

SECRET

Possibility of the U.K. Government taking over responsibility for law and order in Northern Ireland

This course has a number of superficial attractions. It is suggested that law enforcement would then be seen to be impartial as between Protestants and Catholics; and that since the N.I. Government cannot keep order on the streets the U.K. Government should take over; and that the B Specials would be brought under proper control. It has also been suggested that the R.U.C. should be reinforced by police from Great Britain; and that its senior officers should be replaced by British officers. It could be argued that these steps (assuming they are desirable) might present fewer problems if the U.K. Government was responsible for law and order. Above all, if troops had to be used, the fact that the U.K. Government was responsible for law and order might be deemed to mitigate some of the difficulties which have been felt about making British troops available to assist the N.I. Government in carrying out its responsibilities.

But the difficulties in the U.K. Government assuming this responsibility would seem to be overwhelming.

If the U.K. Government took over the full range of responsibilities of the N.I. Government, for political reasons of overriding importance, mistakes through lack of local knowledge might be inevitable and would have to be accepted. But if the U.K. Government took over law and order alone, it would be expected to discharge its responsibilities not less effectively than the N.I. Government had done. The implications of such a

takeover would be that the U.K. Government could do better. It is not certain - there is little reason to suppose - that this would be the case. The cost of failure, in terms of stability in the province and of the credibility of the U.K. Government's policy towards N.I., would be high.

Presumably the takeover would have to be with the consent of the N.I. Government. The N.I. Government could hardly remain in office if responsibility for law and order had been taken away against its will. If it did remain in office in these circumstances, the competing claims on the loyalty of the R.U.C. and the civil servants in the Ministry of Home Affairs would make their whole-hearted co-operation with the U.K. Government, without which the operation could hardly succeed, doubtful.

But even if the N.I. Government agreed to losing responsibility for law and order, would its position as a Government be tenable after such an admission of failure or of partiality, and such a massive demonstration of lack of confidence by the U.K. Government? If the N.I. Government fell as a result, there would seem no alternative to a complete takeover by the U.K.

Even if the N.I. Government did agree, and did not fall, the morale of the R.U.C. and the Ministry of Home Affairs (singled out for a takeover) would probably be adversely affected.

If these difficulties could be overcome, the greatest problem would be to ensure that U.K. control was effective in the sense that it could influence the actions and policies of the R.U.C. decisively for the better. We do not know the precise nature of the powers and duties of the Minister of Home Affairs vis-a-vis the R.U.C., but it is difficult to see what positive

benefits the R.U.C. would derive from the U.K. control unless it received a substantial injection of British manpower. There would be difficulties over this in the circumstances as envisaged. The U.K. Government would have to deal with complaints against the R.U.C., and would incur the odium when things went wrong. On the other hand, the U.K. Government would have no say in the other policies and statements of the N.I. Government which might be supposed to have an effect on law and order.

There would be a number of other practical problems, although these would probably not be insuperable. Who would represent authority for law and order in the N.I. Cabinet? Who would pay for the R.U.C? The cost is now borne entirely by the N.I. Government, but would they pay for an organisation over which they had no control? There might be difficulties over the legislation required, rather more acute than in the case of a complete takeover. There could be a short enabling Bill, leaving the details to be dealt with by Order in Council. But in any event there would almost inevitably be a potentially dangerous interregnum, which would be more dangerous and more protracted if the N.I. Government were recalcitrant.

What other responsibilities would or could go with the responsibility for public order in the narrow sense? The Minister of Home Affairs has responsibilities broadly similar to those of the Home Secretary - administration of justice, betting and gaming, liquor, civil defence, fire service,

firearms, prisons, probation, child care, and elections and franchise. Most of these fields are not controversial in the sense of involving allegations of discrimination against Catholics. There might be merit, from the administrative point of view, if the U.K. Government were taking over law and order, in taking over the Ministry of Home Affairs as a whole Department. But the difficulties mentioned earlier in this note would remain.