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3 **September 1999**

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To: HQ
For: Secretary Gallagher

From: Belfast
From: Joint Secretary

M Whelan passed on to the Taoiseach

Subj: Patten Report

Attached, as discussed, is the report on our meeting with the NIO and Secretariat officials here this morning to discuss the Governments' handling of the Patten Report.

6.9.99

The meeting was generally quite constructive and there was broad agreement on the essential elements of a possible joint approach, in terms of both presentation and implementation, as set out in the report. The British would welcome a further official-level meeting on the actual content of the Report on next Tuesday afternoon or evening and that meeting will be followed up by a Ministerial meeting with the NI Secretary of State on the morning of Wednesday, 8 September. You might advise.

JP

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MEETING WITH NORTHERN IRELAND OFFICE REGARDING PATTEN

3 September, 1999, Anglo Irish Secretariat

1. We met David Watkins and Stephen Leach of the NIO concerning the Governments' handling of the publication of the Patten Report in the Secretariat today. They were accompanied by Peter Bell, John Fisher and Joanne Maxwell from the British side of the Secretariat. Present on our side was Donal Hamill, Val O Donnell, Gary Ansbro and the undersigned.

Logistics

2. The British side indicated that they did not anticipate receiving their advance copy of the report until Patten met the Prime Minister on Monday evening. They would be preparing an initial analysis between Monday and Tuesday to enable the Secretary of State to consult with both her colleagues and our Ministers on the nature of the British Government's initial response. To that end, they proposed a meeting at official level on Tuesday afternoon / evening and a meeting at Ministerial level on Wednesday morning to discuss the manner in which both Governments might best respond. Their preference would be for Ministers to meet in Belfast on the margins of the review. (NB The Ministerial level meeting has since been fixed for 9.00 a.m. on Wednesday.)

Governments' Response

3. The British side stressed that they were not in possession of a copy of Patten's report and had received no indication as to the recommendations it would contain. Their thinking in regard to the "lines" of the British Government's response to it were therefore "very tentative" and no more than "ideas" at this stage. The whole matter could be "more complicated" depending on what Patten contained.

4. What they envisaged, however, was that what the Secretary of State would say on Thursday would be in the nature of an initial response rather than indicating the Government's position on each individual recommendation. They hoped that it would be possible for her to strike a "positive and confident" note and broadly welcome the report and the analysis it contained. They also anticipated that she would want to refer to the need to go through a discussion / consultation process in the context of its implementation and possibly also commit the Government to "some" of the report's proposals. They also indicated, in subsequent exchanges, that any statement would be likely to reflect that the report itself was "very important" and include tributes to Patten, the RUC, and the Police Authority (in the event of its demise being proposed).

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It would also underline the importance of taking forward the report quickly while also accepting the obligation created by the Good Friday Agreement to discuss implementation with both us and the political parties. It might also suggest a mechanism in regard to the consultation process itself.

5. We expressed the hope that the report would be seen as striking a fair balance and, against that background, stressed the desirability of both Governments indicating their acceptance in principle of the recommendations it contained. We also stressed the importance of putting the report in the broader context of the Good Friday Agreement and placing the consultation process firmly in the context of implementation of the report rather than reopening those recommendations for negotiation. The British side responded by saying that they "would like to be able" to endorse the analysis and accept its recommendations in principle. They also accepted the vital importance of the Governments being seen to be "ad idem" and consistent in their responses. They said they hoped it would be possible to exchange proposed texts on Wednesday or "very early" on Thursday.

6. We pressed the British side as to their thinking in flagging acceptance of certain recommendations but not others. They responded on the basis that such an approach would go beyond "warm words" and felt it might provide reassurance for nationalists in particular as to the British Government's future intentions in regard to the report. They also indicated that they would find it impossible to indicate acceptance of recommendations which would have significant financial implications etc. in the timeframe available because of the need for inter-Departmental consultation. They accepted in response to points we made that this approach should not have the effect of casting doubt on other recommendations but were unable to offer reassurance that the recommendations which might be specifically welcomed would be other than purely non-controversial ones. They also indicated that this would be an issue on which they would welcome advice from our Ministers. For our part, we underlined the advantage of accepting the Commission's recommendations in principle, rather than becoming hooked on specific details, which could be taken out of context. We hoped that the report could be described as fair and balanced, that the Commission could be seen as having fulfilled its mandate under the Good Friday Agreement and that both Governments might include reference to the need for speedy and effective implementation and for consultation in that regard, as provided in the Agreement. A clear signal was needed from the British Government that the future of policing in Northern Ireland will be on the basis of the wider Good Friday Agreement and of the Patten Report.

<u>Likely Reaction of Parties and Others</u>

7. The British raised the reaction of the parties generally, and the SDLP in.

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particular, on the basis of press speculation as to the report's likely content. They did not expect any party to welcome the report in its entirety and indeed saw such an outcome as counterproductive. Patten would, however, "be lost" if either ther SDLP or the UUP were to reject it. Their main concern, however, appeared to be the SDLP's likely reaction predicated in part on newspaper reports that Patten would not be recommending regional police structures. They canvassed the possibility of the Governments jointly approaching the SDLP in advance of Thursday to avoid such an outcome.

8. We raised the importance of the Chief Constable's reaction to the report. Watkins responded on the basis that, although he had not discussed the matter with the Chief Constable, he anticipated his response being conditioned in terms of his twin responsibilities of providing effective policing and managing his Force. Nobody's interests would be served if he were to welcome the report as "brilliant". The most that might be expected was that he might express the opinion that it provided a basis for moving forward subject to the sorts of concerns he might be expected to articulate in the context of his "duty of care" to his men. Leach also mentioned that the Secretary of State's statement would probably include words of reassurance for members of the RUC in terms of downsizing.

<u>Implementation</u>

9. We also raised the issue of implementation of the report. The British side indicated that they would be moving quickly to implement Patten. Implementation would require a number of steps:

- the discussion process required by the Good Friday Agreement in relation to implementation which they emphasised would be "crisp" and should not need to extend beyond the end of October;

- the Secretary of State's final policy discussions with Cabinet colleagues which they anticipated taking place in November;

- legislation which they anticipated being introduced early in the New Year with a view to enactment by summer 2000.

The British side emphasised that much of what had been suggested might be recommended (name change, oath, disbandment of RUC Reserve) would require primary legislation to be given effect and would therefore be delayed until the enactment of the necessary legislation. While they did not exclude other recommendations being taken forward, they did not give any sense that this would be likely to take place quickly.

10. The British side also stressed the issues of cost and security in the context of

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implementation. They indicated that £1 billion represented a "rough guess" at what the cost of implementation could be and predicted a "vigorous" debate between the Secretary of State and the Chief Secretary to the Treasury as regard the timescale for that investment. Another consideration would be the security situation and implementation would have to take account of this. The report itself may contain assumptions in this regard which would need to be realistic.

11. We also pressed the British side on the issue of an implemention monitoring structure or mechanism. The British side showed no enthusiasm for such a body insisting that it would be difficult for Government to sub-contract what was a primary function of Government - the protection of its citizens.

P. Hickey.

3 September, 1999.

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