

New Northern Ireland Police Bill set to become law in weeks

Julie Hyland**22 November 2000**

Last week, the Northern Ireland Police Bill completed its passage through the House of Lords, Britain's parliamentary upper chamber. But although the Bill is due to become law in weeks, political divisions over its contents remain.

The dispute centres on reform of the Royal Ulster Constabulary (RUC), the overwhelmingly protestant force formed to defend the northern Unionist state against its Irish nationalist opponents. Although long a linchpin of British rule in the north, the RUC in its current form is not conducive to the power-sharing arrangements established by the Good Friday Agreement in 1998, which called for a "representative" police force that was acceptable to both Catholics and Protestants.

Last year a Commission established under former Hong Kong Governor and Conservative Minister Chris Patten submitted proposals on policing reform.

RUC disbandment was never an option for the Patten Commission, as this would create major divisions within the British establishment, bring the Unionist apparatus into direct conflict with Westminster and fatally undermine British efforts to maintain overall control in the north. To square retention of the RUC with the Agreement's pledge for a "neutral" police force, the Patten Report proposed making certain changes in the force's name, image and logo and urged it to adopt a culture of "transparency" and "operational responsibility".

Even these proposals drew heated opposition from the Unionist and Conservative parties, who denounced them as a betrayal of the force's "loyal" members. In the Lords last week, Unionist peers tabled a motion to freeze any changes to the RUC until "peace is assured"—a reference to Unionist demands for immediate weapons decommissioning by the IRA. The Ulster Unionist Party's (UUP) motion was defeated, as was an attempt by Conservative and Unionist peers to force the retention of RUC emblems symbolising its British origins and to

reject rules aimed at ensuring half of all new recruits are Catholic.

To facilitate its passage through the Lords, Northern Ireland Secretary Peter Mandelson had deferred decisions on contentious items in the Bill—such as the new force's symbols—to next year. These are to be agreed on by a new 19-strong Policing Board, 10 of which will be nominated from the Northern Ireland Assembly using its "d'Hondt system" of proportional representation and the remaining nine to be appointed directly by the Secretary of State. A shadow board is to be in place by January and the government says it has already received 243 applications for seats.

The Labour government has also come under attack for making unpardonable concessions to the Unionists and diluting the Patten Commission's recommendations.

Writing in the *Guardian* newspaper November 14, Clifford Shearing, director of criminology at the University of Ontario who participated in the Patten Commission, attacked Labour's Police Bill. "The Patten report has not been cherry picked—it has been gutted", he wrote. "It is not a new beginning. It will not serve the people of Northern Ireland. Nor will it serve the many, many dedicated persons within the RUC who have been looking for a new vision for policing that will move and inspire them to police in partnership with the communities they serve", he warned.

Whereas the Commission had worked on the basis "that policing is, and should be, more than the police" and "not something that the community leaves to the police to do", Labour had gone for an "us" and "them" arrangement, Shearing continued.

Sinn Fein and the Social and Democratic Labour Party (SDLP), the main nationalist party, have echoed his criticisms, citing his alternative proposals as an example of a "fairer" police model. Sinn Fein and the SDLP have so far not committed themselves to nominate members to

the new board.

Along with the RUC, the sectarian terrorist organisations have acted as a key means of maintaining order in working class areas that are wracked by unemployment, poverty and growing social problems. These armed thugs have dispensed summary judgements, often in the form of "knee-cappings" and punishment beatings; against anyone they deem to be involved in "anti-social" behaviour. One consequence is that Northern Ireland has the lowest crime rate in Great Britain and has experienced little social protest.

Whilst an end to military violence is necessary to create a stable environment for investment in the north, there is concern in ruling class circles at the consequences of simply dismantling the paramilitary structures in both Protestant and Catholic areas—especially if, as is likely, the new police force has little credibility.

The Patten Commission had therefore recommended a "network" of "policing partnerships," under which those previously "excluded from policing" would be able to play a role. This should be given official recognition, the Commission proposed, through the establishment of a "policing budget" and "policing board" as opposed to resources devoted solely to the police.

Unionists have complained that the partnerships could become a means of incorporating elements of the IRA and pro-British loyalist terror organisations into civil policing.

The British government will not give up any control over security issues in the north, however, much less build up forces that could be used to undermine its overall authority. The new Police Bill specifies that the partnerships will only play a "consultative" role. In the same vein, the Bill strengthens the powers of the Secretary of State. Whilst the Commission had accepted that the chief constable may refuse to report to the Police Board on grounds of "national security, sensitive personnel matters and cases before the courts", the new Bill adds a fourth criteria. This allows the chief constable to request the Secretary of State to overrule the board if it appears such a report could hinder the prevention or prosecution of a crime.

Patten's recommendation that policing boards may have the power to follow up on a report from the chief constable "by initiating an inquiry into any aspect of the police service or police conduct" are also voided by the new criteria. This is to prevent the new Board ordering inquiries into previous actions by the security forces. The Bill also retains the use of plastic bullets and rules out the immediate transition to an unarmed police force.

In response to Shearing's complaints, Northern Ireland Secretary Peter Mandelson said, "Everyone has to live in the real world, and that includes former members of the Patten Commission."

Pat Doherty, Sinn Fein vice-president, told the *Observer* newspaper on Sunday that the Police Bill, as it stood, would not receive his party's backing, nor would it nominate positions on the policing boards.

It appears that the SDLP are trying to broker some type of compromise, with changes in the final wording of the Police Bill being tied in to the IRA's "re-engagement" with the Commission on weapons decommissioning. Sinn Fein ministers are currently officially excluded from cross-border meetings at First Minister David Trimble's insistence, until the IRA "re-engage" with the weapons Commission. Health Minister Bairbre de Brun is contesting his action in the High Court.

At the SDLP's annual conference in County Down last week, Deputy First Minister Seamus Mallon indicated that it was "not too late" for the British government to make the Police Bill workable. The Patten Report represented "the best chance" for decades to end bitter division in the north over policing, he went on, whilst urging Sinn Fein to press for IRA re-engagement. According to the *Sunday Times* November 19, the Blair government has assured the SDLP that it will present a revised implementation plan for policing changes by next month, in time for the party to make its nominations for the new police board before the list closes on December 4.

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