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- Mr Brennan
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- Mr Doyne-Ditmas (B)-M
- Mr Merifield (B)-M
- Mr Gilliland Inf Servs (B)-M
- Mr Radcliffe POB-M
- Mr Boys-Smith SIL
- Mr Bickham



SECURITY CO-OPERATION WITH THE REPUBLIC

Thank you for your note of 9 December exploring the possibility of a joint Police Authority. As you know, Mr Buxton and I, together with a few colleagues, have been examining the possibilities of institutionalised security co-operation with the Republic. We concentrated first upon ways of providing some kind of Garda presence in minority areas in the North. The assessment presented to the Prime Minister before the last Summit showed that the RUC might accommodate a few dozen Irish policemen but not a presence on the substantial scale which Mr Lillis appeared to have in mind. Meanwhile interest from the South and the SDLP has focussed more on providing a Southern input at the top levels of policing than on a low level Garda presence. We have accordingly been examining the scope for Southern influence from the top down, rather than from the bottom up. You may like to have the attached copy of a paper which I prepared for Mr Buxton's comments, following a discussion in Belfast on Friday, 9 December.

G.A.

G L Angel
13 December 1983

SECURITY CO-OPERATION WITH THE REPUBLIC

Policing in Northern Ireland is influenced by the police authority, the Secretary of State for Northern Ireland, the Chief Constable and, to a lesser extent, the Police Complaints Board and the Director of Public Prosecutions. One needs to examine the possibilities of a Southern input to each of these policing "power centres".

Police Authority

2. The main responsibilities of a police authority in the United Kingdom are for expenditure and appointment of the Chief Constable. It also has less clearly defined general oversight responsibilities which stop short of the crucial area of operational matters. A joint police authority would mean that nominees from the Republic would participate in decisions as to who the next Chief Constable of the RUC should be, and on the spending of money which came entirely from the UK. Conversely, Sir Myles Humphries and Co would have a vote on senior appointments to the Garda, and expenditure plans for that force. Such involvement might lead to better understanding but it seems more likely to demonstrate that principles of sovereignty and accountability are not mere abstractions. The general oversight responsibilities could seem attractive to the South. The Republic has never had a police authority and the present Government has talked of setting one up. They may not therefore appreciate how little influence the police authority has in the kind of police activity which is of interest to them. There is growing discontent among police authorities in England and Wales over the disparity between their title and the expectations it arouses, and the limited powers or even influence which they possess. This discontent is greatest when policing is difficult, controversial, and suspected of political implications (eg racial disturbances in England). A

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joint police authority in Ireland would not quietly accept whatever the Chief Constables told it. One could expect public rows with the Irish nominees pushing an "Irish" view. The Chief Constables are likely to resist efforts by the police authority for greater influence. The Republic may then feel that it has been misled about the significance and influence of the police authority. A more realistic aim, if the Irish are disposed to set up a police authority, would be for the Chairman of each authority to attend meetings of the other and for joint gatherings to be held from time to time.

Secretary of State

3. The Secretary of State is responsible for security policy and is accountable to Parliament for what the RUC does - responsibilities which are closer to the real concerns of the Republic about policing in Northern Ireland. There is worthwhile scope for a formalised structure of meetings and co-operation which can be given dignity and titles. But the chain of accountability would have to be from the Chief Constable to the Secretary of State to Parliament: if the Secretary of State thought it right to defer to Mr Noonan's judgment, it would be for him to explain to Parliament that the RUC did or did not act because he thought it right to ask the Chief Constable to defer to Mr Noonan's views. Once again, the general public, and one suspects the Republic, probably has the impression that the Secretary of State has wider scope for determining policing practice than he or his predecessors possess in reality. The Chief Constable has the responsibility for operational matters, has considerable control over the information on which his policies can be judged, and the range of sane alternatives is pretty limited. Therefore it would again be possible to make fairly generous offers of co-operation with the South without enormous sacrifice but with the risk that the South would be disappointed when it discovered what the shared influence amounted to.

/ Chief Constable

Chief Constable

4. The Chief Constable's authority is the most important and the most difficult to share. Maintaining control and efficiency are difficult enough with the present simple command structure. Extensive arrangements for co-operation and secondment would be acceptable in principle. We hitherto thought of exchanging the largest feasible number of junior police officers: secondments or exchanges up to ACC level would, in principle, be acceptable (though our knowledge of the existing relationship between the two Chief Officers makes one wonder about practicality). We are trying to look with an open mind at more radical approaches, such as amalgamating the two forces, or superimposing an all-Ireland anti-terrorist police (on the model of the FBI in the US) on the existing two forces: but the consequences in terms of overlap, confusion and demoralisation among the police, coupled with justifiable outcry over sovereignty from the politicians are far easier to foresee than significant satisfaction on the part of the minority community.

Police Complaints

5. Police complaints machinery may be a ^{less} ~~most~~ difficult area for co-operation with the Irish. I am not sure that the Irish have any such machinery, and ours will need to be changed anyway in consequence of changes being made in Britain. Since the arrangements for handling police complaints are invariably unsatisfactory, there is little to lose by joint venture with the South. A joint Police Complaints Board would not have broad implications for sovereignty. Nor, surprisingly, would arrangements whereby officers from the Garda had a role in investigating complaints of misconduct by RUC officers (and vice versa). Although such arrangements would not be easy, they have the advantage of offering an Irish dimension in an area of policing likely to interest the South.

Director of Public Prosecutions

6. The role of the Director of Public Prosecutions and the Attorney, in deciding whether to prosecute policemen or soldiers

for misconduct, and in giving more general guidance on how to conduct criminal inquiries so as to meet the requirements of the court, are important, though having a low public profile. Some consultation already takes place. It could certainly be more visibly structured. One might even float the possibility of a single Director, with staff from both countries, reporting to the two separate Attorneys.

Conclusion

7. The above argument suggests that we need to look at each of the policing "power centres" to see the scope for giving it a greater Irish dimension. It is unlikely that the action we could offer in any one area alone can be great enough to tempt the Irish to make major concessions or to satisfy the SDLP. Taken together, however, the package might be more than the sum of its parts. Any new arrangements would need to be broadly overseen by Ministers and would therefore fall naturally within the ambit of the AIIC. Perhaps an All-Ireland Law Enforcement/Security Council with the Secretary of State and Minister of Justice as joint chairmen, and with membership including the two chief officers, police authority representatives, and Complaints Commissioner.

G L Angel
13 December 1983