NATIONAL ARCHIVES

IRELAND



Reference Code:	2004/15/24
Title:	Briefing paper on the Irish government position
	on policing and common law enforcement,
	prepared for Irish government officials taking
	part in the Sunningdale negotiations.
Creation Date(s):	November, 1973
Level of description:	Item
Extent and medium:	2 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be
	reproduced with the written permission of the
	Director of the National Archives.

- Especially in view of the security problem, the achievement at the earliest possible date of a combination of a common form of policing and common law enforcement arrangements for the whole of Ireland under the Council of Ireland is desirable
- 2. The Irish Government recognises that, in the initial stages of a Council of Ireland, interim arrangements for policing will be necessary and that these should be as follows:-
 - (a) a Police Authority be established in the Republic; that the two police authorities in the north and the south would each be responsible for their own forces, but both would be responsible to the Council of Ireland - provided that the Council is an effective decision making body or that adequate safeguards are available to ensure effective policing in the event of deadlock;
 - (b) a complaints' procedure in respect of the two Forces, including a special ombudsman for policing, be established by the Council with a commitment by the administrations concerned that the recommendations of the ombudsman would be implemented in both jurisdictions; and
 - (c) the Council arrange for institutional cooperation
 between the two Forces, initially at least
 in non-sensitive expert areas.
- 3. If the principle of the desirability of a common form of policing is accepted and the interim proposals above are agreed the Irish Government would agree that with

a view to the provision of common law enforcement arrangements a Court or Courts be established in the two jurisdictions to try specified offences, that the Judges for these Courts be nominated by the Council of Ireland and that the Court or Courts comprise an equal number from each jurisdiction with a presiding Judge appointed in a manner to be agreed;

2 -

- 4. These arrangements for policing and common law enforcement should, however, be linked to arrangements for the incorporation into the domestic law of both jurisdictions in Ireland of the human rights specified in the European Convention of Human Rights and Protocols together with other human rights, involving, for example, protection from discrimination in the areas of employment and housing and that a Council of Ireland Court of Human Rights deal with issues arising under this head; and
- 5. The Council of Ireland should also have a harmonisation role in relation to legislation relevant to the proposed common Court or Courts.

© National Archives, Ireland