

20. Mar. 1998 17:34

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See letter out

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24/3.

Prime Minister

## PROPOSED POLICE COMMISSION FOR NORTHERN IRELAND

I am writing to seek your views, and those of copy recipients on the establishment of a Royal Commission to examine policing in Northern Ireland, and criminal justice issues which are closely linked to policing. The Government's paper on policing, for discussion in Strand 1 of the Talks has been published, as has a paper, based on papers on restorative justice and community partnership approaches prepared for the Confidence Building Sub-Committee of the Plenary. Concerns have been expressed that what we are proposing is authorised vigilantism.

This is not true, and publication of the papers is a key element in overcoming this problem. But these sensitivities demonstrate the impossibility of reaching a consensus on such difficult areas, in time for incorporation in the overall agreement. So we must firm up on the proposal in the "Policing Principles for Northern Ireland" paper, of an Independent Commission to take forward consideration of policing, and those aspects of the Criminal Justice system which directly impact upon it, and to make recommendations to the Government. This has attracted support, notably from the SDLP; and I believe that, were it to be a Royal Commission, the

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Prime Minister

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Strand 1 paper strikes me as fine, time it is not too prescriptive, but Monday it is arguably a bit soon to push this into the process (the day of Sinn Féin's return to the talks).

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police would be reassured, whilst the Unionists would find it difficult to oppose.

This option provides a way of ensuring sensible and authoritative consideration of a very difficult nexus of issues, without risking the fragile relationships in Talks themselves, or in any fledging new institutions.

For credibility we would need a strong body, with international elements, reporting within, a relatively short timescale from any settlement. I am presently advised that such a timescale would be in the region of 12 months. It should be chaired perhaps by a senior judicial figure from the Commonwealth (Australia, or New Zealand spring to mind as possible sources though Jim Steinberg suggested a figure such as Warren Christopher when I visited the NSC this week.). Other members should include a senior member from the British police (not the RUC); an international academic with police/criminal justice experience; a senior member of the Northern Ireland Bar; some "Human Rights" clout, in the form of a well-recognised and reputable activist; and reputable representatives of both sides of the community, including individuals who have been prominent in voluntary or community organisations.

*not an  
American*

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The Terms of Reference should be wide enough to allow full consideration of policing, and of aspects of the criminal justice system which impact directly upon it, without being dragged into considering the criminal justice system as a whole. We will need to make it clear that criminal justice will be reviewed in parallel, to inform consideration about the possible relationships between that system, and any new institutions. An outline of possible Terms of Reference for the Commission is attached at Annex A.

Such a Commission will require its own secretariat, and may be a moderately costly exercise. However, the prize of removing policing from its position as a 'derailing' issue in Talks, and of helping to build the peace in Northern Ireland makes this a worthwhile investment.

In order to take forward this approach, I need to table a short paper sketching this approach in Strand 1 of the Talks when they resume on 23 March. A draft is attached at Annex B.

We must proceed with care, on these sensitive issues; but time is pressing, and these relatively tentative and flexible proposals can be refined later, as required. I know that officials have already been in touch, and are working out the detailed implications.

Given the urgency, I should be very grateful for rapid comments by noon on Monday and for assistance, if the

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project gets underway in identifying and persuading suitable individuals to serve on the Commission!

I am copying this letter to IN colleagues, the Lord Chancellor, Scottish Secretary, Attorney General and to the Cabinet Secretary.

*J Hle*

*for* MARJORIE MOWLAM

*(Agreed by the Sec of State  
and signed in her absence)*

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