offender's participation in such schemes. The Government will also examine the scope for incorporating restorative elements including mediation within the police cautioning process.

Cautioning

6. The Government will initiate changes to improve the effectiveness of cautioning. To ensure that the caution is used only where it is appropriate, the Government intends to review the guidance currently provided to police officers. It will pursue, in conjunction with the Royal Ulster Constabulary and relevant statutory and voluntary agencies, the extension of the use of juvenile liaison panels and the setting up of a pilot adult cautioning liaison panel. It will also develop proposals for the caution to be accompanied in appropriate cases by a requirement to undertake treatment or other restorative measures.

7. The Government is confirmed in its view that the Director of Public Prosecutions for Northern Ireland should be able to prompt consideration of a caution in cases referred to his office. The Royal Commission on Criminal Justice has put forward a similar recommendation for England and Wales.

Remands

8. The Government has already decided to strengthen its action to reduce remand delays. A number of respondents urged that the time limits imposed under the existing scheme should be reduced. The Secretary of State announced on 23 November that the scheme will continue until 30 June 1994, that it has been extended to cover non-scheduled custody cases tried on indictment and that the overall limit under the scheme has been reduced from 12 months to 11 months. The operation of the scheme will continue to be regularly reviewed.

9. The Government intends in the longer term to work up detailed proposals for a pilot bail information scheme and for the provision of specialist or approved bail accommodation, working closely with the Probation Board for Northern Ireland and other statutory and voluntary agencies.

10. Draft legislation will be brought forward to extend 28-day non-consensual remands to non-scheduled cases.

11. The Government intends to commission research into the nature and scope of offending on bail, with a view to developing a better informed view as to any necessary measures. A number of respondents drew attention to a lack of information on the extent of such offending in Northern Ireland.

Sentencing

12. The Government will put forward for consultation draft legislation to put in place a general framework for sentencing. It will embody the principles that:

sentencing should concentrate on the seriousness of the offence being tried (and any associated offences), whilst being able to take account of any previous convictions and other relevant factors in the offender's history;

in cases involving violent or sexual offences, the courts should be able to impose more severe sentences than would otherwise be allowed, in order to protect the public from harm;

reasons should be given in open court for passing custodial and certain community sentences;

the court should normally consider a pre-sentence report before passing a custodial sentence or certain types of community sentence; and

before a custodial sentence is passed on a mentally disordered offender, the court should consider a medical report and the sentence's likely effect on the offender's medical condition and treatment.

Adult Penalties

13. The Government will also bring forward draft legislation to:

redefine the probation order as a sentence of the court and introduce a new sentence combining community service and probation;

give the court the option of requiring a sex offender to be subject to supervision and licence conditions throughout the full period of remission;

introduce a new sentence, to be available for offences serious enough to merit imprisonment for 12 months or over, involving a period of custody followed by a period of supervision under a probation order; and

provide further guidance to ensure that suspended sentences are imposed only where the offence is sufficiently serious to merit custody and are activated only where the subsequent offence is serious enough to justify it.

14. The Government will introduce legislation to reinforce the requirement on the court to ascertain and take account of the offender's means when imposing fines but - in the light of

public reaction - does not intend to introduce a scheme of unit fines. It also intends to consider measures to reduce the incidence of imprisonment for fine default.

15. The Proposal for a draft Criminal Justice Order published in July 1993 embodies the proposals set out in "Crime and the Community" for encouraging greater use of compensation orders.

Juvenile Penalties

16. The Government intends to bring forward separate legislation on juvenile justice which will:

permit the court to determine the length of a training school order, selecting from a range of fixed periods from 1 week up to 2 years, and abolish the sentence of committal to a remand home;

introduce new arrangements for supervision after release from training school, supervision being by school staff for a set period of between 3 and 6 months (depending on the length of the order), any subsequent care or support being provided in the offender's local community;

place a statutory obligation on the Secretary of State to satisfy himself that the training school board of management has appointed fully independent visitors;

bring 17-year-olds within the remit of what is now the juvenile court, make attendance centre and training school orders available for them, rename the juvenile court the "youth court", and extend to 17-year-olds the discretionary power of the court to order the parent or guardian to attend court and to pay any financial penalty imposed or enter into a recognisance; and

redefine the term "guardian" to include any body acting in loco parentis and require the court, where a fine is ordered to be paid by the parent or guardian, to take due account of the means of the parent or guardian in assessing the level of fine to be imposed.

17. The powers of the court to compel parents to attend the court and pay financial penalties will remain discretionary. In addition, the training school managers will retain primary responsibility for early release on licence. The suspended sentence for young persons will also be retained. The provision of additional attendance centre facilities will be considered in the light of available resources.

Information, Research and Training

18. Since the publication of "Crime and the Community" the Northern Ireland Office has published a Digest of Information on the Northern Ireland Criminal Justice System and issued its Research and Statistics Strategy and Programme; Queen's University is proceeding to develop its research capacity through the establishment of an Institute of Criminology and Criminal Justice; and the University of Ulster has set up a Criminology Research Group to co-ordinate relevant research activity.

19. The Government further intends to:

put forward legislation requiring the publication from time to time of information on the costs of the local criminal justice system in Northern Ireland and information about fair treatment;

in the longer term, prepare a handbook on facilities for sentencers; and

continue to encourage research institutions to increase the amount of relevant locally-based criminology research, and the local universities to offer seminars, short courses and diplomas for those working in or with the criminal justice agencies.

Co-ordination and Co-operation in the Criminal Justice System

20. A further Strategic Conference has been held - the third so far in Northern Ireland - and arrangements are already in hand for next year's Conference. It is hoped to hold the first Intermediate Conference in the first half of 1994.

21. The Secretary of State announced on 26 November the establishment of a Criminal Justice Consultative Group, under the chairmanship of Lord Justice MacDermott. The Group held its first meeting in December.

From: THE PRIVATE SECRETARY

C- Miss Neville-Jones

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

CABINET OFFICE
A 18145
31 DEC 1993
FILMING INSTRUCTIONS
FILE No. R 43/3

FOLIO 94

Jonathan Haslam Esq
10 Downing Street
LONDON
SW1A 2AA

30th December 1993

Dear Mr Haslam,

NEW YEAR MESSAGE FROM THE PRIME MINISTER FOR THE NEWSLETTER

One of the consequences of the Prime Minister's visit to Northern Ireland was an invitation from the Newsletter to contribute a 1000 word article containing his message to Northern Ireland for 1994. It would be published on 3 January. As agreed, please find enclosed a draft for the Prime Minister's consideration.

The Secretary of State has seen and commented on an earlier draft but has not yet had the opportunity to see this one. It will go to him this evening and if he has any additional comments I will feed them in to you tomorrow (Friday).

In drafting this article we have tried to be positive and, because we are conscious of the need not to put all of our eggs in the "peace basket", we have mentioned how important it is to press forward with the Talks process (a point which will not be lost on Sinn Fein/IRA and should keep the pressure on them). No clear response has been made by the Provisionals to the Joint Declaration but the omens do not look all that good. We have also tried, therefore, to avoid saying anything which would give the Provisionals a pretext on which to hang a rejection of the Declaration.

In submitting the article so far in advance of publication, we run the risk of there occurring developments which affect

the content (for example a response from the Provisionals or an atrocity). We have been conscious of this in drafting, but in sending the article to the Newsletter we suggest that, as usual, you reserve the right to amend the text in the light of developments prior to publication. You will, therefore, want to keep in touch with events in Northern Ireland over the weekend.

I am copying this letter to the Private Secretaries to the Foreign Secretary, the Home Secretary, the Secretary of State for Defence and Sir Robin Butler.

Yours sincerely,
Rafia Hussain
for Simon Rogers.

SIMON ROGERS
PS/Secretary of State

DRAFT NEWSLETTER ARTICLE BY THE PRIME MINISTER

For the people of Northern Ireland, 1994 is a year of opportunity, perhaps more so than in living memory. The conditions are right for the achievement of a political accommodation based on mutual respect, understanding and toleration. If we continue to go forward, as I believe we will, then within our grasp lie security, stability and, above all, the peace which we all want.

Of course, while the violence continues, this optimism needs to be qualified. But my hope for the future lies in you, the people of Northern Ireland. In recent months observers have detected an increasing determination amongst ordinary people to seek reconciliation, to understand and respect the fears and aspirations of their neighbours. This strengthening mood is, I am sure, in part the result of a desire to see something positive come out of the tragedies brought about by the terrorists - and of a belief that only through an accommodation can all parts of the community live together in a stable environment, without fear.

The changing mood is reflected in the discussions which I and Patrick Mayhew have had in recent months with your political and community leaders, churchmen and people from the business and academic worlds. I welcome the opportunity to pay tribute to the courage and leadership shown by many community representatives at all levels and from both traditions in Northern Ireland, in seeking progress and reconciliation. If we all continue to work together, we can sustain a momentum towards peace and reconciliation.

You, the people, are the key to this. But Governments must provide the framework. The Joint Declaration, which I and Albert Reynolds issued on 15 December 1993, does just that. In the name of both Governments, it restates in unequivocal terms the fundamental principles and guarantees which mean so much to all sides of the community in both parts of Ireland. It places great emphasis on respect for and understanding of different traditions and aspirations. In terms more comprehensive than ever before it sets out the philosophy which underpins the actions of both Governments.

SOFS/20330

I understand and respect those in Northern Ireland who are cautious when faced with an initiative of this sort. But I appeal to you - if you have not already done so, to read the Joint Declaration and take it at face value. It means what it says. The legitimacy of the Unionist position in Northern Ireland is fully accepted and safeguarded by both Governments while, in addressing the Dail on 17 December, Albert Reynolds said "I do not know of any fairer statement that has been, or could be made, by the British Government with regard to Nationalist ideals than what is set out in paragraph 4 of the Joint Declaration."

Above all the Declaration is a testament to peace. With the meeting of minds of the two Governments on the fundamental issues of principle, it must be clear to all that there is no way forward other than through the democratic process. There is nothing that the men of violence, whatever cause they may claim to represent, can seriously believe that they are able to achieve. With a permanent cessation of violence, and a commitment to the democratic process on Sinn Fein's part, we can be in exploratory dialogue with it within three months. But if there is no commitment to a permanent end to violence, then the terrorists and their supporters will face isolation and a bleak future while the rest of us get on with the agenda for peace.

We already have such an agenda which, I am determined, should be pursued with renewed vigour, in line with the principles set out in the Joint Declaration. In Brussels on 29 October I and the Taoiseach renewed our support for the objectives of the talks process, involving political dialogue between the two Governments and the main constitutional parties in Northern Ireland. That is the three stranded approach which made such progress in 1992.

We will continue to work towards agreement on a form of government and administration within Northern Ireland, which is readily accountable and commands widespread support throughout all parts of the community. If democracy is to flourish it is vital that people feel able to identify with and participate in institutions of government.

Strand 2 of the talks concerns relations between Northern Ireland and the South while strand 3 concerns the relationships between the two governments. Paragraph 9 of the Joint Declaration talks of the two Governments, along with the constitutional parties in Northern Ireland, creating through a process of political dialogue, "institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest." It would of course be extraordinary if, as part of an overall political agreement, two friendly neighbours sharing the only common land border on an island did not adopt such an approach.

I am under no illusion that it will be easy to achieve agreement on these issues, especially as nothing is agreed until the whole package can be endorsed by the participants. But there is positive benefit in the large task which we have set ourselves. It is that once agreement is reached, it will be comprehensive, leaving room for no hidden agenda or uncertainty about key issues - uncertainty which can breed doubt, fear and instability, characteristics which are at the root of many of the conflicts facing the world today. The prize at the end of this process is such that I am confident that we will succeed.

Political accommodation, trust and respect between the different parts of the community in Northern Ireland, and the prospect of lasting peace, can transform many aspects of life within the Province. In particular, Northern Ireland, with its widely respected education system and well trained workforce, is already well placed to benefit from the economic upturn which we are experiencing in the United Kingdom. Long term stability, combined with the enormous fund of international goodwill generated by the Joint Declaration, can only enhance the attractiveness of Northern Ireland to inward investment as well as encouraging local entrepreneurs to expand existing businesses and open up new ones.

I should like now to pay tribute to the police and armed forces in Northern Ireland. They have over the years upheld the law and protected the community in an even-handed manner, often in the most difficult circumstances and with considerable courage and sacrifice. They will continue in their service of the whole community, and will respond in a manner commensurate with whatever level of threat the community faces.

Sadly there are in all parts of the community in Northern Ireland many who have suffered injury or who have lost loved ones as a result of terrorist activity. Some of you have written to me in recent months. You all have my heartfelt sympathy and indeed it is such suffering that drives us in the search for a lasting peace. But you may be assured that it will not be peace at any price. There will be no departure from the basic principles which guide us.

There is an opportunity for peace and political progress. We shall continue to work closely with the Irish Government, but it is above all for the people of Northern Ireland to shape their future. We in Government will be working to carry things forward - through the talks, through security policy, through action for jobs and social provision. There is now a framework, which reflects the concerns and aspirations of both sides of the community. I hope that we can all work together for a better Northern Ireland in 1994.

POLICY IN CONFIDENCE

Miss Harper 14/12

CABINET OFFICE
70 Whitehall, London SW1A 2AS
Telephone: 071-270 0400

Chancellor of the Duchy of Lancaster
Minister of Public Service and Science

FOLIO 93 Q

CABINET OFFICE
A 17631
16 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

Kb03509

Jonathan Rodell Esq
Private Secretary to
the Secretary of State for Northern Ireland
Whitehall
London
SW1A 2AZ

15 December 1993

Mr Bird

Dear Jonathan

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Your Secretary of State wrote to the Lord Privy Seal on 10 December asking for any comments on the parliamentary question and answer attached at Annex B to the letter. I am sorry to have missed your deadline.

We would be grateful if a reference to the Citizen's Charter could be included in the parliamentary answer. We suggest that the second sentence of the third paragraph of the answer might be revised to read, "The Secretary of State accordingly intends to publish a paper setting out views on how to redefine the roles and responsibilities of each of the parties in the tripartite structure, and to strengthen lines of accountability, in line with the principles of the Citizen's Charter."

We would also be grateful if the detailed proposals which your Secretary of State proposes to make in due course could be presented in the context of the Citizen's Charter (an approach which you are no doubt aware is being encouraged by Home Office in the presentation at local level of the key objectives for the police service in England and Wales).

I am copying this letter to the private secretaries of the recipients of your Secretary of State's letter to the Lord Privy Seal.

Yours sincerely

Michael Palmer

MICHAEL PALMER
Private Secretary

POLICY IN CONFIDENCE

Mrs Hayes 16/12

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

FCL/10
93
P

CABINET OFFICE
A 17579
15 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

The Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
LONDON
SW1A 2AZ

15 December 1933

Dear Paddy,

Mr Bri

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Many thanks for copying to me your letter of 10 December to the Lord Privy Seal.

I am content with the terms of the draft Parliamentary Question and Answer which you appended. My officials will be in touch directly with yours about any drafting comments we may have on your consultation paper.

Copies of this go to the Prime Minister, EDH colleagues, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

Yours ever,

Ian

IAN LANG

JMC00314.123

LPS/0386/93
pl. 0880c Mr Bird
cc Mr Owen
Ms Harper

FOLIO 93N

CABINET OFFICE
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Chancellor of the Duchy of Lancaster
Minister of Public Service and Science

CABINET OFFICE
Qf 6088
17 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

Kb03509

Jonathan Rodell Esq
Private Secretary to
the Secretary of State for Northern Ireland
Whitehall
London
SW1A 2AZ

15 December 1993

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Yours sincerely

Michael Palmer

MICHAEL PALMER
Private Secretary

POLICY - IN CONFIDENCE

LPS/0386/93
pl assoc mr Bud
cc mr owen
Ms Harper

SCOTTISH OFFICE
WHITEHALL. LONDON SW1A 2AU

CABINET OFFICE
Qf 6075
16 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3
FOLIO 93M

The Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
LONDON
SW1A 2AZ

15 December 1933

Dear Paddy,

NORTHERN IRELAND: POLICING STRUCTURE REFORM

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Yours ever,

Ian

IAN LANG

POLICY - IN CONFIDENCE

JMC00314.123

POLICY IN CONFIDENCE

FOLIO 93

LPS/0386/93
please Mr Budd
cc Mr Leach
Ms Harper

CABINET OFFICE
70 Whitehall, London SW1A 2AS
Telephone: 071-270 0400

Chancellor of the Duchy of Lancaster
Minister of Public Service and Science

CABINET OFFICE
P 1105
16 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

Kb03509

Jonathan Rodell Esq
Private Secretary to
the Secretary of State for Northern Ireland
Whitehall
London
SW1A 2AZ

15 December 1993

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Yours sincerely

Michael Palmer

MICHAEL PALMER
Private Secretary

POLICY IN CONFIDENCE

From: THE PRIVATE SECRETARY

SECRET AND PERSONAL
(Until Joint Declaration released, then UNCLASSIFIED)

CABINET OFFICE
A 17574
15 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

FOLIO 92

C. Miss Neville-Jones
Mr Warner.

Mark Ormerod Esq
Private Secretary to the Lord Chancellor
House of Lords
SW1A OBW

15 December 1993

C. Mr Owen
Mr Fitchew
Mr Bird (you may be interested to see.)

Dear Mark,

NORTHERN IRELAND: JOINT DECLARATION INITIATIVE WITH THE IRISH GOVERNMENT

This letter follows on from Roderic Lyne's of 14 December 1993.

Enclosed is a final text of the Joint Declaration, a note which will be placed in the Whips' Office today and other briefing material which you may find useful.

I am copying this letter to Private Secretaries of Cabinet Members, the Attorney General and Sir Robin Butler.

Yours sincerely,

Simon Rogers

SIMON ROGERS
Private Secretary to the Secretary of State (L)

SECRET AND PERSONAL

JOINT DECLARATION BY THE BRITISH AND IRISH PRIME MINISTERS, 15 DECEMBER 1993

(Copies of the Joint Declaration are available in the Vote Office)

Key Points

1. The Prime Minister, the Rt Hon John Major MP, and the Irish Prime Minister, Mr Albert Reynolds TD, today issued a Joint Declaration.

2. The Declaration, which complements and underpins the Talks process and the search for a comprehensive political settlement, has been made following discussions between the two Governments, since early last year, on a framework for peace. It places the onus firmly on those who use or support violence to stop now.

3. The Declaration sets out constitutional principles and political realities which safeguard the vital interests of both sides of the community in Northern Ireland.

4. The Joint Declaration does not:

- assert the value of achieving a united Ireland;

- assert the legitimacy of a united Ireland in the absence of majority consent;

- commit the British Government to joining the ranks of the persuaders for a united Ireland;

- set any timescale for a united Ireland to come about nor indicate that this is even probable;

- commit the people of Northern Ireland to joining a united Ireland against their democratic wishes;

- establish arrangements for the exercise of joint authority between the British and Irish Governments over Northern Ireland;

- derogate in any way from UK sovereignty over Northern Ireland, nor diminish the constitutional guarantee;

- contain any reference to, or implicit commitment to, withdrawal of British troops from Northern Ireland;

- give Sinn Fein any immediate place at the Talks table;

- sideline the valuable round of meetings with the Northern Ireland parties being undertaken by Michael Ancram. On the contrary, it speaks of transforming the prospects for building on the progress already made.

5. The text both reiterates Northern Ireland's statutory constitutional guarantee and reaffirms that the British Government will uphold the democratic wish of a greater number of the people of Northern Ireland, on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis the British Government reiterate that they have no selfish strategic or economic interest in Northern Ireland, and that, were a majority in Northern Ireland to wish it, the Government would introduce legislation to bring about a united Ireland. For their part, the Irish Government accept that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of a majority of the people of Northern Ireland.

6. The British Government undertake to encourage the achievement of the objective of the Talks process, begun in 1991, namely an overall agreement based on full respect for the rights and identities of both traditions in Northern Ireland. The text does not envisage, nor advocate, any particular outcome. It states that:

> "The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish."

The Irish Government accept:

> "... that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland."

So it is clear that the consent of a majority of the people in Northern Ireland is required before any constitutional change could come about.

7. The Irish Government also confirm that, in the event of an overall settlement, they will as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution, which would fully reflect the principle of consent in Northern Ireland.

8. The Declaration reinforces the firm foundation for future political development, on the same three-stranded basis that the main constitutional parties in Northern Ireland and the two Governments have already accepted. Both Governments reiterate that, following a cessation of violence, democratically mandated parties which establish a commitment to exclusively peaceful methods, and which have shown that they will abide permanently by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

9. The Joint Declaration represents a sound platform for the Talks process and a realistic call for lasting peace. It shows the British and Irish Governments working together: for democracy and against violence. It is now for the men of violence to respond.

JOINT DECLARATION

1. The Taoiseach, Mr Albert Reynolds TD, and the Prime Minister, the Rt Hon John Major MP, acknowledge that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted, recognising that the absence of a lasting and satisfactory settlement of relationships between the peoples of both islands has contributed to continuing tragedy and suffering. They believe that the development of an agreed framework for peace, which has been discussed between them since early last year, and which is based on a number of key principles articulated by the two Governments over the past 20 years, together with the adaptation of other widely accepted principles, provides the starting point of a peace process designed to culminate in a political settlement.

2. The Taoiseach and the Prime Minister are convinced of the inestimable value to both their peoples, and particularly for the next generation, of healing divisions in Ireland and of ending a conflict which has been so manifestly to the detriment of all. Both recognise that the ending of divisions can come about only through the agreement and co-operation of the people, North and South, representing both traditions in Ireland. They therefore make a solemn commitment to promote co-operation at all levels on the basis of the fundamental principles, undertakings, obligations under international agreements, to which they have jointly committed themselves, and the guarantees which each Government has given and now reaffirms, including Northern Ireland's statutory constitutional guarantee. It is their aim to foster agreement and reconciliation, leading to a new political framework founded on consent and

encompassing arrangements within Northern Ireland, for the whole island, and between these islands.

3. They also consider that the development of Europe will, of itself, require new approaches to serve interests common to both parts of the island of Ireland, and to Ireland and the United Kingdom as partners in the European Union.

4. The Prime Minister, on behalf of the British Government, reaffirms that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, he reiterates, on behalf of the British Government, that they have no selfish strategic or economic interest in Northern Ireland. Their primary interest is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island, and they will work together with the Irish Government to achieve such an agreement, which will embrace the totality of relationships. The role of the British Government will be to encourage, facilitate and enable the achievement of such agreement over a period through a process of dialogue and co-operation based on full respect for the rights and identities of both traditions in Ireland. They accept that such agreement may, as of right, take the form of agreed structures for the island as a whole, including a united Ireland achieved by peaceful means on the following basis. The British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish. They reaffirm as a binding obligation that they will, for their part, introduce the necessary legislation to give effect to this, or equally to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely so

determine without external impediment. They believe that the people of Britain would wish, in friendship to all sides, to enable the people of Ireland to reach agreement on how they may live together in harmony and in partnership, with respect for their diverse traditions, and with full recognition of the special links and the unique relationship which exist between the peoples of Britain and Ireland.

5. The Taoiseach, on behalf of the Irish Government, considers that the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it. For this reason, it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland. He accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities, including:

- the right of free political thought;

- the right to freedom and expression of religion;

- the right to pursue democratically national and political aspirations;

- the right to seek constitutional change by peaceful and legitimate means;

- the right to live wherever one chooses without hindrance;

- the right to equal opportunity in all social and economic activity, regardless of class, creed, sex or colour.

These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement.

6. The Taoiseach however recognises the genuine difficulties and barriers to building relationships of trust either within or beyond Northern Ireland, from which both traditions suffer. He will work to create a new era of trust, in which suspicion of the motives or actions of others is removed on the part of either community. He considers that the future of the island depends on the nature of the relationship between the two main traditions that inhabit it. Every effort must be made to build a new sense of trust between those communities. In recognition of the fears of the Unionist community and as a token of his willingness to make a personal contribution to the building up of that necessary trust, the Taoiseach will examine with his colleagues any elements in the democratic life and organisation of the Irish State that can be represented to the Irish Government in the course of political dialogue as a real and substantial threat to their way of life and ethos, or that can be represented as not being fully consistent with a modern democratic and pluralist society, and undertakes to examine any possible ways of removing such obstacles. Such an examination would of course have due regard to the desire to preserve those inherited values that are largely shared throughout the island or that belong to the cultural and historical roots of the people of this island in all their diversity. The Taoiseach hopes that over time a meeting of hearts and minds will develop, which will bring all the people of Ireland together, and will work towards that objective, but he pledges in the meantime that as a result of the efforts that will be made to build mutual confidence no Northern Unionist should ever have to fear in future that this ideal will be pursued either by threat or coercion.

7. Both Governments accept that Irish unity would be achieved only by those who favour this outcome persuading those who do not, peacefully and without coercion or violence, and that, if in the future a majority of the people of Northern Ireland are so persuaded, both Governments will support and give legislative effect to their wish. But, notwithstanding the solemn affirmation by both Governments in the Anglo-Irish Agreement that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland, the Taoiseach also recognises the continuing uncertainties and misgivings which dominate so much of Northern Unionist attitudes towards the rest of Ireland. He believes that we stand at a stage of our history when the genuine feelings of all traditions in the North must be recognised and acknowledged. He appeals to both traditions at this time to grasp the opportunity for a fresh start and a new beginning, which could hold such promise for all our lives and the generations to come. He asks the people of Northern Ireland to look on the people of the Republic as friends, who share their grief and shame over all the suffering of the last quarter of a century, and who want to develop the best possible relationship with them, a relationship in which trust and new understanding can flourish and grow. The Taoiseach also acknowledges the presence in the Constitution of the Republic of elements which are deeply resented by Northern Unionists, but which at the same time reflect hopes and ideals which lie deep in the hearts of many Irish men and women North and South. But as we move towards a new era of understanding in which new relationships of trust may grow and bring peace to the island of Ireland, the Taoiseach believes that the time has come to consider together how best the hopes and identities of all can be expressed in more balanced ways, which no longer engender division and the lack of trust to which he has referred. He confirms that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and

support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

8. The Taoiseach recognises the need to engage in dialogue which would address with honesty and integrity the fears of all traditions. But that dialogue, both within the North and between the people and their representatives of both parts of Ireland, must be entered into with an acknowledgement that the future security and welfare of the people of the island will depend on an open, frank and balanced approach to all the problems which for too long have caused division.

9. The British and Irish Governments will seek, along with the Northern Ireland constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest. This will help over a period to build the trust necessary to end past divisions, leading to an agreed and peaceful future. Such structures would, of course, include institutional recognition of the special links that exist between the peoples of Britain and Ireland as part of the totality of relationships, while taking account of newly forged links with the rest of Europe.

10. The British and Irish Governments reiterate that the achievement of peace must involve a permanent end to the use of, or support for, paramilitary violence. They confirm that, in these circumstances, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they abide by the democratic process, are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead.

11. The Irish Government would make their own arrangements within their jurisdiction to enable democratic parties to consult together and share in dialogue about the political future. The Taoiseach's intention is that these arrangements could include the establishment, in consultation with other parties, of a Forum for Peace and Reconciliation to make recommendations on ways in which agreement and trust between both traditions in Ireland can be promoted and established.

12. The Taoiseach and the Prime Minister are determined to build on the fervent wish of both their peoples to see old fears and animosities replaced by a climate of peace. They believe the framework they have set out offers the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means. They appeal to all concerned to grasp the opportunity for a new departure. That step would compromise no position or principle, nor prejudice the future for either community. On the contrary, it would be an incomparable gain for all. It would break decisively the cycle of violence and the intolerable suffering it entails for the people of these islands, particularly for both communities in Northern Ireland. It would allow the process of economic and social co-operation on the island to realise its full potential for prosperity and mutual understanding. It would transform the prospects for building on the progress already made in the Talks process, involving the two Governments and the constitutional parties in Northern Ireland. The Taoiseach and the Prime Minister believe that these arrangements offer an opportunity to lay the foundations for a more peaceful and harmonious future devoid of the violence and bitter divisions which have scarred the past generation. They commit themselves and their Governments to continue to work together, unremittingly, towards that objective.

15 December 1993

POSITIVE BULL POINTS

The Joint Declaration represents:

- "Mission Statement": **a sound platform for the Talks Process and a realistic call for peace. It shows the British and Irish Governments working together: for democracy and against violence;**

- Both Governments have made a solemn commitment to promote co-operation at all levels on the basis of the fundamental principles to which they have jointly committed themselves - including Northern Ireland's statutory constitutional guarantee (paragraph 2) - which the JD has accordingly reaffirmed;

- the British Government has reaffirmed that they will uphold the democratic wish of "a greater number" of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. (On this basis, the Prime Minister has reiterated that the British Government has no selfish strategic or economic interest in Northern Ireland);

- the British Government agreed that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland if that is there wish. In other words, there can be no united Ireland without the democratic consent of the people of Northern Ireland (paragraph 4);

- both Governments also reaffirm that they will introduce the necessary legislation to bring about a united Ireland - or equally to any measure of agreement on future relationships in Ireland which the people living in Ireland may freely determine... (paragraph 2). This reaffirms, therefore, the freedom of constitutional choice within Northern Ireland;

- the Taoiseach has accepted that the democratic right of self-determination of the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland (paragraph 5). This is a further guarantee that there will be no coercion of the people of Northern Ireland into a united Ireland;

- the Taoiseach has confirmed that, in the event of an overall settlement, the Irish Government will put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland;

- the British and Irish Governments have reaffirmed their commitment to seeking, along with the NI constitutional parties through a process of political dialogue, to create institutions and structures which, while respecting the diversity of the people of Ireland, will enable them to work together in all areas of common interest (paragraph 9). This again reinforces the Talks process;

- the British and Irish Governments have reiterated that, following a cessation of violence, democratically mandated parties which establish a commitment to exclusively peaceful methods and which have shown that they will abide permanently by the democratic process are free to participate fully in democratic politics and to join in dialogue in due course between the Governments and the political parties on the way ahead (paragraph 10). The offer to the men of violence is clearly on the table. It is up to them to respond, and stop the killing now;

- Summary: the Joint Declaration provides a framework for peace, stability and reconciliation. It underwrites the democratic principles and guarantees of all parts of the community within Northern Ireland. It removes every possible pretext for violence and terrorism.

JOINT DECLARATION: REVISED SUPPLEMENTARY BRIEFING LINES

1. Key supplementary points (General)

- The Declaration is a sensible text which, in setting out a framework for peace, stability and reconciliation, fully addresses the concerns of both sides of the community in Northern Ireland, and safeguards their vital interests.

- The Declaration fully complements and underpins the Talks process addressing all the key relationships and involving the main constitutional political parties in Northern Ireland as well as the two Governments.

- The text is the sole responsibility of the two Governments.

- It is not the outcome of the Hume/Adams dialogue. In Brussels on 29 October, the Prime Minister and the Taoiseach acknowledged John Hume's courageous and imaginative efforts, but agreed that any peace initiative could be taken only by the two Governments.

- Do not know whether this Declaration will produce peace. But the Provisional Movement has been urging the two Governments to make a Joint Declaration. If Mr Adams wants his claims that he is serious about peace to have any credibility, he knows what to do.

- The Provisionals have presented themselves as interested in securing peace. Yet they have failed to deliver an end to violence. They should do so now. So should the Loyalists.

- The Declaration makes clear the Taoiseach's acceptance that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of the majority of the people of Northern Ireland.

- It reiterates Northern Ireland's statutory constitutional guarantee.

- It also reaffirms that the concern of the British Government is to uphold the democratic wish of ["a greater number of"] the people of Northern Ireland.

- The Taoiseach confirms in the Declaration that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

2. Taioseach/Irish Government concede that:

- (Paragraph 2) British Government must adhere to Northern Ireland's statutory constitutional guarantee. (This provides that Northern Ireland will not cease to be part of the United Kingdom while that is the wish of a majority of its people.)

- (Paragraph 5) it would be wrong to attempt to impose a united Ireland in the absence of freely given consent of a majority of the people of Northern Ireland.

- (Paragraph 5) the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.

- (Paragraph 6) they will examine any elements in the democratic life and organisation of the Irish state which can be represented as a real and substantial threat to the way of life and ethos of any particular tradition - eg the Unionist tradition.

- They will similarly examine (paragraph 6) anything in the Republic which can be represented as not fully consistent with a modern and pluralist society.

- (Paragraph 7) the genuine feelings of all traditions in Northern Ireland, including Unionist attitudes towards the rest of Ireland, must be recognised and acknowledged.

- (Paragraph 7) presence in Constitution of Irish Republic of elements which are deeply resented by Unionists.

- (paragraph 7) that, in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland.

3. HMG acknowledge (and points to note on our side):

- Reference to British Government's having "no selfish strategic or economic interest in Northern Ireland" is set in context. It simply reiterates what the Government has consistently said since Mr Brooke's Whitbread speech of 1990 (paragraph 4).

- Reference (paragraph 4) to British Government's role to 'encourage, facilitate and enable the achievement of agreement over a period' does not mean that we are committed to a united Ireland in the absence of consent in Northern Ireland. We simply undertake to encourage an overall accommodation based on full respect for the rights and identities of both traditions in Northern Ireland. No particular outcome and no timescale stipulated.

- Our recognition that such agreement may take the form of agreed structures again need not imply a united Ireland. (Such structures could, for instance, comprise new North/South institutions arrived at as part of an overall Talks settlement and designed to increase co-operation and working together between Northern Ireland and the Republic without involving any derogation from sovereignty. Some such structures already exist eg Foyle Fisheries Commission).

Paragraph 4 also acknowledges a form of 'Irish self-determination', although qualified in such a way that its exercise must clearly be subject to the consent of the people of Northern Ireland. It says "the British Government agree that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish". That and related references in the Joint Declaration clearly imply two separate acts of determination, North and South, and that Northern Ireland could not be forced into a united Ireland against the wishes of a majority of its people. Indeed, in paragraph 5, the Taoiseach concedes that it would be wrong to attempt to impose a united Ireland in the absence of the freely given consent of the majority of the people of Northern Ireland. (On Sky News on 8 December he said "It is not a position where you count self-determination in an all-Ireland context as one unit.")

- The British Government reaffirms (paragraph 4) "as a binding obligation" that it will legislate for a united Ireland, or any measure of agreement on future relationships in Ireland, which may be arrived at through the exercise of the principle of self-determination as qualified in the Declaration. So far as a united Ireland is concerned, this does not go beyond the existing commitment to legislate in the event of a majority preference in Northern Ireland for a united Ireland which is currently contained in Article 1(c) of the Anglo-Irish Agreement. The other part of the formulation is consistent with the British Government playing its part in implementing an overall accommodation resulting from the Talks process.

- Although it is not in the text of the Joint Declaration, the British Government is on the record, in its message of 5 November to PIRA, that it would be "prepared to enter preliminary exploratory dialogue with Sinn Fein within three months" after a permanent cessation of IRA violence had been announced and established.

4. **What the Joint Declaration does not do:**

The Joint Declaration does not:

- assert the value of achieving a united Ireland nor assert the legitimacy of a united Ireland in the absence of majority consent

- commit the British Government to joining the ranks of the persuaders for a united Ireland

- set any timescale for a united Ireland to come about nor indicate that this is even probable

- commit the people of Northern Ireland to joining a united Ireland against their democratic wishes

- establish arrangements for the exercise of joint authority between the British and Irish Governments over Northern Ireland

- derogate in any way from UK sovereignty over Northern Ireland, nor diminish the constitutional guarantee

- contain any reference or implicit commitment to the withdrawal of British troops from Northern Ireland

- give Sinn Fein any immediate place at the Talks table

- sideline the valuable round of meetings with the Northern Ireland parties being undertaken by Michael Ancram. On the contrary, it speaks of transforming the prospects for building on the progress already made.

POLICY - IN CONFIDENCE

LPS/0386/93
pl assoc Mr Bud
cc Mr Owen
Ms Harper

SCOTTISH OFFICE
WHITEHALL LONDON SW1A 2AU

FOLIO 91

The Rt Hon Sir Patrick Mayhew QC MP
Secretary of State for Northern Ireland
Northern Ireland Office
Whitehall
LONDON
SW1A 2AZ

CABINET OFFICE
P 11038
15 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

15 December 1933

Dear Paddy,

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Many thanks for copying to me your letter of 10 December to the Lord Privy Seal.

I am content with the terms of the draft Parliamentary Question and Answer which you appended. My officials will be in touch directly with yours about any drafting comments we may have on your consultation paper.

Copies of this go to the Prime Minister, EDH colleagues, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

Yours ever,

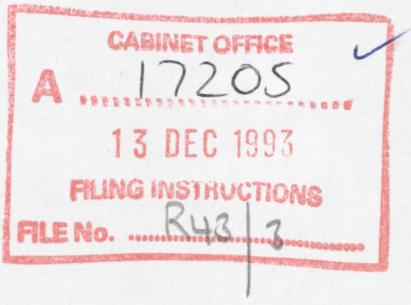
Ian

IAN LANG

14/12

Miss Harper





PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

13 December 1993



Mr Bird

Dear Jonathan

NORTHERN IRELAND: POLICING STRUCTURE REFORM

Your Secretary of State wrote to the Lord Privy Seal on 10 December 1993.

The letter sought comments on a draft Parliamentary Question and Answer by Tuesday 14 December and also on a paper by Thursday 23 December. This is less than the normal two weeks specified in Melanie Leech's letter of 28 January 1993 to Jenny Rowe. It will be necessary to ensure in good time that all those to whom the letter was copied are content, or have commented. When you have done so you should inform the EDH Secretariat, who will then prepare advice for the Lord Privy Seal. As you know, the approval of the Committee cannot be assumed until the Lord Privy Seal has written to convey it.

I am sending a copy of this letter to the Private Secretaries of the Prime Minister, members of EDH, the Foreign Secretary, the Secretary of State for Defence, the Minister of Agriculture, Fisheries and Food, the Attorney General and the Lord Advocate, and to Melanie Leech (Sir Robin Butler's Office).

Yours,

Gillian McGregor

MRS G E MCGREGOR
Asst. Private Secretary

Jonathan Stephens Esq

R43/3

FOLIO 90

R12623

Draft Communique

1. The Taoiseach, Mr. Albert Reynolds T.D., and the Prime Minister, the Rt. Hon. John Major M.P., met in London on Wednesday, 16th June. The Taoiseach was accompanied by the Tanaiste and Minister for Foreign Affairs, Mr. Dick Spring T.D., and the Minister for Justice, Mrs. Maire Geoghegan-Quinn T.D. The Prime Minister was accompanied by the Foreign Secretary, the Rt. Hon. Douglas Hurd M.P. and the Secretary of State for Northern Ireland, the Rt. Hon. Sir Patrick Mayhew, Q.C., M.P.

2. The Taoiseach and Prime Minister reviewed Anglo-Irish relations, and in particular the situation in Northern Ireland. They reaffirmed the determination of both Governments to cooperate closely, building on the solid foundation of their joint commitment to the Anglo-Irish Agreement.

3. The Taoiseach and Prime Minister deplored the loss of life and human suffering wantonly caused by terrorism. They pledged to improve sustain the close security cooperation on both sides to ensure that the threat of violence from any quarter is confronted comprehensively by the resources of the law and that those who resort to such crimes are brought to justice.

4. The Taoiseach and Prime Minister considered the prospects for a resumption of political dialogue. They agreed on the need to address adequately all of the key relationships involved and to work towards an outcome which would accommodate the rights and identities of the two major traditions in Ireland. Their aim is to achieve a new beginning for relationships within Northern Ireland, within the island of Ireland and between the peoples of the two islands.

5. They called on the political parties in Northern Ireland to help in the search for political progress which the peoples of both islands fervently wish to see. They agreed that contacts would continue actively with the parties.

6. They agreed also to continue their discussions on those issues relating to the process which were [ultimately] for decision by the two Governments, so that their joint resources could be brought to bear effectively on relaunching the search for political progress and guiding it towards success. They will meet again in the second half of the year.

7. The Taoiseach and Prime Minister also reviewed progress in North/South economic cooperation and welcomed the full programme of work being carried out in the Anglo-Irish Conference in this field.

8. The meeting reviewed current issues on the EC agenda, especially in the perspective of the forthcoming European Council. [Issues discussed included European economic recovery, the GATT, enlargement, EC relations with Central and Eastern Europe and Russia, the former Republic of Yugoslavia, subsidiarity and openness, and the implementation of the Edinburgh ~~Agreement~~ conclusions on the Structural Funds.]

The two Governments will ~~play their part~~ seek to use their influence to support the relaunching of the search for political progress and to guide it towards success.

POLICY IN CONFIDENCE

LPS/0386/93 Advice pl. mr Bird
cc mr owen
Miss Harper by 14/12.

FOLIO 89N

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

SECRETARY OF STATE
FOR
NORTHERN IRELAND

13 DEC 1993
LORD PRIVY SEAL

CABINET OFFICE
Qf 2970
13 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3

The Rt Hon The Lord Wakeham
Lord Privy Seal and Leader of the
House of Lords
Privy Council Office
Whitehall
LONDON
SW1A 2AI

10 December 1993

Dear John:

NORTHERN IRELAND: POLICING STRUCTURE REFORM

In my letters of 15 June and 14 October to EDH colleagues I said that I was developing separate and distinct proposals from those for the rest of the UK for the reform of the tripartite policing structure in Northern Ireland.

The structural arrangements for policing in Northern Ireland are set out in the Police Act (Northern Ireland) 1970. They are broadly based on the 1964 Police Act. The current tripartite structure was originally established to ensure that there was no direct political control of the RUC under a local administration. Under the different circumstances of direct rule, these arrangements have not worked well over the years. In my view the structural problems have seriously limited the efficient management of resources and the achievement of proper local accountability. In addition, for my own part I have found the present structure at times hampering the exercise of my responsibility for security policy.

I have studied with interest Michael Howard's proposals for reshaping police authorities in England and Wales. There are elements (in management efficiency and setting policy objectives for example) that I hope to implement in Northern Ireland. However I do not consider that the Home Office model of a Police Authority is appropriate for Northern Ireland, where very different circumstances prevail. In particular, the police budget is entirely met from central funds and there is no history of local government involvement in policing.

I propose to redefine the roles and lines of accountability in the tripartite structure. A new police body will be established to ensure that the RUC is fully accountable to the local community. It will not have the resourcing and servicing roles which in Northern Ireland's unique circumstances at present prevent the current Police Authority from fully developing this role. The Secretary of State will set overall objectives and priorities for policing in Northern Ireland, and provide resources for the police, while the Chief Constable will retain operational independence and have responsibility for the efficient management of resources. Further details are given in the attached paper (Annex A).

I have taken initial soundings from the Chief Constable and the current Police Authority for Northern Ireland. The

Chief Constable has said that he agrees with the need for a tripartite system in Northern Ireland's present circumstances, and with the proposal to clarify and define roles, responsibility and accountability. He sees no difficulty or threat in the extra powers which the Secretary of State would have under the proposals. The Police Authority, on the other hand, have reacted strongly against the proposals, mainly because of the loss of their resourcing function. This they see as an unwelcome centralisation of a matter which should be locally based, and as a no less unwelcome erosion of their influence (and indeed power).

From a wider political perspective, there are potential attractions in my proposals to both sides of the community. The nationalist community will welcome greater police accountability, while the majority community could find attractions in the greater responsibility I propose to give the Chief Constable for police resources. A change of this magnitude in a subject as sensitive as policing in Northern Ireland is bound to be controversial - which is why I propose at the outset to make a commitment to legislating by Bill, permitting debate and amendment, rather than Order in Council.

I have arranged to see the entire Authority with Sir John Wheeler on 13 December, after which I will make my final

decisions as to policy. But, in the face of misleading rumours and damaging press stories, I believe there is a need to place quickly on the record an overview of the Government's thinking on policing structures for Northern Ireland, and to announce our intention to bring forward proposals. I therefore attach the text of an answer to a Parliamentary Question which I propose to answer on Thursday 16 December (Annex B). I shall then publish my detailed proposals in due course, taking account of what the Police Authority will say to me on Monday.

I should be grateful therefore to know of any comments which colleagues have on the parliamentary question and answer (Annex B) by Tuesday 14 December. Comments on the draft of the detailed paper (Annex A) would be welcome by Thursday 23 December.

I am copying this letter to the Prime Minister, EDH colleagues, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

ANNEX A

POLICING IN THE COMMUNITY

Policing Structures in Northern Ireland

[NB: the term [Police Body] has been used throughout for the successor to the Police Authority, the title of which has not yet been decided.]

1. INTRODUCTION

1.1 This paper proposes a revised framework for policing in Northern Ireland. The aim is to provide a structure in which there can be a more effective police service fully accountable to the community it serves. The maintenance of law and order is a fundamental responsibility of Government. This requires a police service which is efficient, effective and responsive to the needs of the community. Moreover, in Northern Ireland the arrangements for policing must take account of the particular problems deriving from a divided community and many years of terrorist activity.

1.2 The Government believes that improvements need to be made to the structure of policing in Northern Ireland. The present arrangements for policing in Northern Ireland are based on a "tripartite structure" in which the Secretary of State for

Northern Ireland is responsible for overall security policy and for the statutory and management framework for the delivery of policing; the Police Authority for Northern Ireland is charged with securing the provision of an adequate and efficient police force using the funds provided by the Government; and the Chief Constable is responsible for police operations and the enforcement of the criminal law.

1.3 The Government is committed to the continuance of a tripartite structure of policing. The dedicated service of members of the RUC and the Police Authority over the last quarter of a century has transformed policing in Northern Ireland, strengthened links with the community, and provided a remarkable degree of stability in the face of extreme pressures. But the present arrangements suffer from a number of defects. These have made it difficult to achieve the most efficient use of resources and to ensure the police are accountable to the concerns and needs of the community as a whole. The recent Sheehy Report on Police Responsibilities and Rewards, in a chapter addressing the special circumstances of Northern Ireland, questioned whether under the present arrangements the Police Authority for Northern Ireland could become the effective monitoring body that is required. The Report recommended that the Secretary of State should determine whether change was necessary.

1.4 The Government has concluded that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland

by strengthening and rationalising the tripartite structure. The management of policing services throughout the United Kingdom is being reformed and improved to meet the public's expectations and needs, to provide a closer relationship with the community and to ensure the implementation of the best management practices. Changes to the structure of policing in Northern Ireland are needed if the RUC and the community here are to be able to benefit from these developments.

1.5 Under the proposals set out in this paper, the Secretary of State will continue to be responsible for the provision of resources and will set the overall objectives and priorities for policing in Northern Ireland. A new [Police Body], will have responsibility for establishing that the RUC (and the Secretary of State) is fully accountable to the community. The Chief Constable will retain operational independence and have full responsibility for the efficient management of the resources provided by the Government.

1.6 The Government believes that the revised structure will ensure that the RUC will be better placed to tackle terrorism and other crime, while being more accountable and responsive to the concerns of the community it exists to serve.

2. THE ORIGIN AND DEVELOPMENT OF THE PRESENT SYSTEM

2.1 The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The flexibility of that framework has been tested to the limit, and some of the basic principles underlying it long set aside.

2.2 The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties which form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.

2.3 The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee drew attention to the lack of clarity in the legal relationship between the Government and the police, and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and professionalise policing, and was based on the premise that terrorism (if it recurred) would be a short-lived phenomenon, best tackled by military rather than police means.

2.4 The setting up of the Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964, despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.

2.5 Policing in Northern Ireland is wholly funded by central Government, by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is estimated at £590 million. There is no history of local government involvement or local provision for police funding, at the county or borough level usual in England and Wales.

2.6 The history of Northern Ireland and the experience of violence have created an environment in which sections of the community have felt unable to give unqualified support to the police service or even to participate fully in the work of the Authority. The Authority's work has been seen as principally providing support services to the police and, as a result, the role envisaged by Lord Hunt of representing the community to the police and of holding them to account has been obscured. **The Government believes it is highly desirable that all sections of the community should be involved in the structures for policing in Northern Ireland.**

3. DETAILS OF THE PRESENT STRUCTURE

3.1 This section describes in detail the three elements of the current structure.

Secretary of State

3.2 The Secretary of State is responsible, and accountable to Parliament, for overseeing the statutory and management framework for the delivery of policing in Northern Ireland. He also has a special responsibility for security policy. This involves determining the policy for tackling terrorism by the security forces, including the police.

3.3 The Secretary of State has a general duty to exercise his powers under the Police Act in such a way as to promote the efficiency of the police service. One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by HM Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC as well as making recommendations for improvements. (In order to provide greater public awareness, the 1993 and succeeding reports will be published). The inspection provides an independent, professional and comprehensive examination of the efficiency of the service provided to the public, and of the organisation and management of the force.

3.4 The Secretary of State approves the level of expenditure on policing, and provides the requisite funds. His approval (and that of Treasury) is required for any increase in numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment, by the Police Authority, of senior police officers. The Secretary of State can call for a report from the Chief Constable on any matter.

Police Authority

3.5 The chief statutory duty of the Police Authority is to secure the maintenance of an adequate and efficient police force. It is responsible for providing the Chief Constable with the necessary resources to achieve this in manpower, buildings, vehicles and equipment. It is the employer of civilian staff for the force. Since 1990 it has had a statutory responsibility for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order 1989). The Authority appoints the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It has a limited power to call for reports from the Chief Constable. The Chief Constable is obliged to provide the Authority with an annual report, which is passed on to the Secretary of State, who lays a copy in Parliament.

3.6 Members of the Police Authority are appointed by the Secretary of State. The Authority consists of a Chairman, a Vice Chairman and between 14 and 20 persons representative of the community in Northern Ireland, including the interests of local authorities and other public bodies, the legal profession, trade unions, commerce and voluntary organisations.

Chief Constable

3.7 The Chief Constable is charged with the direction and control of his force, and has responsibility for the even-handed enforcement of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police operations. Because of the security situation, at present the police require military support in certain areas, but the police retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy.

4. THE NEED FOR CHANGE

4.1 The present arrangements enshrined in the 1970 Police Act have increasingly been seen to have limitations. The Home Secretary has also found that the operation of the similar arrangements in England and Wales has not been satisfactory. He is bringing forward legislation to give new and more clear responsibilities to the three sets of participants in the tripartite structure in England and Wales.

4.2 Many of the shortcomings that have been experienced are particular to Northern Ireland, either because of the funding arrangements for the RUC, the absence of a history of real local involvement in policing, the nature of the divided community or the special demands arising from the security situation. Some of these problems are set out below.

4.3 **The Police Authority has responsibilities without the power to discharge them.** The Police Authority has statutory duties to secure the maintenance of an adequate and efficient police force. However PANI does not have ultimate control over the provision of resources nor over the way in which they are utilised, and thus cannot discharge either of these key statutory responsibilities. The Authority has responsibility for making arrangements to obtain the views of local people about policing but has little ability to ensure that those views are reflected in the strategic direction of the force.

4.4 The Police Authority was intended to have the tasks of holding the RUC Chief Constable to account, and of acting as the provider of services for the police. These two tasks are not always compatible and this incompatibility is apparent to the community at large. In Northern Ireland in particular it is crucial that the Authority is perceived as being fully independent of the RUC if it is to fulfill its accountability role effectively.

4.5 Because of reservations about structures for policing in Northern Ireland, at present neither the Trade Union movement nor representatives of the Social Democratic and Labour Party are willing to accept appointment to the Authority.

4.6 **The Chief Constable directs police officers within the force, but is not the employer or manager of the civilian staff who work alongside them.** He has to make a case to and rely upon the Police Authority to provide him with equipment and other resources. This creates bureaucracy and duplication and inhibits the most effective management of resources.

4.7 **Responsibilities for police finance, for security and for community issues are shared between the three bodies.** This entanglement of responsibilities leads to uncertain lines of accountability.

5. THE WAY FORWARD

5.1 The Secretary of State has considered the matter carefully and believes that the current system needs to be changed, to ensure that the RUC is best placed to tackle terrorism and other crime and to be more accountable to the needs of the community on policing.

5.2 **The Government is committed to the continuance of the Tripartite Structure of policing.** Each part has an essential role to play in providing a relevant, balanced and acceptable policing service. But the roles and responsibilities of each need to be more clearly established in a way which reflects their approriate and distinctive contributions.

5.3 Accordingly, the Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

- Clarifying the respective roles of the Secretary of State and the Chief Constable.

- Setting up, in place of the Police Authority, a new [Police Body] appointed by the Secretary of State to represent the views of the community and to improve local accountability for the police in Northern Ireland.

- Defining lines of accountability between all three parts of the tripartite structure.

5.4 The structure will ensure that the new [Police Body] has a clear and unambiguous role, and that its ability to act on behalf of the community is not constrained by a direct police support function. The Chief Constable will have more control over police resources, so as to secure their most effective deployment in the delivery of policing services.

5.5 The main elements will be as follows:

- **Secretary of State** - to be responsible for establishing the overall objectives and priorities of policing in Northern Ireland; to hold the Chief Constable to account for the efficiency and effectiveness of the police service; and to appoint senior police officers after consultation with the [Police Body];

- **New [Police Body]** - to establish objectives and priorities for the provision of police services to the community; to be responsible for consulting in the community, building on the excellent work of Community Police Liaison Committees; to hold the Chief Constable (and the Secretary of State) to account for the quality and delivery of policing services to the community in Northern Ireland; to be responsible for monitoring the operation of the complaints process; to publish an annual report; and to advise the Secretary of State on any aspect of policing;

- **Chief Constable** - to be responsible for the operational management of his force; to be responsible for the management of civilian

staff, and for the buildings, equipment, vehicles and services employed by the RUC; and to continue to have complete operational independence, in exercising his responsibilities for law enforcement.

5.6 The Secretary of State and the [Police Body] will have distinctive responsibilities for identifying objectives and priorities for the police. Those established by the Secretary of State will relate to Province-wide policing objectives, in particular in relation to security policy. Those established by the [Police Body] will relate to particular objectives identified by communities throughout Northern Ireland. Some may be Province-wide. Many will not.

5.7 Every year the Secretary of State will inform the [Police Body] on the availability of resources for the police and invite it to prepare its objectives and priorities, consulting the RUC and drawing widely on its consultations with communities throughout Northern Ireland. The Secretary of State will then bring these together in an overall statement of priorities and objectives which will form the basis of a costed police plan prepared by the RUC. Where the Secretary of State has not been able to include in his statement any priority or objective proposed by the [Police Body], he will be required by law to give the [Police Body] reasons for his decisions.

5.8 The annual police plan will form the basis of the RUC's accountability to the Secretary of State and the [Police Body]. The RUC will be answerable to the Secretary of State for the fulfilment of the plan, and on request will provide explanations of decisions in relation to police operations. The RUC will be answerable to the [Police Body] for the achievement of the objectives and priorities it had established on behalf of the community, and for providing regular reports. Both the Secretary of State and the [Police Body] will have the right to call for reports from the RUC in relation to the exercise of their responsibilities.

6. MAKING THE CHANGE

6.1 The Government recognises that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government is therefore minded that, when legislation is introduced in Parliament to implement these changes, it should be by means of a Bill rather than an Order in Council.

6.2 The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, working with commitment and efficiency to serve the whole community of Northern Ireland better.

Comments

6.3 Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to:

Police Division
Northern Ireland Office
Stormont
Belfast BT4

The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, a partnership which will work with commitment and efficiency the better to serve the whole community of Northern Ireland.

ANNEX B

DRAFT ANSWER TO PARLIAMENTARY QUESTION

Q. To ask the Secretary of State for Northern Ireland if he will make a statement on policing structures in Northern Ireland.

A. Following the Home Secretary's examination of policing structures in England and Wales and the Report of the Sheehy Inquiry, the Secretary of State has examined the operation of the tripartite policing structure in Northern Ireland and believes that some change is necessary.

The present arrangements date back almost a quarter of a century and were designed for very different circumstances. In present conditions, they make it difficult to ensure the police are accountable to the concerns and needs of the community as a whole, and to achieve the most effective and efficient use of the considerable resources allocated by Government to the police service in Northern Ireland.

The Government believes that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland by strengthening and rationalising the tripartite structures. The Secretary of State accordingly intends to publish a paper setting out views on how to redefine the roles and responsibilities of each of the parties in the tripartite structure, and to strengthen lines of accountability. The Government is firmly committed to the continuance of a tripartite structure of policing, to sustaining the operational independence of the RUC in exercising responsibilities for law enforcement, and to ensuring that the Chief Constable is properly accountable to the community in Northern Ireland and is able to make the most effective use of all the resources allocated to policing, without unnecessary beauracracy and duplication.

The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, working with commitment and efficiency to serve the whole community of Northern Ireland better.

LPS/0386/93 Advice pl. mr Bird
cc mr owen
Miss Harper by 14/12.

POLICY IN CONFIDENCE

FOLIO 89M

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

13 DEC 1993
LORD PRIVY SEAL

CABINET OFFICE
P 10979
13 DEC 1993
FILING INSTRUCTIONS
FILE No. RH3/3

SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon The Lord Wakeham
Lord Privy Seal and Leader of the
House of Lords
Privy Council Office
Whitehall
LONDON
SW1A 2AI

10 December 1993

Dear John:

NORTHERN IRELAND: POLICING STRUCTURE REFORM

In my letters of 15 June and 14 October to EDH colleagues I said that I was developing separate and distinct proposals from those for the rest of the UK for the reform of the tripartite policing structure in Northern Ireland.

The structural arrangements for policing in Northern Ireland are set out in the Police Act (Northern Ireland) 1970. They are broadly based on the 1964 Police Act. The current tripartite structure was originally established to ensure that there was no direct political control of the RUC under a local administration. Under the different circumstances of direct rule, these arrangements have not worked well over the years. In my view the structural problems have seriously limited the efficient management of resources and the achievement of proper local accountability. In addition, for my own part I have found the present structure at times hampering the exercise of my responsibility for security policy.

I have studied with interest Michael Howard's proposals for reshaping police authorities in England and Wales. There are elements (in management efficiency and setting policy objectives for example) that I hope to implement in Northern Ireland. However I do not consider that the Home Office model of a Police Authority is appropriate for Northern Ireland, where very different circumstances prevail. In particular, the police budget is entirely met from central funds and there is no history of local government involvement in policing.

I propose to redefine the roles and lines of accountability in the tripartite structure. A new police body will be established to ensure that the RUC is fully accountable to the local community. It will not have the resourcing and servicing roles which in Northern Ireland's unique circumstances at present prevent the current Police Authority from fully developing this role. The Secretary of State will set overall objectives and priorities for policing in Northern Ireland, and provide resources for the police, while the Chief Constable will retain operational independence and have responsibility for the efficient management of resources. Further details are given in the attached paper (Annex A).

I have taken initial soundings from the Chief Constable and the current Police Authority for Northern Ireland. The

Chief Constable has said that he agrees with the need for a tripartite system in Northern Ireland's present circumstances, and with the proposal to clarify and define roles, responsibility and accountability. He sees no difficulty or threat in the extra powers which the Secretary of State would have under the proposals. The Police Authority, on the other hand, have reacted strongly against the proposals, mainly because of the loss of their resourcing function. This they see as an unwelcome centralisation of a matter which should be locally based, and as a no less unwelcome erosion of their influence (and indeed power).

From a wider political perspective, there are potential attractions in my proposals to both sides of the community. The nationalist community will welcome greater police accountability, while the majority community could find attractions in the greater responsibility I propose to give the Chief Constable for police resources. A change of this magnitude in a subject as sensitive as policing in Northern Ireland is bound to be controversial - which is why I propose at the outset to make a commitment to legislating by Bill, permitting debate and amendment, rather than Order in Council.

I have arranged to see the entire Authority with Sir John Wheeler on 13 December, after which I will make my final

decisions as to policy. But, in the face of misleading rumours and damaging press stories, I believe there is a need to place quickly on the record an overview of the Government's thinking on policing structures for Northern Ireland, and to announce our intention to bring forward proposals. I therefore attach the text of an answer to a Parliamentary Question which I propose to answer on Thursday 16 December (Annex B). I shall then publish my detailed proposals in due course, taking account of what the Police Authority will say to me on Monday.

I should be grateful therefore to know of any comments which colleagues have on the parliamentary question and answer (Annex B) by Tuesday 14 December. Comments on the draft of the detailed paper (Annex A) would be welcome by Thursday 23 December.

I am copying this letter to the Prime Minister, EDH colleagues, the Foreign Secretary, the Secretary of State for Defence, the Attorney General, and to Sir Robin Butler.

ANNEX A

POLICING IN THE COMMUNITY

Policing Structures in Northern Ireland

[NB: the term [Police Body] has been used throughout for the successor to the Police Authority, the title of which has not yet been decided.]

1. INTRODUCTION

1.1 This paper proposes a revised framework for policing in Northern Ireland. The aim is to provide a structure in which there can be a more effective police service fully accountable to the community it serves. The maintenance of law and order is a fundamental responsibility of Government. This requires a police service which is efficient, effective and responsive to the needs of the community. Moreover, in Northern Ireland the arrangements for policing must take account of the particular problems deriving from a divided community and many years of terrorist activity.

1.2 The Government believes that improvements need to be made to the structure of policing in Northern Ireland. The present arrangements for policing in Northern Ireland are based on a "tripartite structure" in which the Secretary of State for

Northern Ireland is responsible for overall security policy and for the statutory and management framework for the delivery of policing; the Police Authority for Northern Ireland is charged with securing the provision of an adequate and efficient police force using the funds provided by the Government; and the Chief Constable is responsible for police operations and the enforcement of the criminal law.

1.3 The Government is committed to the continuance of a tripartite structure of policing. The dedicated service of members of the RUC and the Police Authority over the last quarter of a century has transformed policing in Northern Ireland, strengthened links with the community, and provided a remarkable degree of stability in the face of extreme pressures. But the present arrangements suffer from a number of defects. These have made it difficult to achieve the most efficient use of resources and to ensure the police are accountable to the concerns and needs of the community as a whole. The recent Sheehy Report on Police Responsibilities and Rewards, in a chapter addressing the special circumstances of Northern Ireland, questioned whether under the present arrangements the Police Authority for Northern Ireland could become the effective monitoring body that is required. The Report recommended that the Secretary of State should determine whether change was necessary.

1.4 The Government has concluded that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland

by strengthening and rationalising the tripartite structure. The management of policing services throughout the United Kingdom is being reformed and improved to meet the public's expectations and needs, to provide a closer relationship with the community and to ensure the implementation of the best management practices. Changes to the structure of policing in Northern Ireland are needed if the RUC and the community here are to be able to benefit from these developments.

1.5 Under the proposals set out in this paper, the Secretary of State will continue to be responsible for the provision of resources and will set the overall objectives and priorities for policing in Northern Ireland. A new [Police Body], will have responsibility for establishing that the RUC (and the Secretary of State) is fully accountable to the community. The Chief Constable will retain operational independence and have full responsibility for the efficient management of the resources provided by the Government.

1.6 The Government believes that the revised structure will ensure that the RUC will be better placed to tackle terrorism and other crime, while being more accountable and responsive to the concerns of the community it exists to serve.

2. THE ORIGIN AND DEVELOPMENT OF THE PRESENT SYSTEM

2.1 The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The flexibility of that framework has been tested to the limit, and some of the basic principles underlying it long set aside.

2.2 The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties which form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.

2.3 The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee drew attention to the lack of clarity in the legal relationship between the Government and the police, and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and professionalise policing, and was based on the premise that terrorism (if it recurred) would be a short-lived phenomenon, best tackled by military rather than police means.

2.4 The setting up of the Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964, despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.

2.5 Policing in Northern Ireland is wholly funded by central Government, by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is estimated at £590 million. There is no history of local government involvement or local provision for police funding, at the county or borough level usual in England and Wales.

2.6 The history of Northern Ireland and the experience of violence have created an environment in which sections of the community have felt unable to give unqualified support to the police service or even to participate fully in the work of the Authority. The Authority's work has been seen as principally providing support services to the police and, as a result, the role envisaged by Lord Hunt of representing the community to the police and of holding them to account has been obscured. **The Government believes it is highly desirable that all sections of the community should be involved in the structures for policing in Northern Ireland.**

3. DETAILS OF THE PRESENT STRUCTURE

3.1 This section describes in detail the three elements of the current structure.

Secretary of State

3.2 The Secretary of State is responsible, and accountable to Parliament, for overseeing the statutory and management framework for the delivery of policing in Northern Ireland. He also has a special responsibility for security policy. This involves determining the policy for tackling terrorism by the security forces, including the police.

3.3 The Secretary of State has a general duty to exercise his powers under the Police Act in such a way as to promote the efficiency of the police service. One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by HM Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC as well as making recommendations for improvements. (In order to provide greater public awareness, the 1993 and succeeding reports will be published). The inspection provides an independent, professional and comprehensive examination of the efficiency of the service provided to the public, and of the organisation and management of the force.

3.4 The Secretary of State approves the level of expenditure on policing, and provides the requisite funds. His approval (and that of Treasury) is required for any increase in numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment, by the Police Authority, of senior police officers. The Secretary of State can call for a report from the Chief Constable on any matter.

Police Authority

3.5 The chief statutory duty of the Police Authority is to secure the maintenance of an adequate and efficient police force. It is responsible for providing the Chief Constable with the necessary resources to achieve this in manpower, buildings, vehicles and equipment. It is the employer of civilian staff for the force. Since 1990 it has had a statutory responsibility for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order 1989). The Authority appoints the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It has a limited power to call for reports from the Chief Constable. The Chief Constable is obliged to provide the Authority with an annual report, which is passed on to the Secretary of State, who lays a copy in Parliament.

3.6 Members of the Police Authority are appointed by the Secretary of State. The Authority consists of a Chairman, a Vice Chairman and between 14 and 20 persons representative of the community in Northern Ireland, including the interests of local authorities and other public bodies, the legal profession, trade unions, commerce and voluntary organisations.

Chief Constable

3.7 The Chief Constable is charged with the direction and control of his force, and has responsibility for the even-handed enforcement of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police operations. Because of the security situation, at present the police require military support in certain areas, but the police retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy.

4. THE NEED FOR CHANGE

4.1 The present arrangements enshrined in the 1970 Police Act have increasingly been seen to have limitations. The Home Secretary has also found that the operation of the similar arrangements in England and Wales has not been satisfactory. He is bringing forward legislation to give new and more clear responsibilities to the three sets of participants in the tripartite structure in England and Wales.

4.2 Many of the shortcomings that have been experienced are particular to Northern Ireland, either because of the funding arrangements for the RUC, the absence of a history of real local involvement in policing, the nature of the divided community or the special demands arising from the security situation. Some of these problems are set out below.

4.3 **The Police Authority has responsibilities without the power to discharge them.** The Police Authority has statutory duties to secure the maintenance of an adequate and efficient police force. However PANI does not have ultimate control over the provision of resources nor over the way in which they are utilised, and thus cannot discharge either of these key statutory responsibilities. The Authority has responsibility for making arrangements to obtain the views of local people about policing but has little ability to ensure that those views are reflected in the strategic direction of the force.

4.4 The Police Authority was intended to have the tasks of holding the RUC Chief Constable to account, and of acting as the provider of services for the police. These two tasks are not always compatible and this incompatibility is apparent to the community at large. In Northern Ireland in particular it is crucial that the Authority is perceived as being fully independent of the RUC if it is to fulfill its accountability role effectively.

4.5 Because of reservations about structures for policing in Northern Ireland, at present neither the Trade Union movement nor representatives of the Social Democratic and Labour Party are willing to accept appointment to the Authority.

4.6 **The Chief Constable directs police officers within the force, but is not the employer or manager of the civilian staff who work alongside them.** He has to make a case to and rely upon the Police Authority to provide him with equipment and other resources. This creates bureaucracy and duplication and inhibits the most effective management of resources.

4.7 **Responsibilities for police finance, for security and for community issues are shared between the three bodies.** This entanglement of responsibilities leads to uncertain lines of accountability.

5. THE WAY FORWARD

5.1 The Secretary of State has considered the matter carefully and believes that the current system needs to be changed, to ensure that the RUC is best placed to tackle terrorism and other crime and to be more accountable to the needs of the community on policing.

5.2 **The Government is committed to the continuance of the Tripartite Structure of policing.** Each part has an essential role to play in providing a relevant, balanced and acceptable policing service. But the roles and responsibilities of each need to be more clearly established in a way which reflects their approriate and distinctive contributions.

5.3 Accordingly, the Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

- Clarifying the respective roles of the Secretary of State and the Chief Constable.

- Setting up, in place of the Police Authority, a new [Police Body] appointed by the Secretary of State to represent the views of the community and to improve local accountability for the police in Northern Ireland.

- Defining lines of accountability between all three parts of the tripartite structure.

5.4 The structure will ensure that the new [Police Body] has a clear and unambiguous role, and that its ability to act on behalf of the community is not constrained by a direct police support function. The Chief Constable will have more control over police resources, so as to secure their most effective deployment in the delivery of policing services.

5.5 The main elements will be as follows:

- **Secretary of State** - to be responsible for establishing the overall objectives and priorities of policing in Northern Ireland; to hold the Chief Constable to account for the efficiency and effectiveness of the police service; and to appoint senior police officers after consultation with the [Police Body];

- **New [Police Body]** - to establish objectives and priorities for the provision of police services to the community; to be responsible for consulting in the community, building on the excellent work of Community Police Liaison Committees; to hold the Chief Constable (and the Secretary of State) to account for the quality and delivery of policing services to the community in Northern Ireland; to be responsible for monitoring the operation of the complaints process; to publish an annual report; and to advise the Secretary of State on any aspect of policing;

- **Chief Constable** - to be responsible for the operational management of his force; to be responsible for the management of civilian

staff, and for the buildings, equipment, vehicles and services employed by the RUC; and to continue to have complete operational independence, in exercising his responsibilities for law enforcement.

5.6 The Secretary of State and the [Police Body] will have distinctive responsibilities for identifying objectives and priorities for the police. Those established by the Secretary of State will relate to Province-wide policing objectives, in particular in relation to security policy. Those established by the [Police Body] will relate to particular objectives identified by communities throughout Northern Ireland. Some may be Province-wide. Many will not.

5.7 Every year the Secretary of State will inform the [Police Body] on the availability of resources for the police and invite it to prepare its objectives and priorities, consulting the RUC and drawing widely on its consultations with communities throughout Northern Ireland. The Secretary of State will then bring these together in an overall statement of priorities and objectives which will form the basis of a costed police plan prepared by the RUC. Where the Secretary of State has not been able to include in his statement any priority or objective proposed by the [Police Body], he will be required by law to give the [Police Body] reasons for his decisions.

5.8 The annual police plan will form the basis of the RUC's accountability to the Secretary of State and the [Police Body]. The RUC will be answerable to the Secretary of State for the fulfilment of the plan, and on request will provide explanations of decisions in relation to police operations. The RUC will be answerable to the [Police Body] for the achievement of the objectives and priorities it had established on behalf of the community, and for providing regular reports. Both the Secretary of State and the [Police Body] will have the right to call for reports from the RUC in relation to the exercise of their responsibilities.

6. MAKING THE CHANGE

6.1 The Government recognises that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government is therefore minded that, when legislation is introduced in Parliament to implement these changes, it should be by means of a Bill rather than an Order in Council.

6.2 The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, working with commitment and efficiency to serve the whole community of Northern Ireland better.

Comments

6.3 Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to:

Police Division
Northern Ireland Office
Stormont
Belfast BT4

The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, a partnership which will work with commitment and efficiency the better to serve the whole community of Northern Ireland.

ANNEX B

DRAFT ANSWER TO PARLIAMENTARY QUESTION

Q. To ask the Secretary of State for Northern Ireland if he will make a statement on policing structures in Northern Ireland.

A. Following the Home Secretary's examination of policing structures in England and Wales and the Report of the Sheehy Inquiry, the Secretary of State has examined the operation of the tripartite policing structure in Northern Ireland and believes that some change is necessary.

The present arrangements date back almost a quarter of a century and were designed for very different circumstances. In present conditions, they make it difficult to ensure the police are accountable to the concerns and needs of the community as a whole, and to achieve the most effective and efficient use of the considerable resources allocated by Government to the police service in Northern Ireland.

The Government believes that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland by strengthening and rationalising the tripartite structures. The Secretary of State accordingly intends to publish a paper setting out views on how to redefine the roles and responsibilities of each of the parties in the tripartite structure, and to strengthen lines of accountability. The Government is firmly committed to the continuance of a tripartite structure of policing, to sustaining the operational independence of the RUC in exercising responsibilities for law enforcement, and to ensuring that the Chief Constable is properly accountable to the community in Northern Ireland and is able to make the most effective use of all the resources allocated to policing, without unnecessary beauracracy and duplication.

The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, working with commitment and efficiency to serve the whole community of Northern Ireland better.

SECURE FACSIMILE TRANSIT SLIP

(To be completed by the Originator)

ORIGINATOR (Sect. & Initials) C. COLLINS

ADDRESSEE R. BIRD, E+D AFFAIRS

DESK BY ASAP

FILE No. or REF. .....
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(of original)

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(Completed by Operator)

FACSIMILE RECEIPT FORM

(To be completed by the Operator)

RECEIPT ACKNOWLEDGED OF FAX .....

Initials of transmitting operator RB

DTG OF RECEIPT .....

Signature of receiving operator:

.....

Mrs Harper

The attached has been sent to MOD, HO, SO, FCO at Toy - I have suggested to NIO it should also be sent to no 10 (Mrs Alexander Dodge). I have also warned NIO that the Business Managers are likely to be concerned about the reference to primary legislation at the end of the draft paper, rather than proceeding by way of an Order in Council.

RB 7/12

07 11 41

FACSIMILE Receipt Form

Receipt is acknowledged of FAX ..... DTG of Receipt .....

Signature of recipient S. K

POLICY IN CONFIDENCE

Northern Ireland Office
Stormont House
Belfast BT4 3ST
Telephone Belfast (0232) 763255

FOLIO 89L

Richard Bird
Economic and Domestic Affairs Secretariat
Cabinet Office
70 Whitehall
LONDON
SW1A 9AS

6 December 1993

CABINET OFFICE
K 23805
7 DEC 1993
FILING INSTRUCTIONS
FILE No. R43/3
Q 15848

Dear Mr Bird

POLICE REFORM IN NORTHERN IRELAND

We have been developing our thinking on policing structures in Northern Ireland over the last year as you are aware, and the attached document has been prepared for publication. It sets out a revised tripartite structure for policing in Northern Ireland, strengthening lines of accountability and redefining the roles of the three parties. Although there is some read-across from the Home Secretary's White Paper, the proposals are very different and have been designed to meet the unique circumstances of Northern Ireland.

It is expected, although not yet certain, that the paper will be published before the Christmas recess. At the same time the Secretary of State will answer an arranged PQ on proposals for the reform of policing in Northern Ireland. The Secretary of State is meeting with the Police Authority for Northern Ireland on 13 December after which he may make some modifications to the text of the paper. Because of the risks of leaks emanating from the Police Authority he is anxious that publication should take place as quickly as possible thereafter. He will therefore be writing to Cabinet colleagues enclosing a draft answer to the PQ in the immediate aftermath, and an extremely fast turnaround will, I am afraid, be necessary.

Yours

Christine Collins

CHRISTINE COLLINS
Police Division

POLICING IN THE COMMUNITY

Policing Structures in Northern Ireland

[NB: the term [Police Body] has been used throughout for the successor to the Police Authority, the title of which has not yet been decided.]

1. INTRODUCTION

1.1 This paper proposes a revised framework for policing in Northern Ireland. The aim is to provide a structure in which there can be a more effective police service fully accountable to the community it serves. The maintenance of law and order is a fundamental responsibility of Government. This requires a police service which is efficient, effective and responsive to the needs of the community. Moreover, in Northern Ireland the arrangements for policing must take account of the particular problems of a divided community and many years of terrorist activity.

1.2 The Government believes that improvements need to be made to the structure of policing in Northern Ireland. The present arrangements for policing in Northern Ireland are based on a "tripartite structure" in which the Secretary of State for Northern Ireland is responsible for overall security policy and for the statutory and management framework for the delivery of policing; the Police Authority for Northern Ireland is charged with securing the provision of an adequate and efficient police force using the funds provided by the Government; and the Chief Constable is responsible for police operations and the enforcement of the criminal law.

1.3 The Government is committed to the continuance of a tripartite structure of policing. The dedicated service of members of the RUC and the Police Authority over the last quarter of a century has transformed policing in Northern Ireland, strengthened links with the community and provided a remarkable degree of stability in the face of extreme pressures. But the present arrangements suffer from a number of defects. These have made it difficult to achieve the most efficient use of resources and to ensure the police are accountable to the concerns and needs of the community as a whole. The recent Sheehy Report on Police Responsibilities and Rewards, in a chapter addressing the special circumstances of Northern Ireland, questioned whether under the present arrangements the Police Authority for Northern Ireland could become the effective monitoring body that is required. The Report recommended that the Secretary of State should determine whether change was necessary.

1.4 The Government has concluded that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland by strengthening and rationalising the tripartite structure. The management of policing services throughout the United Kingdom is being reformed and improved to meet the public's expectations and needs, to provide a closer relationship with the community and to ensure the implementation of the best management practices. Changes to the structure of policing in Northern Ireland are needed if the RUC and the community here are to be able to benefit from these developments.

1.5 Under the proposals set out in this paper, the Secretary of State will continue to be responsible for the provision of resources and will set the overall objectives and priorities for policing in Northern Ireland; a new [Police Body], will have responsibility for establishing that the RUC (and the

Secretary of State) is fully accountable to the community, and the Chief Constable will retain operational independence and have full responsibility for the efficient management of the resources provided by the Government.

1.6 The Government believes that the revised structure will ensure that the RUC will be better placed to tackle terrorism and other crime, while being more accountable and responsive to the concerns of the community it exists to serve.

2. THE ORIGIN OF THE PRESENT SYSTEM

2.1 The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The flexibility of that framework has been tested to the limit, and some of the basic principles underlaying it long set aside.

2.2 The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties which form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.

2.3 The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee drew attention to the lack of clarity in the legal relationship between the Government and the police and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and professionalise policing, and was based on the premise that terrorism (if it recurred) would be a short-lived phenomenon, best tackled by military, rather than police, means.

2.4 The setting up of a Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964,

despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.

2.5 Policing in Northern Ireland is wholly funded by central Government, by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is estimated at £590 million. There is no history of local government involvement or local provision for police funding, at the county or borough level usual in England and Wales.

2.6 The history of Northern Ireland and the experience of violence has created an environment in which sections of the community have felt unable to give unqualified support to the police service or even to participate fully in the work of the Authority. The Authority's work has been seen as principally providing support services to the police and, as a result, the role envisaged by Lord Hunt of representing the community to the police and of holding them to account has been obscured. The Government believes it is highly desirable that all sections of the community should be involved in the structures for policing in Northern Ireland.

3. THE PRESENT SYSTEM

3.1 This section describes in detail the three elements of the current structure.

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3.2 The Secretary of State is responsible, and accountable to Parliament, for overseeing the statutory and management framework for the delivery of policing in Northern Ireland. He also has a special responsibility for security policy. This involves determining the policy for tackling terrorism by the security forces, including the police.

3.3 The Secretary of State has a general duty to exercise his powers under the Police Act in such a way as to promote the efficiency of the police service. One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by HM Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC as well as making recommendations for improvements. In order to provide greater public awareness, the 1993 and succeeding reports will be published. The inspection provides an independent, professional and comprehensive examination of the efficiency of the service provided to the public and of the organisation and management of the force.

3.4 The Secretary of State approves the level of expenditure on policing, and provides the requisite funds. His approval (and that of Treasury) is required for any increase in numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment,

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3.5 The chief statutory duty of the Police Authority is to secure the maintenance of an adequate and efficient police force. It is responsible for providing the Chief Constable with the necessary resources to achieve this in manpower, buildings, vehicles and equipment. It is the employer of civilian staff for the force. Since 1990 it has had a statutory responsibility for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order 1989). The Authority appoints the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It has a limited power to call for reports from the Chief Constable; and the Chief Constable is obliged to provide the Authority with an annual report which is passed on to the Secretary of State, who lays a copy in Parliament.

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Chief Constable

3.7 The Chief Constable is charged with the direction and control of his force and has responsibility for the even-handed enforcement of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police

operations. Because of the security situation, at present the police require military support in certain areas, but the police retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy.

4 THE NEED FOR CHANGE TO POLICING STRUCTURES

4.1 The present arrangements enshrined in the 1970 Police Act have increasingly, been seen to have limitations. The Home Secretary has also found that the operation of the similar arrangements in England and Wales has not been satisfactory. He is bringing forward legislation to give new, clear responsibilities to the three sets of participants in the tripartite structures in England and Wales.

4.2 The structure in Northern Ireland has a number of defects. Some of these defects have also been experienced in England and Wales. But many are unique to Northern Ireland either because of the particular funding arrangements for the RUC, the absence of a history of real local involvement in policing, the nature of the divided community or the special demands arising from the security situation. Some particular problems are set out below.

4.3 **The Police Authority has responsibilities without the power to discharge them.** The Police Authority has statutory duties to secure the maintenance of an adequate and efficient police force. However PANI does not have ultimate control over the provision of resources; or the way in which they are utilised, and thus cannot discharge either of these key statutory responsibilities. The Authority has responsibility for making arrangements to obtain the views of local people about policing but has little ability to ensure that those views are reflected in the strategic direction of the force.

4.4 The Police Authority was intended to have the tasks of holding the RUC Chief Constable to account, and of acting as the provider of services for the police. These two tasks are not always compatible and this incompatibility is apparent to the community at large. In Northern Ireland in particular it is crucial that the Authority is perceived as being fully independent of the RUC if it is to fulfill its accountability role effectively.

4.5 Because of reservations about structures for policing in Northern Ireland, at present neither the Trade Union movement nor representatives of the Social Democratic and Labour Party are willing to accept appointment to the Authority.

4.6 The Chief Constable directs police officers within the force; but is not the employer or manager of the civilian staff who work alongside them. He has to make a case to, and rely on the Police Authority, to provide him with equipment and other resources. This creates bureaucracy and duplication and inhibits the most effective management of resources.

4.7 Responsibilities for police finance, for security and for community issues are shared between the three bodies. This entanglement of responsibilities leads to uncertain lines of accountability.

THE WAY FORWARD

5.1 The Secretary of State has considered the matter carefully and believes that the current system needs to be changed; both to ensure that the RUC is best placed to tackle terrorism and other crime and to be more accountable to the needs of the community on policing.

5.2 The Government is committed to the continuance of the Tripartite Structure of policing. Each has an essential part to play in providing a relevant, balanced and acceptable policing service. But the roles and responsibilities of each need to be more clearly established in a way which reflects their distinctive contributions.

5.3 Accordingly, the Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

- Clarifying the respective roles of the Secretary of State and the Chief Constable.

- Setting up a new [Police Body] appointed by the Secretary of State to represent the views of the community and to improve local accountability for the police in Northern Ireland.

- Defining lines of accountability between all three parts of the tripartite structure.

5.4 The structure will ensure that the new [Police Body] has a clear and unambiguous role and that its ability to act on behalf of the community is not constrained by a direct police support function. The Chief Constable will have more control over police resources to ensure their most effective deployment in the delivery of policing services.

5. The main elements will be as follows:

- **Secretary of State** - to be responsible for establishing the overall objectives and priorities of policing in Northern Ireland; to hold the Chief Constable to account for the efficiency and effectiveness of the police service; to appoint senior police officers after consultation with the [Police Body];

- **New** [Police Body] - to establish objectives and priorities for the provision of police services to the community; to be responsible for consulting in the community, building on excellent work of Community Police Liaison Committees; to hold the Chief Constable (and the Secretary of State) to account for the quality and delivery of policing services to the community in Northern Ireland; to be responsible for monitoring the operation of the complaints process; to publish an annual report; to advise the Secretary of State on any aspect of policing.

- **Chief Constable** - to be responsible for the operational management of his force; to be responsible for the management of civilian staff, and for the buildings, equipment, vehicles and services employed by the RUC; to continue to have complete operational independence, in exercising his responsibilities for law enforcement;

5.6 The Secretary of State and the [Police Body] will have distinctive responsibilities for identifying objectives and priorities for the police. Those established by the Secretary of State will relate to Province-wide policing objectives, in particular in relation to security policy. Those established by the [Police Body] will relate to particular objectives identified by communities throughout Northern Ireland. Some may be Province-wide. Many will not.

5.7 Every year, the Secretary of State will inform the [Police Body] on the availability of resources for the police and invite it to prepare its objectives and priorities, consulting the RUC and drawing widely on its consultations with communities throughout Northern Ireland. The Secretary of State will then bring these together in an overall statement of priorities and objectives which will form the basis of a costed police plan prepared by the RUC. Where the Secretary of State has not been able to include in his statement any priority or objective proposed by the [Police Body], he will be required by law to give the [Police Body] reasons for his decisions.

5.8 The annual police plan will form the basis of the RUC's accountability to the Secretary of State and the [Police Body]. The RUC will be answerable to the Secretary of State for the delivery of the plan and on request will provide explanations of decisions in relation to police operations. The RUC will be answerable to the [Police Body] for the achievement of the objectives and priorities it had established on behalf of the community and for providing regular reports. Both the Secretary of State and the [Police Body] will have the right to call for reports from the RUC in relation to the exercise of their responsibilities.

6. MAKING THE CHANGE

6.1 The Government recognises that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government is therefore minded that when legislation is introduced in Parliament to implement these changes, it should be by means of a Bill rather than an Order in Council.

6.2 The Government's aim is that the revised arrangements should create a new and stronger partnership between the police, the community and the Government, which will work with commitment and efficiency, the better to serve the whole community of Northern Ireland.

Comments

6.3 Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to

Police Division
Northern Ireland Office
Stormont
Belfast BT4

CABINET OFFICE
A 15294
-9 NOV 1993
FILING INSTRUCTIONS
FILE No. R43/3
FOI 89

10 DOWNING STREET
LONDON SW1A 2AA

9 November 1993

THE PRIME MINISTER

C. Miss Neville-Jones

Dear Paddy,

Thank you for your letter of 3 November, and for your impressions of Belfast.

Like you, I hope that revulsion at the latest appalling spate of sectarian killings will give impetus to political progress and efforts to bring violence to an end. As you recognise, I am intervening personally with the leaders of the four constitutional parties in Northern Ireland to try urgently to achieve progress in the talks process. I reached a large measure of agreement with the Irish Prime Minister during our meeting in Brussels on 29 October, as reported in our Joint Statement. That has already been followed up by Patrick Mayhew, at the session of the Inter-Governmental Conference in Belfast on 3 November. As I have indicated in the House, he and I are determined to sustain the momentum of efforts to achieve an agreed outcome in all areas of the three-strand talks.

I am glad to hear that we have your support in this.

Yours sincerely,

John

The Right Honourable Paddy Ashdown MP

Sir Robin Butler
RBB



CABINET OFFICE
A 15101
- 5 NOV 1993
FILING INSTRUCTIONS
FILE No.
COLL
88

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

5 November 1993

R43/3

PRESS LINE ON NORTHERN IRELAND

I enclose the text of the line to take in briefing the press which our Press Office is using today. This is an amended version of the text which I sent you earlier this morning, to which John Chilcot agreed. The Prime Minister has also approved the line.

We are <u>not</u> putting out this text as a formal statement. Our Press Office will use it responsively and as a quarry.

I would be grateful if you could send a copy of these papers to your Belfast office. I have given the Attorney General a copy, to add to the NIO briefing for his appearance on Any Questions this evening. I am sending a copy to John Sawers (FCO) and Melanie Leech (Cabinet Office).

RODERIC LYNE

Jonathan Rodell, Esq.,
Northern Ireland Office.

NO.10 PRESS LINE ON NORTHERN IRELAND

5 NOVEMBER 1993

The Prime Minister is modestly encouraged by progress over Northern Ireland this week. There has been strong support on all sides for ~~my~~ his initiative with the Irish Prime Minister. In his meetings with them, John Hume MP of the SDLP and Dr. John Alderdice of the Alliance Party have renewed their support for the talks process, and the Prime Minister looks forward to further meetings with Mr. Molyneaux of the UUP and Dr. Paisley of the DUP.

What Northern Ireland urgently needs, and what the Prime Minister is making every effort to achieve, is a permanent end to violence and a political process which leads to a lasting settlement.

This cannot be achieved by working with, or through, only one party or side. We must address the interests of both communities. We shall need agreement across the board. This is a task for the British Government. The Prime Minister and Secretary of State accept responsibility for it.

As we have said many times, the Government will not make secret agreements with organisations supporting violence. The people of Northern Ireland have been sickened by years of violence, and by last week's sectarian murders. They want the paramilitary organisations on both sides to stop the killing, at once and for ever. If this happens and is clearly and sufficiently demonstrated, we have made clear that new doors could open. But we shall not bargain with anyone or through anyone for a cessation of violence.

We cannot set deadlines for progress. Achieving a lasting settlement after so many years of conflict is an uphill task, and we should be wary of false optimism. But for its part, the Government will make every effort to achieve further progress, however difficult the road may be.

f:\q&a.vlb

NORTHERN IRELAND: QUESTION AND ANSWER BRIEF, 5 NOVEMBER 1993

John Hume has said that there could be "peace within the week" if the Prime Minister agreed with him. Will the Prime Minister reconsider the Hume/Adams plan?

The Prime Minister explained to John Hume why there could be no question of the British Government adopting or endorsing the outcome of the Hume/Adams dialogue.

This was made clear in the joint statement of 29 October. The Government will not bargain for a cessation of violence. Any process which fails to address the concerns of both communities in Northern Ireland will not lead to a lasting settlement. That is why the Government must lead the political process, as it is doing.

Did the Prime Minister discuss "detailed plans" with John Hume?

John Hume gave a general description of his reasons for believing that there is a real opportunity for peace in Northern Ireland. The Prime Minister praised the courage which John Hume has shown. He hopes that the men of violence will now give up violence for ever. He stressed to John Hume that this could not be a matter for negotiation, and that the central element in the Government's policy was the drive to resume the talks process involving all constitutional parties.

Did the Prime Minister pass any messages through Mr. Hume?

No. The Prime Minister restated the position which he set out in Parliament and in the joint statement of 29 October. The Government's attitude to organisations which use or support violence has been set out clearly and publicly. It is that they must show that they have renounced violence before new doors can open. The Prime Minister told Mr. Hume that he stood by that position.

Has the Prime Minister invited Mr. Hume to report back to him after further contacts with Adams?

No. As was made clear in the joint statement, the Government is not adopting the Hume/Adams dialogue. Mr. Hume's contacts are a matter for Mr. Hume alone. The Prime Minister has told him, as he has told the leaders of the other constitutional parties, that his door remains open to them. He will continue his series of meetings with them about the resumption of the talks process.

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CABINET OFFICE
A 14739
29 OCT 1993
FILING INSTRUCTIONS
FILE No.
R43/3
FOLIO 87

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

29 October 1993

Dear Jonathan,

UK IRISH JOINT STATEMENT TO BE ISSUED AT BRUSSELS: 29 OCTOBER 1993

Thank you for the draft text and suggested amendments which you sent me overnight (as FCO telegram number 207 to UKREP Brussels). We discussed the text by telephone this morning, and I have since had a series of consultations with Quentin Thomas.

The upshot is that, at 2 pm Brussels time, I have reached agreement with Michael Manser and Noel Dorr on a joint statement which has been approved by the Taoiseach and the Prime Minister.

The text of the joint statement follows this fax.

The sequence of events will now be that:

- The Prime Minister and the Taoiseach will have a bilateral meeting for about half an hour in the course of the afternoon. I cannot yet say exactly when this will take place.

- There will be a mute photocall when they meet.

- After the meeting, Gus O'Donnell and the Irish Press Officer will give the joint statement to the press.

- After a further interval, the two delegations will give separate press briefings. There will not be a joint press conference of the two principals, or of their Press Officers. But we have agreed with the Irish that we shall both brief with care, basing ourselves closely on the joint text.

You and copy addressees will wish to keep the text closely under wraps (in case of any further changes, though there ought not to be any) until you know that we have put it out.

May I leave it to you to decide what action to take over the statement with the constitutional parties. You may see merit in briefing Molyneaux et al as soon as you know that we

CONFIDENTIAL

are going public, in order to point out to them the considerable virtues of this document (including the clear statement that the Hume/Adams report has not been endorsed or even passed on; the reiteration of the consent principle; and the clear, renewed commitment by the Irish Government to support for the talks process).

You will also no doubt be considering how to follow up the joint statement over the weekend in press interviews and commentary.

I am sending copies of this letter to John Sawers (Foreign and Commonwealth Office), Melanie Leech (Cabinet Office) and to David Blatherwick in Dublin.

Yours ever,

Roderic

RODERIC LYNE

Jonathan Stephens Esq
Northern Ireland Office

JOINT STATEMENT BY THE TAOISEACH AND THE PRIME MINISTER
BRUSSELS: 29 OCTOBER 1993

1. The Prime Minister and the Taoiseach discussed a range of matters of common interest, with particular focus on Northern Ireland.

2. They condemned the recent terrorist outrages as murderous and premeditated acts which could serve no end other than to deepen the bloodshed in Northern Ireland. They expressed their deep sympathy to the innocent victims, children, women and men who had been injured or bereaved.

3. The Prime Minister and the Taoiseach called for restraint from all members of the community in Northern Ireland; expressed support for the security forces in their fight against all forms of terrorism; and noted the recent successes of cross-border security co-operation.

4. They utterly repudiated the use of violence for political ends. Their two Governments were resolute in their determination to ensure that those who adopted or supported such methods should never succeed.

5. The Taoiseach gave the Prime Minister an account of the outcome of the Hume/Adams dialogue, in the light of the Irish Government's own assessment of these and other related matters. They acknowledged John Hume's courageous and imaginative efforts. The Prime Minister and the Taoiseach agreed that any initiative can be taken only by the two Governments, and that there could be no question of their adopting or endorsing the report of the dialogue that was recently given to the Taoiseach and which he had not passed on to the British Government. They agreed that the two Governments must continue to work together in their own terms on a framework for peace, stability and reconciliation consistent with their international obligations and their wider responsibilities to both communities.

6. Against this background, the Prime Minister and the Taoiseach reaffirmed that:

- The situation in Northern Ireland should never be changed by violence or the threat of violence;

- Any political settlement must depend on consent freely given in the absence of force or intimidation;

- Negotiations on a political settlement can only take place between democratic governments and parties committed exclusively to constitutional methods, and consequently there can be no talks or negotiations between their Governments and those who use, threaten or support violence for political ends;

- There could be no secret agreements or understandings between Governments and organisations supporting violence as a price for its cessation;

- All those claiming a serious interest in advancing the cause of peace in Ireland should renounce for good the use of, or support for, violence;

- If and when such a renunciation of violence had been made and sufficiently demonstrated, new doors could open, and both Governments would wish to respond imaginatively to the new situation which would arise.

7. The Prime Minister and the Taoiseach renewed their support for the objectives of the talks process involving constitutional political dialogue between the two Governments and the main constitutional parties in Northern Ireland. They regard that process as vital and its objectives as valid and achievable. They urged the Northern Ireland parties to intensify their efforts to find a basis for new talks. The Taoiseach and the Prime Minister agreed that the two Governments will continue their discussions to provide a framework to carry the process forward.

Sir Robin Byatt

From: THE PRIVATE SECRETARY

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

25 OCT 1993

CABINET OFFICE
A 14489
25 OCT 1993
FILING INSTRUCTIONS
FILE No. R43/3

FOLIO 86

C- Mr Warner
Miss Neville-Jones

Dear Jonathan,

EXCLUSION OF GERRY ADAMS

Following the discussion which Ministers had after Cabinet on Tuesday the Home Secretary signed the Exclusion Order against Mr Adams that day.

The Home Secretary has decided not to make any announcement about the Order, but now the story has broken our press office will be drawing on the attached material in responding to questions. The Home Secretary thought that colleagues on NI would find it helpful to have it. Given Sinn Fein's propensity to bring actions for defamation it is important not to stray outside the attached text, which has been cleared by our lawyers.

A copy of this letter goes to Alex Allan, Jeremy Heywood, John Pitt-Brooke, John Sawers and to Melanie Leech.

Yours sincerely

Joan

MISS JOAN MacNAUGHTON

Jonathan Stephens Esq
PS/Secretary of State
Northern Ireland Office
Old Admiralty Building
Whitehall
London SW1

EXCLUSION ORDER AGAINST MR GERRY ADAMS
QUESTION AND ANSWER BRIEF

Why was Mr Adams excluded?

Mr Adams was excluded because the Home Secretary was satisfied, as the Prevention of Terrorism Act requires him to be, that he is a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland.

When was the order signed?

The exclusion order was signed on Tuesday 19 October.

Why chose this moment to exclude Mr Adams?

Mr Adams was previously the subject of an exclusion order which was revoked upon his election to Parliament in 1983. At that time the Home Secretary decided that it would not be right to allow an exclusion order to continue if that would have the effect of inhibiting the movement of a duly elected Member of Parliament within the United Kingdom. Mr Adams lost his seat in last April's General Election and that consideration, therefore, no longer applies. The Home Secretary reviewed the case in the light of reports that Mr Adams was planning to visit Great Britain at the invitation of Mr Tony Benn MP.

What were the circumstances of Mr Adams' exclusion in 1982?

The then Home Secretary (Mr Whitelaw) signed an exclusion order against Mr Adams on 8 December 1982 when it became known that he intended to visit Great Britain together with two other members of Provisional Sinn Fein (Mr Danny Morrison and Mr Martin McGuinness) at the invitation of members of the Greater London Council. All three persons were excluded.

On what evidence did the Home Secretary base his decision?

It is not possible, nor is it ever possible, to reveal details about the intelligence on which this type of decision has to be made.

Why not charge him?

Parliament has provided the power to make exclusion orders for circumstances where, even though charges cannot be brought, the Home Secretary judges it expedient for the prevention of acts of terrorism to prevent the entry of any person whom he is satisfied is or has been involved in terrorism.

The decision which is taken in relation to exclusion orders is different in kind from that which has to be applied in deciding whether to institute criminal proceedings. Prosecutions are brought where, on the basis of evidence which will be admissible in court, there is a realistic prospect of persuading a jury beyond reasonable doubt that a person is guilty of a specific offence. Before making an exclusion order the Home Secretary has to be satisfied that a person is or has been concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland. In making that assessment it is open to the Home Secretary to consider information which would not be admissible in court.

Is there a right of appeal?

Under the Act, representations may be made against an exclusion order to an independent Adviser. This is not a judicial process and does not constitute an appeal. However the excluded person has the right to a personal interview with the Adviser. The Home Secretary is required to take the Adviser's report into consideration in re-considering the exclusion order where representations are made.

What happens if Mr Adams decides to enter Great Britain?

It is an offence for a person who has been served with an exclusion order to enter Great Britain. It is also an offence to be concerned in arrangements for facilitating entry of an excluded person into Great Britain or harbouring such a person after his entry. A person found guilty of such an offence is liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £ 5,000 or both. On conviction on indictment the court may impose a sentence of imprisonment for a term not exceeding five years, or a fine, or both.

What does this decision indicate about the Government's attitude towards the Hume/Adams talks?

Nothing. Ministers have repeatedly made clear that it is for Mr Hume to judge whom he talks to.

Doesn't this mean the Government is not interested in "peace"?

The decision to exclude Mr Adams is consistent with the decision to exclude him in 1982, before he became an MP. The Government's approach has not changed. Of course the Government wants organised violence to end. But the initiative does not rest with the Government. No democratic government can be expected to engage in political talks with those who use or support the use of violence for political ends. That is a view on which Dublin and London are at one.

Isn't this simply political censorship?

Mr Adams is free to publish his views and takes every opportunity to do so. But that does not mean that he has to be let into Great Britain when the Home Secretary is satisfied that he is someone who is or has been concerned in terrorism.

Is the Home Secretary really saying that Mr Adams would be involved in acts of terrorism here if he were let in?

That is not the issue. If the Home Secretary is satisfied that someone is or has been concerned in terrorism he can exclude the someone from Great Britain. He may exercise his powers of exclusion in such a way as appears to him expedient to prevent acts of terrorism but that does not mean that he is restricted to excluding only those who are themselves about to commit an act of terrorism in Great Britain.

Did the police apply for exclusion?

The Home Secretary never takes a decision on exclusion without having the benefit of an assessment from the police. The nature of that assessment in any individual case must, however, remain confidential.

CABINET OFFICE
F 4222
30 NOV 1993
FILING INSTRUCTIONS
FILE No. R43/3

STEPHEN MARSTON
SECB
HMG Cabinet Office
Tel. 071 270 3000

FOLIO 85 M

Item posted: Thu 21 Oct 93 19:14
Message ID: PC1030-931021191448-5A84

To: ALEX GALLOWAY
SECE
HMG Cabinet Office

JENNY TURNBULL
SECE

RICHARD BIRD
SECE
HMG Cabinet Office
Tel. 071-270 3000

ROBERT NIVEN
SECB
HMG Cabinet Office
Tel. 071 270 3000

STEPHEN MARSTON
SECB
HMG Cabinet Office
Tel. 071 270 3000

Subject: NORTHERN IRELAND OFFICE

This is to record that, while speaking to Jonathan Stephens (Sir P Mayhew's PPS), he took the opportunity to grumble about Tuesday mornings.

It is Mayhew's practice to be in Northern Ireland Monday - Wednesday each week. The NIO perception is that we have become increasingly inflexible in setting up Cabinet Committee meetings - particularly EDH - on Tuesday mornings; which disrupts Mayhew's week.

I explained that the regular Tuesday morning EDH/EDI slot is very convenient for everyone else, and we could not contemplate doing without it; and that if there was a subject for discussion with no particular NIO interest we would generally have to go ahead even if Mayhew could not make the meeting. But the NIO will try to give us advance warning of subjects which Mayhew cares about; and I said that in such cases we will where possible show flexibility in trying to accommodate the NIO - eg it might be possible to schedule meetings for Thursdays and not rely exclusively on the Tuesday morning slot.

There is not a lot we can do to accommodate NIO without inconveniencing other Departments. But they are clearly feeling a bit sensitive at present.

SM

CABINET OFFICE
A 14379
22 OCT 1993
FILING INSTRUCTIONS
FILE No. .....

21 October 1993

From: D E S Blatherwick
British Embassy Dublin

To: Mr George, RID

cc: PS/SofS
PS/Sir J Wheeler
PS/Michael Ancram
PU/PUS
Mr Thomas
Mr Williams
Ms Steele
Mr Bell
Mr Leach

ec. Sir T Daunt
Ms. Archer dfr
AG 21/10

EXCLUSION ORDER AGAINST GERRY ADAMS

1. As instructed, I told Sean OhUiginn in the DFA yesterday afternoon that the Home Secretary had signed an Exclusion Order against Adams on 19 October. We did not propose to make an announcement, but Adams would presumably make the Order public when he learned of it, probably tomorrow.

2. Mr OhUiginn thanked me for the information, but made it plain that he believed the decision was politically inept. It would confirm Irish prejudices about the British use of legal instruments and it would give Adams unwelcome publicity, not least abroad. I said that the arguments were difficult but that the balance as perceived in London was different.

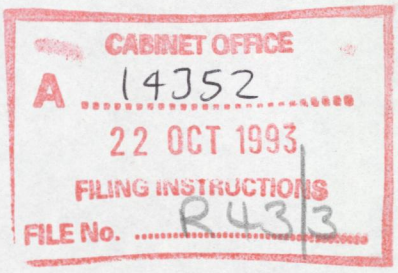
3. Mr OhUiginn said that the Irish would probably want to raise the issue at the IGC next week.

(Signed)
D E S Blatherwick
H M AMBASSADOR

Sir Robin

From: The Private Secretary





NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ



Roderic Lyne Esq CMG
Private Secretary to the Prime Minister
10 Downing Street
LONDON

20 October 1993

C. Miss Neville-Jones

Dear Roderic,

HUME/ADAMS ETC - LINES TO TAKE

You asked for some fresh lines to take for the Prime Minister on Hume/Adams and related matters in case the issue is raised at any point during his attendance at the Commonwealth Heads of Government Conference in Cyprus. I attach these, along with lines on the Adams Exclusion Order which were drawn up by the Home Office.

Copies also go to Melanie Leech and Sir Timothy Daunt.

Yours,

Jonathan

HUME/ADAMS ETC

Lines to take

Irish Times says British Government to convene a Round Table Conference on Northern Ireland under Hume/Adams plan

I know nothing of the details of the agreement reached between Hume and Adams. But there could be no question of the British Government convening a Round Table Conference and agreeing in advance to implement its conclusions as the Irish Times suggests. A talks process involving the main constitutional parties in Northern Ireland and the two Governments already exists which still provides the basis upon which we can achieve a new beginning to relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands.

Irish Times says Hume/Adams discussed by Ministers and officials in London

Certainly we have discussed the implications of the Hume/Adams public statement on 25 September, but I know nothing of the details of the agreement reached between Hume and Adams.

Irish Times suggestion that Irish and British Government working on a separate plan in context of Strand 3 discussions

There are continuing discussions between the two Governments as part of the Talks process. As Sir Patrick Mayhew said last month in Cambridge, there is work for both Governments to do. But this has nothing to do with Hume/Adams.

Taoiseach has said that Hume/Adams could "supply an important part of the basis for peace"

If the Irish Government decide to put any proposals to us we will of course listen carefully. But I also welcome the Taoiseach's statement that "negotiations on a political settlement can only take place between democratic governments and parties committed exclusively to constitutional methods". That is the firm view of HMG too.

Have you had a report from the Taoiseach? Will you be talking to him about Hume/Adams?

The Taoiseach has not given me a report of his briefing from Mr Hume. If at any time the Irish Government put ideas or proposals which they believe will bring an end to violence in Northern Ireland, then I am bound to listen to them. But there can be no compromise on fundamental democratic principles: we will not talk to those who use or support violence; we will uphold the democratically expressed wishes of the people of Northern Ireland as to their future in the Union.

Was John Hume right to talk to Mr Adams?

Mr Hume is the best judge of who he meets. My position is perfectly plain. The Government will not engage in talks or negotiations with those who use, support or threaten violence to advance their political objectives.

Was Hume acting as a go-between for the British Government?

Absolutely not. He has not been acting either directly or indirectly on behalf of the British Government.

Hasn't the Hume/Adams statement scuppered the political talks process?

There is no reason why the statement should be an obstacle to political progress in Northern Ireland. We are committed, as is the Irish Government, to doing what we can to encourage the constitutional parties in Northern Ireland to build on the foundations laid in previous talks to make the progress which I think is possible.

Could Sinn Fein join those discussions?

The talks are between the British and Irish Governments and the main constitutional parties in Northern Ireland. All the participants have made it clear that Sinn Fein has excluded itself from the process by continuing to support the use of violence to further its political aims. That has not been changed by the Hume/Adams statement. Sinn Fein should end the violence and demonstrate their commitment to democratic constitutional politics.

If Sinn Fein stop the violence could they join the talks?

There is no evidence that they intend to stop the violence - the bombings and shootings continue. But if the violence stops, and sufficient time elapses to convince sceptical minds that it has stopped for good, the way would open to their having a full role in the peaceful political life of the community.

Plan published by IPPR [Labour think-tank] urging condominium

As I understand it the pamphlet calls for a change in the constitutional status of Northern Ireland. I do not believe that the proposals would get the consent of the people of Northern Ireland, and I have made it clear that there can be no change in the status of Northern Ireland as part of the United Kingdom without that consent. The Government will back their democratic wishes.

Adams Exclusion Order

Why was Mr Adams excluded?

Mr Adams was excluded because the Home Secretary was satisfied, as the Prevention of Terrorism Act requires him to be, that he is a person who is or has been concerned in the commission, preparation or instigation of acts of terrorism connected with the affairs of Northern Ireland.

What does this decision indicate about the Government's attitude towards the Hume/Adams talks?

Nothing. Ministers have repeatedly made clear that Mr Hume is the best judge of to whom he talks.

Doesn't this mean the Government is not interested in "peace"?

The decision to exclude Mr Adams is consistent with the decision to exclude him in 1982, before he became an MP. The Government's approach has not changed. Of course, the Government wants organised violence to end. But the initiative does not rest with the Government. No democratic government can be expected to engage in talks or negotiations with those who use, support or threaten violence for political ends. That is a view on which Dublin and London are at one.

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Sir Robin Butler

CABINET OFFICE
A 14200
20 OCT 1993
FILING INSTRUCTIONS
FILE No. R43/3
FOLIO 84

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

19 October 1993

C. Miss Neville-Jones

Dear Joan

PROPOSED VISIT TO LONDON BY GERRY ADAMS

The Prime Minister had a brief discussion with the Home Secretary after Cabinet this morning about the question of whether the Home Secretary should exercise his powers under the Prevention of Terrorism Act by preventing Gerry Adams from attending a possible meeting in the House of Commons. Also present were the Chancellor of the Exchequer, the Secretary of State for Northern Ireland, the Secretary of State for Defence, Sir Robin Butler, Mr Chilcot and Sir Timothy Daunt.

The Home Secretary explained the background. There were arguments on both sides, but he felt that the balance pointed towards his using the power to exclude. There was no doubt that the power was exercisable. And it was important to use the power consistently if a challenge via judicial review was to be avoided. The Chancellor of the Exchequer support this strongly. He thought it would be regarded badly in Northern Ireland to exclude such a prominent supporter of the terrorist cause. The Defence Secretary also agreed, pointing out that it seemed perverse to continue to maintain the broadcasting restrictions while allowing Mr Adams's entry into Great Britain.

The Secretary of State for Northern Ireland said he thought the balance probably lay in the other direction. Exclusion of Mr Adams would be badly received in the United States; and the power was an unpopular one in Northern Ireland. Sir Timothy Daunt said the Foreign Secretary agreed that a decision to exclude would be badly taken internationally, particularly in the US. The Prime Minister asked whether this issue might influence the US in deciding whether or not to give a visa to Mr Adams. Sir Timothy Daunt thought it could go either way: on the one hand, a decision to exclude might make the US less ~~side~~ inclined to accede to British Government wishes; on the other a decision to

allow Mr Adams into Great Britain might make them more inclined to allow him into the US.

Summing up the discussion, the Prime Minister said the issue was finely balanced. He agreed that the Home Secretary should proceed as he proposed and use his powers to exclude Mr Adams from Great Britain.

I am copying this letter to Jeremy Heywood (HM Treasury), Jonathan Stephens (Northern Ireland Office), John Pitt-Brooke (Ministry of Defence), John Sawers (Foreign and Commonwealth Office) and to Melanie Leech (Cabinet Office).

Yours
Alex

ALEX ALLAN

Miss J MacNaughton
Home Office

Sir Robin Butler

CONFIDENTIAL

CABINET OFFICE
A 14114
19 OCT 1993
FILING INSTRUCTIONS
FILE No. R43/3

FOLIO 83

FCS/93/185

HOME SECRETARY

C. Miss Neville-Jones

Proposed Visit to London by Gerry Adams

1. I have seen a copy of your letter of 14 October to Patrick Mayhew about the question of exercising your powers under the Prevention of Terrorism Act to prevent Gerry Adams from attending a possible meeting in the House of Commons.

2. I agree that Adams satisfies the criteria in the Act, and that the option of exclusion is therefore open to you. However, the foreign policy considerations favour not excluding Adams. Sinn Fein will seek a propaganda advantage abroad, as well as within the United Kingdom, whatever we do; but they could gain more from Adams' exclusion than from his admission. If Adams comes here and addresses a meeting, there will be a small gain for Sinn Fein in their attempt to win credibility and respectability. A decision to exclude Adams would be used by Sinn Fein and their supporters worldwide to attack the British Government. We would be accused of being negative towards what is widely perceived as the peace initiative emanating from Adams and John Hume. It would fuel the Irish Government's suspicions of our policy. We could also expect a negative reaction in the United States, where the pressure for the appointment of a "peace envoy" could grow if we were perceived as obstructing peace initiatives. I do not consider that we would be seen as inconsistent in comparison with our pressure on the US and Australian authorities to refuse Adams a visa. There is a clear distinction between travel within the UK and visits to foreign countries.

3. I am copying this minute to the Prime Minister, to other colleagues who are members of NI, and to Sir Robin Butler.

for DOUGLAS HURD

(approved by the Foreign Secretary and signed in his absence overseas by the Private Secretary)

Foreign and Commonwealth Office

18 October 1993

RJB

FOLIO 82

CABINET OFFICE
A 14045
18 OCT 1993
FILING INSTRUCTIONS
FILE No. R43/3

SECRETARY OF STATE
FOR
NORTHERN IRELAND

NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

R

C. Miss Neville-Jones

The Rt Hon Michael Howard QC MP
Secretary of State for the Home Department
Queen Anne's Gate
London
SW1H 9AT

18 October 1993

Dear Michael:

PROPOSED VISIT TO LONDON BY MR GERRY ADAMS

I am grateful for the opportunity to comment on the possibility of your using the powers under the Prevention of Terrorism Act to exclude Gerry Adams from Great Britain. I note your view that Adams satisfies the criteria for exclusion under the Act, and also the operational advice of the police and the Security Service.

As you say, there are wider political questions to be taken into account. I agree that these are finely balanced.

In my judgement it is unlikely that a decision either way will materially influence the attitude being taken to the Hume/Adams talks by the participants, or the Irish Government's decision about whether to pass a proposal on to us. I do not doubt that there would be frenetic efforts to read significance into whatever you do, and that might be an argument slightly in favour of doing nothing. There would be critics of such a course, not least in Northern Ireland, but I think the position is entirely defensible, particularly in the light of the security advice. I am concerned that an exclusion order against Adams might be seen as an implicit rebuke to John Hume for his dialogue

when I have consistently taken the view, as has the Prime Minister, that Mr Hume's talks were a matter for his own judgement.

There is also an argument against excluding the leader (however odious) of a legal political party (however hypocritical) from coming to Great Britain for a political meeting with Members of Parliament. I have declined to proscribe Sinn Fein in Northern Ireland because it does not, in my view, satisfy the criterion of being "actively and primarily engaged in the commission of criminal acts". A decision to exclude Adams could appear to contradict that judgement. Given that, excluding Adams would give Sinn Fein a propaganda coup far outweighing any publicity advantage they would gain if the visit were to go ahead. They would claim, particularly in the United States where, as you know, we are currently fighting an awkward extradition case in San Francisco, that this was evidence of the abusive use of an arbitrary power which affronted normal civil rights. This seems to me to outweigh the marginal impact that not excluding Adams might have on his ability to get a US visa in the future. In short, I do not think exclusion would play at all well for us in America.

I do not myself think that not excluding Adams would lend additional credence to arguments for a narrower power, neither do I believe - although I would share your concern were it so - that a decision not to exclude could be cited

as evidence that the powers were used arbitrarily. On the contrary, I think it would lend support to the contention that they were used properly, with discretion and judgement.

I am sending a copy of this letter to the Prime Minister, to Members of NI and to Sir Robin Butler.

THE NATIONAL ARCHIVES

DEPARTMENT/SERIES CAB 164 PIECE/ITEM 2219 (one piece/item number)	Date and sign
Extract details: LETTER DATED 14 OCTOBER 1993	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	11/09/24
TEMPORARILY RETAINED	
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DOCUMENT PUT IN PLACE (TNA USE ONLY)	

Instructions for completion of Dummy Card

Use black or blue pen to complete form.

Use the card for one piece or for each extract removed from a different place within a piece.

Enter the department and series,
eg. HO 405, J 82.

Enter the piece and item references, .
eg. 28, 1079, 84/1, 107/3

Enter extract details if it is an extract rather than a whole piece.
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Do not enter details of why the extract is sensitive.

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Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer
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THE NATIONAL ARCHIVES

DEPARTMENT/SERIES CAB 164 PIECE/ITEM 2219 (one piece/item number)	Date and sign
Extract details: MINUTE DATED 27 SEPTEMBER 1943	
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	11/09/24
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THE NATIONAL ARCHIVES

DEPARTMENT/SERIES CAB 164 PIECE/ITEM 2219 (one piece/item number)	Date and sign
Extract details: MINUTE DATED 27 SEPTEMBER 1993	X
CLOSED UNDER FOI EXEMPTION	
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	11/09/24
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
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Sign and date next to the reason why the record is not available to the public ie. Closed under FOI exemption; Retained under section 3(4) of the Public Records Act 1958; Temporarily retained; Missing at transfer
or Number not used.

Sir Robin Butler

CONFIDENTIAL

CABINET OFFICE
A 12552
15 SEP 1993
FILING INSTRUCTIONS
FILE No. 4313

FOLIO 79

PRIME MINISTER

NORTHERN IRELAND

C. Miss Nevitt-Jones

In advance of the meetings you have this week, this minute reports the current situation and how I see the political way forward.

2. In summary, against the background of a high level of terrorist activity from both loyalists and republicans, the political talks process remains alive. At last week's IGC, I successfully re-recruited the Irish to carrying the process forward. All the NI parties, except the DUP, have agreed to further exploratory discussions with Michael Ancram. There remain rational grounds for hope that a successful outcome can yet be achieved.

Security

3. Since I reported at Cabinet on the recent upsurge in loyalist terrorism, there has been one further killing. A series of brutal sectarian attacks from the UFF and UVF has now resulted in the deaths of 5 Catholic civilians since the beginning of August (out of a total of 7 deaths as a result of the security situation in the period). Loyalists have been responsible for 26 of the 46 deaths so far this year.

4. The threat from PIRA also remains high. They continue to target the security forces (thankfully, without recent success) and their commercial bombing campaign in provincial towns and elsewhere goes on. (The Stormont Hotel in Belfast, widely used by my officials, suffered extensive damage from a 300lb bomb in the early hours of Monday morning.)

5. The security forces therefore face a difficult situation on two fronts. Although the number of deaths (46 this year, compared with 62 for the same period last year) is well down,

there is a great deal of tension in the community and calls from different quarters for dramatic action on the security front. However, as I explained in Cabinet, any deviation from our basic security policy would be counter-productive. The energetic and even-handed application of the normal criminal law, along with progress on the political front, offers the best avenue for improvement of the security situation. It is yielding results, with weapon and explosive finds in Portadown and South Armagh and continuing arrests, charges and convictions - especially of loyalists of whom 166 (against 73 Republicans) have been charged this year.

The Talks Process

6. The difficult security situation emphasises the importance of demonstrating that political progress can be made.

7. I had a friendly and workmanlike meeting with Mr Spring at last Friday's IGC. All the media talk of a freeze in Anglo-Irish relations, like reports of the death of the talks process are greatly exaggerated! We agreed in fact that we had a very good personal relationship, and wanted to talk more often.

8. My objective was, as you know, to convince Mr Spring that the talks process could still succeed. I gave Mr Spring my frank assessment that, while there could be no certainty, what we know of the parties' current views gives rational grounds for believing that progress can be made. In particular, I was able to reassure Mr Spring of what I believe to be the unionists' desire to make progress. I have no doubt about Mr Molyneaux. Dr Paisley is a more complex case. His ability to contribute effectively has been reduced by the unhelpful preconditions (whether on Articles 2 and 3 or the Hume/Adams talks) he has set out. Even so, I believe that he will be looking for some way back into the process once the momentum begins to re-accelerate.

9. But his and wider Unionist support will also depend, at least in part, on the public commitment of the Irish Government, and on their readiness to abstain from unhelpful remarks, whether on our relations with unionists, 'joint authority' or anything else. In that context I stressed to Mr Spring the damage that talk of a US envoy could do to the talks process. Even the suggestion that it was on the backburner left the impression that it was a threat, and, if the Irish Government were seen to advocate such an envoy, it would be widely understood as an acknowledgement that the Anglo-Irish Agreement had failed.

10. Michael Ancram gave a full account of the state of his discussions with the NI parties and Church Leaders. He reported their unanimous consensus that the status quo was not an option, as well as general agreement that, although nothing had been 'banked' from the previous Talks, there remained elements which are bankable. There was also a widespread feeling that public roundtable Talks would fail if reconvened now, and that the price of a further failure would be very high, not least in security terms. The corollary was that the next step should be discreet bilateral discussions to establish areas of assent which could be built on.

11. Michael Ancram is accordingly now starting out on the second round of bilateral talks with the leaders of all the constitutional parties or their nominated representatives (with the exception - for the time being - of the DUP). The purpose of these is exploratory - to identify areas of general agreement (and disagreement), as well as whether there are any concessions by other parties which are regarded as essential for any final settlement. The broad objective is to set up a board for the final negotiation stage, in whatever format seems likely to be most productive, that would avoid reopening the whole discussion again and reverting to sterile discussions of first principles.

12. I told Mr Spring that it was no less important or urgent to develop in parallel a clearer idea of what the Irish would regard as an outcome acceptable to all the key players. This is particularly important on constitutional issues, which form a nexus bridging all three strands. These are primarily for the two Governments to take forward but it required remorselessly hard pounding of the Irish (who have resolutely declined to come forward with their ideas, ever since they promised to let us have them in May) to persuade Mr Spring to instruct his officials accordingly. But they agreed to use their best endeavours to work up with us, for the next meeting of the Intergovernmental Conference in October, a joint assessment (without any commitment) of what is likely to be generally acceptable. Officials on both sides are now getting down to this work. This and whatever emerges from the 'Ancram Round II' will put us, I hope, in a better position to give the focus and direction to the process that is increasingly expected of us.

13. I developed these themes at greater length, and for more public consumption, at the British Irish Association over the weekend. My key note speech re-emphasised my conviction that there is an insistent demand by everyday people not to give up talking, and the need for all the parties and governments to display flexibility in an urgent effort to take the talks process forward. It has been widely and, on the whole, sympathetically reported in the media although there remains some scepticism around.

14. Thereafter, I shall report further progress in good time for the meeting of NI now pencilled in for 14 October. In the meantime it will remain important for us all to keep striking the same note of rational hope about the talks process, along with its corollary that we should not be diverted into the search for 'alternative solutions' - a temptation to which the Irish and Mr Hume are especially vulnerable.

15. A copy goes to members of NI Committee and Sir Robin Butler.

Signed

15 September 1993

CABINET OFFICE
A 12349
10 SEP 1993
FILING INSTRUCTIONS
FILE No. R43/3

FOLIO 78

From: G R Archer
Republic of Ireland Dept

Date: 8 September 1993

cc: PS/Sir Robin Butler
PS/Mr Chilcot
Miss Neville-Jones
Mr Cooke, NIO

Sir T Daunt

NORTHERN IRELAND: US ATTITUDES

1. In her minute of 7 September to Mr Lyne Miss Neville-Jones reports on her discussion with Mr Habib of the US Embassy on 7 September and records that the US Ambassador is to see her on 10 September.

2. Our Embassy in Washington have reported that there are no signs that the President is about to make any move to revive his proposal for a special envoy. Sir Robin Renwick may have an opportunity to check on this this week with Mr Lake. We are aware of stirrings to get the President to revive his proposal. The Irish Government's attitude will be important. There has been speculation that they may be about to press for such an appointment but Mr Spring commented on 3 September that the Government "was not presently pursuing the appointment of a special envoy". Both he and the Taoiseach have however made it plain that if efforts to launch further talks get nowhere they would reconsider the position. Both the Irish and the US administration are aware that we dislike the proposal. The Northern Ireland Secretary expects to discuss the question of the peace envoy with Mr Spring at the Inter-Governmental Conference on 10 September.

3. Our main objective at the Conference will be to recruit Irish help for a determined effort to get new talks launched. However, there should be no need for Miss Neville-Jones to say more to the US Ambassador about our position as he will be getting a direct briefing from the Northern Ireland Secretary over breakfast on 9 September.

4. The main aim of the breakfast is to brief the US Ambassador in Dublin, Mrs Jean Kennedy-Smith. Her interest in Northern Ireland, plans to be a frequent visitor there and inclination to seek high-level briefing present a potential

problem. We have recruited the assistance of Ambassador Seitz in helping to get over the message that her visits could become a political issue and that we are very anxious that they should not in any way cut across our efforts to draw the Unionists back into talks with the Irish Government.

5. I have suggested to the Northern Ireland Office that it will be helpful if a report on the meeting on 9 September is copied to Miss Neville-Jones before she sees the US Ambassador the following day. They will draw her attention to any points arising that may require follow up and re-emphasis.

G R Archer

FOI 77 N

CABINET OFFICE
A 12221
-7 SEP 1993
FILING INSTRUCTIONS
FILE No. R43/3

Ref: B.01442

MR LYNE

cc Sir Robin Butler
Mr J Chilcot (NIO)
Sir Timothy Daunt (FCO)

Northern Ireland

The new Minister Counsellor at the US Embassy, Michael Habib, called on me this morning. He struck me as rather able. His opening topic of conversation (which he made clear was not on instructions) was Northern Ireland. What follows will almost certainly not come as a surprise to you. But Habib was sufficiently firm in his assertions that I thought it right to record what he said.

2. Habib said that the Embassy had just had a congressional - I think largely, if not exclusively Senate - delegation in town, from which the Ambassador had concluded that if the three stranded negotiations did not get off the ground reasonably soon in the autumn, there would be "stirrings" in Congress, and pressure on the President to revive his proposal for a special envoy. There were intense suspicions in the Irish lobby about a Conservative party/Unionist deal. In answer to my question, Habib confirmed that the Irish Embassy in Washington had been suggesting to Congressional contacts that the President should indeed revive his proposal if talks did not start soon.

3. Underlining that I was speaking personally and that, having only just returned from leave, had not recently spoken to anyone in close contact with the subject, I made two points. I said that I could not imagine that the proposal for an envoy would be more welcome in the UK now than when originally conceived and that, however presented, it would be likely to be deeply resented by a majority of ordinary Britons as gross, biassed, interference in British affairs. Secondly,

I thought that the political background in Northern Ireland to the talks process had now become very delicate, such that starting them again (let alone the UK or the two governments "imposing" a solution) could be a sensitive matter requiring extremely careful management. The ability of the Protestant thugs to engage in the sectarian violence was a symptom of the increasing alienation of the Protestant community which was frightened about its future as the majority community and which feared a sellout by British government via the talks. The policies of the Labour party were, from their point of view, even worse. In this situation, there was a powerful political instinct at work among many Protestants to take care of themselves. I said I feared that there was an increasing danger of the two parts of the UK policy - negotiations on the one hand and provision of security accompanied by political progress in Northern Ireland on the other, far from being mutually supportive, actually coming into conflict with one another. Thus, the further the negotiation, the more the sectarian violence. This was not to say that talks should not resume but I wondered if they could simply restart as if nothing had changed. I hoped that US opinion would not be tempted by simplistic analysis. The government would need to review the situation and the Prime Minister, who had already shown his personal commitment to the subject, would see the Taoiseach in the autumn in the normal schedule of bilateral meetings.

4. Interestingly, Habib repeated my analysis virtually word for word as being the findings of the US consul general in Belfast - without however suggesting that this would be sufficient to deflect US pressure for the resumption of talks.

5. The conversation ended there - I think that Habib was doing no more than putting down a marker. I expect this is happening in other contacts of which I am unaware. The meeting of NI on 14 October will be timely. The US Ambassador has asked to see me on 10 September. If there is anything you would like me to say in addition or to amend, I can use the occasion to do so.

Miss L P Neville-Jones

7 September 1993

CONFIDENTIAL

CABINET OFFICE
A 12079
- 3 SEP 1993
FILING INSTRUCTIONS
FILE No. .....
FOLIO 77M

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

R43/3

2 September 1993

C. Miss Mellie-Jones

Dear Jonathan,

NEXT BRITISH-IRISH SUMMIT

We had a word on 1 September about the timing of the next bilateral summit, on which Dickie Stagg wrote from the FCO on 11 August.

As I told you, it would greatly help our planning of the Prime Minister's autumn schedule if we could narrow down the possible range of dates. The timing of the summit is of course not simply a diary question, but is likely to be affected by the politics of the Northern Ireland question this autumn. I hope that you may be able to give us a clearer picture after your Secretary of State's meeting with the Tanaiste at the end of next week. Subject to any developments then, it might be our objective to rule out 3 and 5 November as possible dates for the bilateral summit. They are quite some way ahead of the December European Council. More to the point, they follow, almost immediately, the special European Council provisionally scheduled for Friday 29 October.

I note that neither 2 nor 6 December is likely to be convenient for the Foreign Secretary. It looks as if we may find ourselves boxed in as the December Council approaches, but we shall clearly have to examine nearer the time whether some further options can be identified.

I am copying this letter to John Sawers (Foreign and Commonwealth Office) and to Melanie Leech (Cabinet Office).

Yours ever,
Roderic.

RODERIC LYNE

J Rodell Esq
Northern Ireland Office

CONFIDENTIAL

Sir Robin Butler

NSB

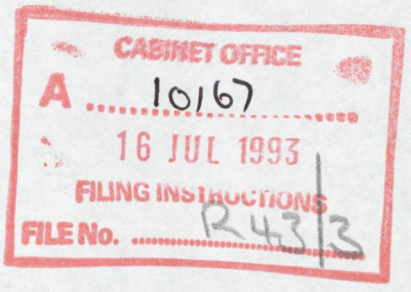
77

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

15 July 1993



C-Miss Neville-Jones

NORTHERN IRELAND: POLITICAL DEVELOPMENT

The Prime Minister was grateful for the Northern Ireland Secretary's minute of 13 July. This has provided him with a useful round-up of the various problems relating to political development before the Recess.

As Sir Patrick Mayhew notes, no decisions are required at present. However, it is clear that the Government will have to review its options in the early autumn, not least to pre-empt the possibility of an unwelcome initiative from the Government of the Irish Republic, who are doing little to help the political process advance.

I am sending copies of this letter to the Private Secs to members of N.I. Committee, and to Melanie Leech (Cabinet Office).

RODERIC LYNE

Jonathan Stephens Esq
Northern Ireland Office

CONFIDENTIAL

Sir Robin Butler
RGB
C - Miss Neville-James

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PRIME MINISTER

NORTHERN IRELAND: POLITICAL DEVELOPMENT

I report the present position on political development in Northern Ireland, particularly in the light of the Anglo-Irish Intergovernmental Conference held on 8 July.

Security Situation

2. The meeting took place at a time when there is deep concern in Northern Ireland about the security situation. A large bomb in the centre of Newtownards at the beginning of the week, which caused considerable damage, led to a number of strident demands for a firmer security policy. Leaving aside internment, the few specific suggestions which were made - such as bottling up the Catholic population in ghettos - would almost certainly be counter-productive and incompatible with the rule of law.

3. Fortunately there have since been some notable security force successes, though the IRA threat remains high. At the same time, perhaps because of the phenomenon of Protestant alienation on which I have minuted before, the "marching season" began with considerable public disorder and attacks by loyalist paramilitaries on the police. This appears now to be tailing off. The Twelfth itself, with 19 separate marches in Belfast alone, passed off with no significant disturbance at all, despite much anticipatory media hype. This was a signal achievement for the RUC.

Political Situation

4. As envisaged at your recent meeting with the Taoiseach, we have been continuing our efforts towards political development, principally through bilateral contacts with the parties. We seek a way forward to a new round of talks, in whatever format all would find acceptable. Both Governments have maintained, as agreed at the Summit meeting, a public posture of commitment to the talks process and to encouraging the parties back to the table. The Irish Government have, however, regrettably given further evidence last week of believing that the two Governments will have to, and should, impose a "solution".

5. Michael Ancram is conducting a round of constructive meetings, under the guise of familiarisation, with party leaders, other politicians and opinion-formers. He will be building on that in further discussions. It is evident from this that, despite the public posture which the unionists in particular have adopted, there remains real interest in carrying the process forward at the right time and when the conditions of mutual reassurance can be achieved. Jim Molyneaux made a notably imaginitive and forward-looking speech to the Orange Order on the Twelfth.

6. A common theme emerging from these contacts is the wish of the parties to avoid going back to formal and high profile talks unless and until there is a reasonable expectation that a deal would indeed be achievable. The parties share the view that a further round of talks which ended inconclusively would be damagingly destabilising.

7. At official level there have been useful meetings of the Anglo-Irish Liaison Group. The two sides have shared ideas about

the "scheme" which I have said I would table in any new round of talks. (The Irish agreed at the May IGC to work up their own proposals, but little as yet has been seen of these.)

Mr Spring's Interview and the IGC

8. On the morning of the Anglo-Irish IGC on 8 July The Guardian contained an extensive formal interview with Mr Spring, outlining a quite different approach. Mr Spring repeated his Government's commitment to the talks process but acknowledged that time for them might be running out. He therefore looked forward to the successor policy which his Government would favour. In what might prove a self-fulfiling prophecy, he suggested that if the talks could not be resumed the two Governments should work up a framework agreement, which would include arrangements for the internal government of Northern Ireland, which they would then put to the Northern Ireland parties.

9. If the parties did not accept these proposals the two Governments should then put them to the people of both parts of Ireland in a referendum appealing, in other words, over the heads of the local political leaders.

10. In the course of the interview he canvassed a scheme, apparently identical to that tabled by the SDLP, which would involve Northern Ireland being run by commissioners some of whom would be directly elected but three of whom would be appointed respectively by the EC, the Irish Government and the British Government. He also mentioned the idea of joint sovereignty as one which might need to be looked at with interest.

11. I have little doubt that this was a deliberate act by Mr Spring, encouraged by Mr Hume, who was infuriated by our 1 July attack on

the Labour Party's proposals for an imposed scheme of joint authority. Nonetheless Mr Spring may not quite have realised the precise effect that a number of answers given in the course of the interview would have, when taken together. The Belfast Telegraph suggested that what they termed Mr Spring's "gaffe" resulted from "thinking aloud".

12. Unionist leaders, who interpreted this approach as a direct challenge to them, have predictably denounced it, and Alliance Party spokesmen have also been critical.

13. At the IGC I made very clear my concern about this, as well as its timing and mode of publication, and restated HMG's view that the way forward lay in negotiation and discussion with all the participants. The communiqué, a copy of which is attached, contains a re-affirmation of commitment by both Governments to the talks process on the lines of the 26 March 1991 statement. Significantly the Irish Government would not agree to the inclusion of a further sentence which would have read:

> "The British government [or Both governments] remains committed to the principle that a new overall accommodation should secure the assent of those principally concerned, and in particular the representative constitutional politicians in Northern Ireland."

However, at the press conference afterwards I emphasised, as was well reported, the "cardinal principle that constitutional matters in particular would have to be the subject of agreement across the community if they were to have any prospect of success." Mr Spring's thoughts plainly went well outside this.

Irish Intentions

14. I believe the Irish position to be this. They remain signed up to further dialogue of a multilateral kind and would like there to be a new round of talks. In any event they cannot be seen publicly to reject this approach, or to bear the blame for its failure. But they do not believe that a further round of talks is in prospect, partly because they take Unionist public statements at face value and because they are not prepared to meet the stated pre-condition for further movement on their territorial claim in advance of talks. Moreover they are sceptical whether, even if the Unionists could be brought to the table, they would accept the kind of wide-ranging settlement they claim is necessary for them to secure acceptance of a referendum amending Articles 2 and 3.

15. They are also, I suspect, somewhat diverted (again under Mr Hume's influence) by the prospect that the Provisional movement can be reconciled to democratic processes, whether through the Hume/Adams dialogue or in some other way.

16. In addition they are uncertain whether HMG would accept the "constitutional balance" which they seek (in a form so far resolutely unspecified). Our rejection of joint authority and of Mr Hume's external commissioners, on the ground that they would not gain acceptance in Northern Ireland, worries them in that context. I believe they have come to the view that their best chance lies in the two Governments sewing up a deal (with the SDLP in practice being kept closely informed) which they would then seek jointly to impose, if necessary over the heads and against the wishes of the unionist political leaders. This, of course, is no good.

17. Their position may not be as coherent or as settled as this suggests, but I believe there is now strong evidence that this is their underlying approach.

18. There is clearly no prospect of further formal and multilateral talks before the Autumn, and the prospects then remain poor. They were in any case not good, but I fear that Mr Spring's interview will have made the unionist leaders even more suspicious of the Irish procedural and substantive agenda, and that it has significantly reduced their room for manoeuvre. I do not expect the SDLP to give much help in finding a way through: Mr Hume remains preoccupied by his dialogue with the Provisionals, and his deputy leader Seamus Mallon publicly urges the two Governments to develop the solution.

Possible Outcome

19. Despite all this, it remains our judgement that, with considerable difficulty, an acceptable deal - broadly on the lines envisaged when the Agreement was signed in 1985 - could be attained. This would involve structured responsibility sharing within Northern Ireland; north/south institutions with some symbolic overtones and with some executive powers; and a continuation of the relationship between the British and Irish Governments in institutions like those in the present agreement. It would also involve amendment of Articles 2 and 3. Even if the SDLP leadership and the present Irish administration have set their sights on some more ambitious outcome, it is by no means clear that, given the widespread public interest in political progress, they could in practice stand out against a deal of this kind if it were clearly on offer.

20. We shall accordingly make continued efforts to repair the damage of recent exchanges and to find a way forward, in which Michael Ancram's exploratory dialogue is already playing an important part. I would dearly like to be able to move more rapidly and unilaterally: but it is essential to success that we take others with us. For example, we cannot, without the Irish Government, achieve the Unionists' objectives of removing the Irish territorial claim or replacing the 1985 Agreement with a new one.

21. Nevertheless I believe that we owe a duty to demonstrate our determination not to allow this process simply to unravel. We need to show that we have a clear and coherent view of the way forward, and that we will play our part in giving a lead. So I am considering other ways of advancing the three stranded analysis, including the possibility mentioned in my minute of 28 May of publishing a Green Paper in the autumn. This would not be without risk, but it would provide reassurance and maintain momentum towards further multilateral exchanges. It is a long shot, but we would have been seen to carry the three-stranded process as far as we reasonably could.

22. If that were the end, then we would need to be ready to put an alternative policy in place. One possibility, which I am considering, is whether and to what extent we can start restoring powers to local councils, an important matter for the UUP in particular.

23. No decisions are called for at present but, unless there is, after the holiday season (which, in Northern Ireland, has effectively begun), a clear sign of movement towards renewal of dialogue we are likely to face a set of strategic choices.

24. I am copying this minute to the members of NI Committee and to Sir Robin Butler.

P. M.

13/July 1993

PS/SofS

JOINT STATEMENT

ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE

LONDON 8 JULY 1993

1. A meeting of the Anglo-Irish Intergovernmental Conference was held in London on 8 July 1993. The British Government was represented by the Joint Chairman, the Right Honourable Sir Patrick Mayhew MP, Secretary of State for Northern Ireland, accompanied by the Right Honourable Sir John Wheeler MP, Minister of State, Northern Ireland Office, Mr Robert Atkins MP, Minister of State, Northern Ireland Office and Michael Ancram MP, Parliamentary Under Secretary of State, Northern Ireland Office. The Irish Government was represented by the Joint Chairman, Mr Dick Spring TD, Tanaiste and Minister for Foreign Affairs, Mrs Maire Geoghegan-Quinn TD, Minister for Justice and Mr Ruairi Quinn TD, Minister for Enterprise and Employment. The Chief Constable of the Royal Ulster Constabulary and the Commissioner of the Garda Siochana were present for discussion of security matters.

Political Matters

2. The two Governments remain committed to the political Talks process aimed at achieving a comprehensive political settlement which would address all the main relationships. Both Governments continue to believe that the objectives of the process remain valid and achievable, and will continue to make every effort to achieve them through direct discussions and negotiations between all the parties concerned. The two Governments will continue to work together actively and in contact with the other participants to achieve agreement by all concerned on the new beginning for relationships envisaged in the statement of 26 March 1991.

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Security Situation

3. The Conference condemned recent bombing outrages and other violent incidents. They expressed their sympathy with all who have suffered as a result of such incidents, and reaffirmed their total opposition to any attempt to promote political objectives through violence. Ministers reviewed the existing high level of co-operation on security matters with the aim of continuing and enhancing it in every possible way. They congratulated the security forces on the substantial progress they are making to prevent acts of terrorism and to bring those responsible to justice.

Confidence Issues

4. Both Governments attach great importance to improving relations between the security forces and the community and to ensuring public confidence in the administration of justice. The Conference discussed a number of issues including cross border roads, allegations of harassment, recent incidents on Carlingford Lough and parades. In relation to parades in Northern Ireland, the Conference recognised that the right to demonstrate should be exercised with respect for the rights and sensitivities of others and with regard for the maintenance of public order.

Fugitive Offenders

5. The Irish side explained the present position in regard to the amending legislation on extradition which will be introduced early in the next session of the Dail. The British side indicated the present position on the passage of legislation in their jurisdiction.

Economic and Social Matters

6. The Minister for Economic Development, Mr Atkins and the Minister for Enterprise and Employment, Mr Quinn joined the Conference for a discussion on co-operation in enterprise and employment and in science and technology. Joint papers on these issues were before the Conference.

POLICY IN CONFIDENCE

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

FCO 75

Rt Hon John Patten MP
Secretary of State for Education
Sanctuary Buildings
Great Smith Street
Westminster
LONDON
SW1P 3BT

C Mc Owen
C M Bird

15 June 1993

CABINET OFFICE
A 8372
16 JUN 1993
FILING INSTRUCTIONS
FILE No. R43/3

Dear John,

ASSESSMENT IN NORTHERN IRELAND IN 1993/94

I am writing to advise you of my intentions for assessment and testing in Northern Ireland next year in the light of our experience of this year's full-scale pilot arrangements at Key Stages 2 and 3.

As you know, we share the same essential objective of having for each Key Stage a manageable and reliable assessment system which produces consistent results, capable of being published. The route to this end that has been taken in Northern Ireland has however differed from that in England in some important respects, particularly in that assessment arrangements have not yet been made statutory. We have this year had our first pilot, along lines which generally resembled those which have prevailed to date in England and Wales, ie combining teacher assessment and external (unseen) testing. The experience has not been a particularly happy one. It is clear that there were significant and genuine problems in both these elements of the arrangements, in that they involved teachers in too detailed and prescriptive recording and reporting, and took too much time to prepare

for them and capable of producing valid, consistent assessment results. I rule out the theoretical option of imposing a statutory system next year as it would not at this stage be successfully deliverable. A further pilot is called for, because considerable changes have proved necessary and are being undertaken to improve the manageability of the process. This needs to be demonstrated to teachers, and their confidence in the assessment system needs to be reinforced, and time taken to do this will be time well spent.

This year's experience has shown that while it is the problems associated with the ongoing teacher assessment and recording which have caused most difficulties and impacted disproportionately on teaching time, there is potentially a great deal of value in and support for this element of the assessment process. I intend therefore to concentrate on refining this aspect in next year's pilot. I propose to do this by:

- improving the basic quality and reliability of teachers' assessments, through an extensive, centrally-run programme of "agreement trialling";

- achieving consistent standards of assessment, through a rigorous system of quality audit, involving Province-wide moderation which will evaluate and harmonise the standards of teacher assessment in different schools;

- redefining the nature and role of statements of attainment, so that they become illustrations of standards expected at given levels of attainment, rather than individual prescriptive definitions of levels;

- providing specific guidance on the minimum requirements for recording and the evidence teachers need to have available when moderation is invoked by NISEAC;

- permitting a degree of flexibility in the timing of the end of Key Stage external testing, while still requiring teachers to apply the tests within the last two terms of the Key Stage. These tests would also be made shorter and more focused, concentrating on only one attainment target each, and pupils would therefore have to take a number of them in each subject. The intention would be that the results should be taken fully into account by teachers in making their assessments, though they would not necessarily supersede the teachers' judgement in individual cases. The results of the tests would, however, be reported in detail to NISEAC, and any undue disparity would be one of the things that would trigger the formal moderation process.

I believe that these measures, taken together, will provide a quality assurance system which will improve the standards of assessment and will give us greater confidence in the validity and reliability of outcomes. At the same time the net effect will also be to reduce significantly this year's workload problems while enhancing teacher confidence in what they are required to do and creating a greater sense of ownership of the process. I believe that they represent an effective way of retaining the dual elements of teacher assessment and externality, and as such are a logical evolution from this year's pilots - an evolution which we would of course attribute very largely to the influence and

to mark tests. Two of the three largest teachers' unions here boycotted aspects of the pilots. Even among responsible and well-disposed teachers, there was a clear lack of confidence in and 'ownership' of the details of the assessment process, and a resentment of what they perceived to be an over-mechanistic system in which their own role was a subordinate and under-valued one. I am quite clear that it would not only be wrong but also counter-productive for me to appear to ignore this deeply felt reaction. If I am to move successfully further down the road to formalised statutory assessment at the end of Key Stages 1-3, as I wish, then I need to do so in a way which will take responsible teacher opinion with me. I believe that this is feasible, but it will require careful handling, and I naturally wish it to be carried out in a way which has regard to your own interests.

Northern Ireland, as you may remember, is fortunate in having a high proportion of able and well-motivated teachers, who are not opposed to assessment in principle, but who found it very hard to cope with the specifics of the arrangements which were piloted last year. If I can enlist their support for, and co-operation in, revised arrangements, then that will give me the right foundation on which to build. We also have the considerable advantage over England of scale, which makes it feasible for us to maintain both a more direct relationship with teachers and also a greater central control and oversight of the operation of the assessment arrangements as a whole.

Another key difference is that I start from the position of considering changes to a system which has so far been a pilot only - and which I have assured teachers I will not make statutory until I am certain that it is both manageable

co-operation of those teachers and schools who participated in this year's pilot. It will be important to bring out these points of continuity very clearly in the public presentation, and to stress the extra element of externality through formal moderation and quality audit.

While I believe that these proposals should be attractive to teachers, because they give an appropriate recognition of their professional contribution to the assessment process, it is impossible to say what their unions' official stance will be. Several unions have already called for a moratorium on all testing next year, but you will understand why I am very loath to contemplate this. While it would certainly give us more time to deliberate on the evaluation of this year's arrangements, it would inevitably mean that we would have to treat 1994/95 as a further pilot year, and I have no wish to put off the advent of a statutory assessment system any longer than is necessary. Nor can the teacher unions be allowed to dictate the pace of implementation of the reforms here.

My timescale - which requires an announcement of next year's arrangements before the end of this month, when the Northern Ireland schools break up for the summer - means that I have to proceed before the results of the Dearing Review, and your consideration of it, will be known. So it is important that we should be at one in explaining that we have a common objective, which we are pursuing by broadly similar routes, but that we are each of us tailoring our approach to suit the particular circumstances and scale of our respective territories. What I believe is most important is that we should each maximise, in whatever is the most effective way, the actual implementation of assessment in schools next year. It is by demonstrating the successful operation of

assessment systems that we can best refute the sceptics. And that is what my proposals are designed to achieve. They will keep me on course for my target date of September 1994 for the introduction of a statutory system.

Given the tight timetable to which I am working, if you or copy recipients have any comments to offer then I have to ask you to let me have them by 18 June.

I am copying this letter to the Prime Minister, Ian Lang and John Redwood and Sir Robin Butler.

Yours ever,
Patrick

Sir Robin Butler

CONFIDENTIAL

Foreign & Commonwealth Office

London SW1A 2AH

8 June 1993

CABINET OFFICE
A 7991
-8 JUN 1993
FILING INSTRUCTIONS
FILE No. R43/3

C-Miss Neville-Jones

Dear Robin,

UK/Irish Bilateral: Wednesday, 16 June

Thank you for your letter of 4 June. We agree with your suggestions for the UK side, except that Sir David Gillmore (who is unavailable) might be represented by Sir Timothy Daunt.

The Taoiseach will want to have a short tete a tete with the Prime Minister and we recommend that the Prime Minister agree to this. Our advice is that the other four Ministers should have a discussion between themselves while the Taoiseach and Prime Minister are meeting and that the two sides should then meet in plenary before drinks and supper. The Northern Ireland Secretary concurs with this.

The programme might then be:

1800	Arrival at No 10 Photocall
1805	Tete a Tete (with other Ministers meeting separately)
1830	Plenary
1930	Downing Street Doorstep Drinks
1945-2100	Working Supper

The Foreign Secretary will need to leave for his dinner engagement at around 1900. The Prime Minister may therefore wish to take EC questions at the beginning of the plenary so that the Foreign Secretary can be present for that part of the discussion.

It has become customary for the two Prime Ministers to talk to the press as part of these regular bilaterals and our advice is to continue the normal pattern. We therefore recommend that the doorstep should be after the plenary discussion, despite this being a little late for newspaper deadlines.

CONFIDENTIAL

CONFIDENTIAL

I am copying this letter to Jonathan Stephens (Northern Ireland Office) and Melanie Leech (Cabinet Office).

Yours ever,

Stephen.

(J S Smith)
Private Secretary

Roderic Lyne Esq CMG
10 Downing Street

CONFIDENTIAL

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CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

7 June 1993

CABINET OFFICE
A 7920
-7 JUN 1993
FILING INSTRUCTIONS
FILE No. R 43/3

FCO 74

Dear Jonathan,

NORTHERN IRELAND POLITICAL TALKS

Thank you for your Secretary of State's minute of 28 May, which the Prime Minister saw in his weekend box. This provided useful background to the meeting which the Prime Minister will be holding next week with the Taoiseach.

I am copying this letter to John Sawers (Foreign and Commonwealth Office) and Melanie Leech (Cabinet Office).

Yours ever,

Roderic.

RODERIC LYNE

Jonathan Stephens, Esq.,
Northern Ireland Office

CONFIDENTIAL

Sir Robin Butler

From: The Private Secretary





NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ



C. Miss Neville-Jones

Roderick Lyne Esq CMG
10 Downing Street

21 May 1993

Dear Roderic,

NORTHERN IRELAND LOCAL GOVERNMENT ELECTIONS: 19 MAY

The results are almost all now in from Wednesday's local government elections. The attached annex details the number of seats won by each party and the percentage of the first preference vote received. The overall number of seats contested has increased, following a local government boundary review. There will be a few changes as the last returns are still coming in.

There is no clear trend discernible No party is an obvious winner or loser. The parties' relative positions have not changed dramatically. Those who were hoping for a significant shift of support away from the extremes have been disappointed. But the picture is not as gloomy as early results might have suggested. It is too soon to know the consequences for resuming Talks, but these results have not given an immediate impetus.

On the Unionist side, both the DUP and UUP share of the vote declined slightly. There had been some expectation that the DUP would fare worse because of their hardline attitude towards political talks. Consequently they are pleased, and the UUP rather disappointed, with the result. The DUP did well in Belfast and Londonderry but lost ground in rural areas. They lost control of Ballymena, which is Dr Paisley's heartland. For the UUP, Ken Maginnis MP (a

supporter of the talks process) lost his council seat. The UUP Lord Mayor of Belfast also lost his seat, but unionists retained the majority on Belfast City Council.

There was a markedly higher turnout in nationalist then unionist areas. The SDLP are alleging personation by Sinn Fein. Both parties increased their share of the vote and the number of their seats - Sinn Fein by slightly more than the SDLP. Sinn Fein took the highest number of first preference votes of any party in Belfast. They won one seat from the SDLP in Catholic West Belfast and now hold seven out of 10 seats there. The SDLP secured overall control of Derry City Council for the first time.

The cross-community Alliance Party polled well, particularly in and around Belfast, and are very pleased with their performance. The Northern Ireland Conservatives, contesting only their second election, have fallen slightly back.

I am copying this letter to Private Secretaries to members of NI Committee and to Melanie Leech.

Yours,

Jonathan

JONATHAN STEPHENS

ANNEX

LOCAL GOVERNMENT ELECTIONS RESULTS

	1993		1989		1985	
	Seats	% of vote	Seats	% of vote	Seats	% of vote
UUP	195	29.0	193	31.2	190	29.5
DUP	105	17.2	110*	17.8	142	24.3
SDLP	127	21.9	121	21.0	101	17.8
Sinn Fein	51	12.5	43	11.2	59	11.8
Alliance	44	7.7	39	6.9	34	7.1
Conservative	6)		7	1.0	-	-
	)	11.7[x]				
Others	54)	____	53	11.0	40	9.4
Total	582	100	566	100	566	100

*Reduced to 95 at the time of the 1993 elections by defections and by-election defeats

[x]Disaggregated figure for Conservatives not yet available.