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FROM: RUTH OSBORNE
22 DECEMBER 1995

RO/33031/95/SD

Mr J. J. ...
Mrs McAuley
Mr ... 3/1
from the phrase
'partly just' comes
to mind !!
4.2

- CC PS/SECRETARY OF STATE (B&L) - B
- PS/SIR JOHN WHEELER (B&L) - B
- PS/PUS (B&L) - B
- PS/SIR DAVID FELL - B
- MR THOMAS - B
- MR BELL - B
- MR STEELE 44/1 - B
- MR DANIELL - B
- MR BLACKWELL - B
- MR WATKINS - B
- MR WOOD (B&L) - B
- MR MACCABE - B
- MR PERRY - B
- MR BRAMLEY - B
- MR STERLING - B

MRS COLLINS - B

POLICING STRUCTURES WHITE PAPER

THE IRISH SIDE HAVE, AT LAST, HANDED OVER THEIR PROMISED OBSERVATIONS ON THE POLICING STRUCTURES WHITE PAPER; A COPY OF WHICH IS ATTACHED FORTHWITH.

[SIGNED - RO]

RUTH OSBORNE

IRISH GOVERNMENT VIEWS ON THE FORTHCOMING WHITE PAPER ON POLICING

1. THE IRISH GOVERNMENT HAS NOTED THE INTENTION OF THE BRITISH GOVERNMENT TO PUBLISH A WHITE PAPER ON POLICING EARLY IN 1996 WHICH IT IS UNDERSTOOD WILL CONCENTRATE ON ISSUES OF MANAGEMENT AND ACCOUNTABILITY. WE WISH TO REITERATE OUR VIEW THAT THE PROBLEMS WHICH CONTINUE TO AFFECT POLICING IN NORTHERN IRELAND CANNOT BE FULLY OR SATISFACTORILY RESOLVED EXCEPT IN THE CONTEXT OF ALL-PARTY POLITICAL TALKS AND ASSOCIATED DISCUSSIONS BETWEEN THE TWO GOVERNMENTS.

2. THE IRISH GOVERNMENT IS PARTICULARLY CONCERNED THAT THE WHITE PAPER SHOULD NOT PRE-EMPT IN ANY WAY DECISIONS EITHER ON THE FUTURE STRUCTURE OF POLICING IN NORTHERN IRELAND OR IN OTHER POLICY AREAS AFFECTING POLICING. THESE ISSUES SHOULD BE ADDRESSED IN ALL-PARTY TALKS. THIS CONCERN APPLIES EQUALLY TO THE OTHER REVIEWS WHICH ARE CURRENTLY BEING CARRIED OUT BY THE RUC ITSELF AND BY THE POLICE AUTHORITY, AS WELL AS TO THE REVIEW WHICH IT IS INTENDED TO CONDUCT OF THE POLICE COMPLAINTS SYSTEM. IN THE VIEW OF THE IRISH GOVERNMENT IT IS ESSENTIAL THAT REFORM OF THE RUC SHOULD BE ADDRESSED AS ONE OF THE KEY ISSUES IN ALL-PARTY TALKS.

3. IN THIS CONTEXT, THE IRISH GOVERNMENT WOULD NOT AGREE WITH THE REPORTED VIEW OF THE MINISTER OF STATE AT THE NORTHERN IRELAND OFFICE THAT "CONTRARY TO THE SDLP'S POSITION...REFORM OF THE RUC COULD BE DIVORCED FROM THE POLITICAL PROCESS...THE POLITICAL PROCESS IS UNLIKELY TO HAVE MUCH INFLUENCE OVER THIS" (BELFAST NEWS LETTER 21 NOVEMBER 1995).

4. IN A NEW FRAMEWORK FOR AGREEMENT THE TWO GOVERNMENTS ACCEPTED THAT ISSUES OF LAW AND ORDER IN NORTHERN IRELAND ARE CLOSELY INTERTWINED WITH THE ISSUES OF POLITICAL CONSENSUS (PARAGRAPH 44). THE GOVERNMENTS ALSO AGREED THAT FOR SO LONG AS LAW AND ORDER

MATTERS ARE NOT DEVOLVED, IT WILL BE FOR THEM TO CONSIDER WAYS IN WHICH A CLIMATE OF PEACE, NEW INSTITUTIONS AND THE GROWTH OF POLITICAL AGREEMENT MAY OFFER NEW POSSIBILITIES AND OPPORTUNITIES FOR ENHANCING COMMUNITY IDENTIFICATION WITH POLICING IN NORTHERN IRELAND. IN THE CONTEXT OF THE CONTINUING CESSATION OF VIOLENCE THE IRISH GOVERNMENT BELIEVES THAT FUNDAMENTAL ISSUES CONCERNING POLICING IN NORTHERN IRELAND SHOULD BE ADDRESSED IN ALL-PARTY TALKS TO BE CONVENED AT AN EARLY DATE. THE DOCUMENT ENTITLED "POLICING IN NORTHERN IRELAND" ADOPTED BY THE TWENTY FIFTH ANNUAL CONFERENCE OF THE SDLP ON 18 NOVEMBER 1995 WILL BE AN IMPORTANT CONTRIBUTION TO DISCUSSION OF THIS ISSUE IN ALL-PARTY TALKS.

5. THE RELATIONSHIP BETWEEN THE NATIONALIST COMMUNITY AND THE RUC LIES AT THE HEART OF THE PROBLEM OF POLICING IN NORTHERN IRELAND. IN THE ANGLO-IRISH AGREEMENT THE TWO GOVERNMENTS RECOGNISED THAT THERE IS A NEED FOR A PROGRAMME OF SPECIAL MEASURES IN NORTHERN IRELAND TO IMPROVE RELATIONS BETWEEN THE SECURITY FORCES AND THE COMMUNITY, WITH THE OBJECT IN PARTICULAR OF MAKING THE SECURITY FORCES MORE READILY ACCEPTED BY THE NATIONALIST COMMUNITY (ARTICLE 7C).

6. THE IRISH GOVERNMENT RECOGNISES THAT STEPS HAVE BEEN TAKEN BY THE RUC TO IMPROVE ITS RELATIONSHIP WITH THE NATIONALIST COMMUNITY WITHIN THE EXISTING POLICING STRUCTURE AND THAT MANY IN THAT COMMUNITY SUPPORT THE POLICE IN THE DISCHARGE OF THEIR LEGITIMATE DUTIES. HOWEVER, IT IS CLEAR THAT MUCH MORE FUNDAMENTAL MEASURES WILL BE REQUIRED BEFORE THE NATIONALIST COMMUNITY WILL FEEL ABLE TO IDENTIFY WITH THE POLICE SERVICE AND RELATED BODIES IN A WAY WHICH IS NORMAL IN DEMOCRATIC SOCIETIES. THAT THIS IS SO IS EVIDENT FROM THE INDEPENDENT SURVEY ON SOCIAL ATTITUDES IN NORTHERN IRELAND WHICH WAS PUBLISHED EARLIER THIS YEAR AND WHICH SHOWED THAT ONLY 37% OF CATHOLICS REGARD THE RUC AS IMPARTIAL, WHEREAS 68% OF PROTESTANTS DO SO. IT IS ALSO REFLECTED IN THE POLICY OF THE MAIN NATIONALIST PARTIES NOT TO PARTICIPATE IN THE POLICE AUTHORITY OR THE COMMUNITY

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POLICE LIAISON COMMITTEES. WE UNDERSTAND THAT THE LEVEL OF PARTICIPATION BY NATIONALISTS IN THE POLICE AUTHORITY'S PUBLIC CONSULTATION PROCEDURE THIS YEAR HAS BEEN VERY LOW. / ?

7. THE IRISH GOVERNMENT HAS NOTED COMMENTS BY THE BRITISH GOVERNMENT INDICATING THAT ONE CONSEQUENCE OF THE PEACE PROCESS WILL BE A FUTURE REDUCTION IN THE SIZE OF THE POLICE SERVICE IN NORTHERN IRELAND AND IN THE RESOURCES ALLOCATED TO IT. IN OUR VIEW THIS REDUCTION SHOULD NOT BE TREATED AS A CONVENTIONAL MANAGEMENT AND BUDGETARY EXERCISE. IT SHOULD BE CONSIDERED IN TERMS OF THE GOAL OF CREATING FOR THE FIRST TIME IN NORTHERN IRELAND A POLICE SERVICE CAPABLE OF GAINING THE FULL SUPPORT OF BOTH COMMUNITIES AND THUS AS PART OF THE FUNDAMENTAL CONSIDERATION OF POLICING ISSUES TO BE INITIATED IN ALL-PARTY TALKS.

8. AT THIS STAGE IN THE PEACE PROCESS, AND IN ADVANCE OF ALL-PARTY TALKS, THE IRISH GOVERNMENT DOES NOT CONSIDER THAT IT SHOULD OFFER DETAILED PROPOSALS ON REFORM OF POLICING IN NORTHERN IRELAND. THE MACHINERY OF THE ANGLO-IRISH INTERGOVERNMENTAL CONFERENCE HAS, OF COURSE, BEEN AVAILED OF ON A CONTINUOUS BASIS SINCE 1985 TO DISCUSS POLICING ISSUES. THE IRISH GOVERNMENT EXPECTS TO BE FULLY CONSULTED, IN ACCORDANCE WITH THE ANGLO-IRISH AGREEMENT, ON ANY PROPOSALS ARISING FROM THE WHITE PAPER EXERCISE OR THE OTHER REVIEWS UNDER WAY. THE PURPOSE OF THE PRESENT NOTE IS TO SET OUT THE GENERAL PRINCIPLES WHICH THE IRISH GOVERNMENT BELIEVES SHOULD GUIDE FUTURE POLITICAL AND COMMUNITY CONSIDERATION OF POLICE REFORM AND TO HIGHLIGHT KEY ISSUES WHICH SHOULD NOT BE PRE-EMPTED EITHER IN THE WHITE PAPER OR THE OTHER REVIEWS.

9. AT THE CORE OF THE RUC'S CONTINUING INABILITY TO GAIN FULL ACCEPTANCE BY THE NATIONALIST COMMUNITY ARE:

- ITS PREDOMINANT IDENTIFICATION WITH THE UNIONIST POLITICAL ETHOS;

- ITS STATUS AS AN ARMED POLICE FORCE, UNIQUE IN THESE ISLANDS, AND THE QUASIMILITARY NATURE OF MUCH OF ITS PRESENCE IN THE COMMUNITY;
- THE EMERGENCY LEGISLATIVE FRAMEWORK WHICH PROVIDES THE BASIS FOR MUCH OF ITS OPERATIONAL ACTIVITY.

10. THERE IS A NEED TO ENHANCE COMMUNITY IDENTIFICATION WITH POLICING IN NORTHERN IRELAND AS PART OF A NEW POLITICAL FRAMEWORK FOUNDED ON CONSENT. IN THIS CONTEXT, THE IRISH GOVERNMENT BELIEVES THAT EACH OF THE ISSUES IDENTIFIED IN PARAGRAPH (8) ABOVE WILL HAVE TO BE ADDRESSED IN THE CONTEXT OF ALL-PARTY TALKS ON THE BASIS OF THE FOLLOWING PRINCIPLES WHICH SHOULD ALSO INFORM ANY CONSIDERATION OF POLICE MANAGEMENT AND ACCOUNTABILITY IN THE INTERIM:

- THE POLICE SERVICE AS A WHOLE, INCLUDING ANY RESERVE FORCES, MUST BE ACCEPTABLE TO AND RESPONSIVE TO BOTH TRADITIONS AND ITS STRUCTURES SHOULD BE TAILORED TO THIS OVERRIDING IMPERATIVE;
- ADJUSTMENTS TO THE PRESENT UNITARY STRUCTURE OF THE RUC SHOULD BE CONSIDERED IN ALL-PARTY TALKS;
- POLICING STRUCTURES AND MECHANISMS FOR ACCOUNTABILITY SHOULD BE BROUGHT AS CLOSE AS POSSIBLE TO THE COMMUNITIES THEY SERVE;
- MEMBERS OF THE POLICE SERVICE MUST BE DRAWN FROM AND BE REPRESENTATIVE OF THE COMMUNITIES THEY SERVE;
- THE MECHANISMS FOR ACCOUNTABILITY SHOULD BE FULLY TRANSPARENT;
- THE PROCEDURES FOR INVESTIGATING COMPLAINTS AGAINST THE POLICE SERVICE MUST BE IMPARTIAL AND COMMAND THE FULL CONFIDENCE OF BOTH TRADITIONS;

- POLICE TRAINING AND MANAGEMENT SHOULD INSTILL IN EACH POLICE OFFICER A FULL UNDERSTANDING AND RESPECT FOR BOTH TRADITIONS;
- THE SYMBOLS AND NAME OF THE POLICE SERVICE SHOULD BE ADJUSTED SO THAT THEY REFLECT IN AN INCLUSIVE WAY THE IDENTITIES OF BOTH TRADITIONS IN NORTHERN IRELAND;
- THE PHYSICAL STRUCTURES OF POLICE BUILDINGS SHOULD AS SOON AS IS PRACTICABLE BE ALTERED TO REFLECT PEACEFUL CONDITIONS AND THE CIVILIAN ROLE OF THE POLICE;
- FLYING OF FLAGS AND THE DISPLAY OF OTHER SYMBOLS AT POLICE BUILDINGS SHOULD BE IN A CONTEXT ACCEPTABLE TO BOTH TRADITIONS;
- THE POLICE SERVICE SHOULD MOVE TOWARDS THE CIVIL UNARMED MODEL WHICH IS THE NORM ELSEWHERE IN THESE ISLANDS;
- THE LEGISLATIVE FRAMEWORK UNDER WHICH THE RUC HAS OPERATED HITHERTO SHOULD BE REVIEWED;
- LEGAL AND INSTITUTIONAL MECHANISMS FOR THE PROTECTION OF HUMAN RIGHTS SHOULD BE CONSIDERED IN ALL-PARTY TALKS;
- CONSISTENT WITH THE THREE-STRANDED APPROACH ENDORSED BY THE TWO GOVERNMENTS AND THE EXCELLENT CO-OPERATION WHICH EXISTS BETWEEN THE RUC AND THE GARDA SIOCHANA, A FUTURE REVIEW OF POLICING IN NORTHERN IRELAND IN THE CONTEXT OF ALL-PARTY TALKS SHOULD ENCOMPASS THE POTENTIAL FOR FURTHER DEVELOPMENT OF CROSS-BORDER POLICE CO-OPERATION, INCLUDING THE POSSIBILITY OF NEW STRUCTURES;
- ANY FUTURE ARRANGEMENTS FOR LOCAL POLITICAL CONTROL OF A POLICE SERVICE IN NORTHERN IRELAND MUST BE ON THE BASIS OF THE JOINT AND FULL INVOLVEMENT OF POLITICAL REPRESENTATIVES OF BOTH COMMUNITIES.

11 ● IN PUTTING FORWARD THE ABOVE GENERAL PRINCIPLES AND VIEWS ON THE FORTHCOMING WHITE PAPER, THE IRISH GOVERNMENT WISHES TO EMPHASISE AGAIN ITS VIEW THAT THE BRITISH GOVERNMENT SHOULD DO NOTHING WHICH WOULD PRE-EMPT DISCUSSION OF POLICING ISSUES IN THE CONTEXT OF FUTURE ALL-PARTY TALKS. TO DO SO WOULD BE TO FRUSTRATE THE LEGITIMATE ROLE OF THE POLITICAL REPRESENTATIVES OF BOTH TRADITIONS IN NORTHERN IRELAND AS WELL AS THE STRONG COMMUNITY INTEREST IN THIS KEY ISSUE WHICH LIES AT THE HEAR^t OF THE POLITICAL PROBLEM WHICH THE TWO GOVERNMENTS HAVE SOUGHT TO ADDRESS TOGETHER IN RECENT YEARS.

21 DECEMBER 1995