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SECURE FACSIMILE TRANSMITTAL

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From:	T Russell
Date:	June 19, 2000

Subject: **Call by Martin McGuinness on the Embassy**

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1. As part of his visit to Washington, Martin McGuinness called on the Embassy as is customary by now. In the absence of the Ambassador, I saw him and Rita O'Hare.

2. Earlier, they had had an hour at the White House with Jim Steinberg (whom they are very sorry to see moving on) and were meeting "nine or ten" Representatives to-morrow morning (we understand that this is being organised in Peter King's Office) followed by a meeting with Senators Kennedy and Dodd. After this, Mc Guinness was continuing to New York for some Sinn Féin business and returning to Ireland overnight. Rita O'Hare was staying on in Washington for a while.

3. McGuinness said that the main purpose of his visit was to ensure that various contacts in the US were sure of where Sinn Féin stood on Patten, and, as he put it, "to keep ahead of the British" on the ground. Patten, which was already a balancing of the different views on policing in the North would be seriously unbalanced if the Bill and Implementation Plan were passed as drafted. While it was encouraging to see that

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amendments were being worked into the Bill, there was a real danger that some amendments only might be seen as sufficient. There was still a long way to go if the Patten recommendations were to be maintained. He had given the Sinn Féin amendments to the Bill to Steinberg (as they would to others) and he had argued for a maintenance of strong US pressure throughout the passage of the Bill. McGuinness was particularly robust on the use of the name of the RUC which, on present indications, would be "littered" throughout the Bill and would give grounds to those who wished to maintain it, that the force had not really changed. If such was the widespread perception among their supporters, it would be impossible for Sinn Féin to recommend to young people that they should join the force. Many of their followers saw the implementation of Patten as a test case of the new dispensation that was to prevail in the North.

4. In particular, it was astounding that the taking of the new oath would be limited to new recruits. The whole point of this recommendation was to make clear to everyone that a new beginning had taken place, that a force which had been involved in "shoot-to-kill" and attacks on nationalists was being fundamentally altered. It was equally amazing that the Secretary of State would arrogate to himself powers about symbols and flying of flags which should clearly be neutral as Patten recommended. I reiterated the Government position on the full and speedy implementation of the report and our emphasis on the need, at the end of the day, to ensure that the police service would be a desirable career choice for nationalists.

5. Coincidentally we had just received a copy of the attached letter by Bob Peirce of the British Embassy which is being widely circulated on the Hill. (The annex is the *Irish News* article of Friday 16th which I am not faxing). The letter admits that the Bill will (and should) undergo changes but McGuinness was inclined to be suspicious of its eminently reasonable tone conveying the impression of continuing changes to the Bill without in fact making clear what those changes will be. Its author, Bob Peirce, (former Secretary of the Patten Commission and now in the British Embassy here) is saying privately around Washington that SoS Mandelson was too busy with the overall political developments when the Bill was being drafted and is now adjusting it to bring it into line with Patten.

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6. On the implementation of the CBM, Steinberg had pressed them strongly. McGuinness had told him that things were moving forward and progress could be expected, probably sooner rather than later. The pace, with which the process had to be worked, should not be underestimated. However, the issue should not be allowed take on a public pressure aspect which would make the task more difficult for everyone. (This corresponds with Norland's reading of what was said in the meeting with Steinberg). good

7. We also had some general discussion on

- **the Constantine appointment** which they tend to view sceptically as a means of appeasing Gilman with a candidate who, at the same time, might be lacking in a wide vision of the job thus giving more scope to the "securocrats in the NIO" (I outlined for them our intention to see that he was as well-briefed as possible and encouraged them to do likewise).

- the level of **present Washington interest in the Northern Ireland** issue which, in their estimation, wants to continue to help with particular aspects of the problem - such as police reform - but sees itself as having moved beyond the fundamental issues with the implementation of the Good Friday Agreement (this is probably reasonably accurate, for a variety of reasons, including the approaching end of the present Administration)

- the **Northern Ireland Bureau**, which Rita O'Hare objects to being within the British Embassy as at present but equally (at the moment at least) objects to being set up as a separate office "as if Northern Ireland were a separate state". Without perhaps being fully aware of the technical and diplomatic issues involved, she was inclined to make the case for some kind of closer structural association of the Bureau with our Embassy (at the moment we have fairly close practical cooperation).

END

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From Mr R N Peirce
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16 June 2000

Dear Colleague

POLICING IN NORTHERN IRELAND

A lot has been said or written in the last few weeks about the implementation of the report of the Independent Commission on Policing for Northern Ireland (commonly known as the Patten report). It may be helpful if I clarify what is happening.

Following a public consultation period after the issue of the Patten report last September, the British government formulated its response to the report. The Secretary of State for Northern Ireland, Peter Mandelson, made a statement to Parliament on 19 January 2000 with the government's decisions on some key recommendations from the report. A Policing Bill was then drafted to provide the legislation for those recommendations in the report that required legislation, and this Bill was introduced into Parliament on 16 May. Next, on the same day that the Bill had its second reading in Parliament (which it passed with a vote of 329 to 14) – 6 June – the Secretary of State published an implementation plan addressing every one of the 175 recommendations in the Patten report.

There was some criticism reported in the press here in the United States, after the introduction of the Policing Bill, claiming that the Bill did not fully implement the Patten recommendations. Two points that need to be borne in mind are:

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(a) that not all the Patten recommendations require legislation, so no Bill would in itself constitute a full implementation of the Patten report. The implementation plan published on 6 June gives a much more comprehensive picture.

(b) that, as Mr Mandelson said in his speech in the second reading debate of 6 June, the Bill is bound to undergo change in the Committee stage, which began on 13 June. The committee stage of course involves working through the Bill line-by-line and in public.

Mr Mandelson has had a round of meetings with political parties about points that have aroused criticism. One of these relates to the inquiry power of the new Policing Board – the majority-elected, civilian oversight body for the new police service. Mr Mandelson has now said publicly that the Bill may be too cautious in this area (although powers for the new Board already go well beyond any accountability arrangements existing elsewhere in the United Kingdom and Ireland, or in major US police departments for that matter). He has also spoken to the new Police Ombudsman – another unique institution in the United Kingdom and Ireland – about her powers set out in the Bill, and she has said publicly that she is satisfied that her concerns can be met.

Turning to other points that have arisen in the public discussion so far, the Secretary of State has said that the name of the RUC will change and that his preferred option is for the title "Police Service of Northern Ireland" to be the name used for the Northern Ireland police from 2001. A new service badge would be introduced at that time, the features of which should be decided, as should the matter of the flying of flags, by discussion at the Policing Board (which will include elected members of all the main political parties). Finally, on the question of a new oath, the Government has said that all officers will be bound by the new oath, even though only new recruits will be obliged to swear it in order to be attested as police officers. All police officers will be required to sign up personally to a new Code of Ethics, which will be drawn up after full consultation and will fully reflect the terms of the new oath.

Implementation of the Patten report will be a massive undertaking, and will represent the greatest change in policing practice and culture ever undertaken in the United Kingdom (and perhaps anywhere else). The Bill should pass into law later this year, and the new Board and 50/50 recruitment of Catholics and Protestants should be underway in 2001. Over the next few years policing in Northern Ireland will be totally transformed.

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The whole implementation process will be subject, as the Patten report recommended, to periodic audit by an "Oversight Commissioner". Last month, Tom Constantine – former head of the US DEA – was appointed to this position, an appointment which was widely welcomed in this country.

I hope this letter is helpful. All the references can be found on our website www.BritainUSA.com. Please feel free to call me (202 588 6532) or Peter Reid (202 588 6591).

Yours sincerely

Bob Peirce

R N Peirce

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