

Ref. A084/1549

PRIME MINISTER

Anglo-Irish Relations: Northern Ireland

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In my Secret and Personal minute of 14 May reporting the proposals put to me on 11 May by Mr Dermot Nally, the Secretary of the Irish Government, I undertook to submit a further note or notes analysing the options available to us in the light of Mr Nally's approach. These notes are now submitted (Annexes A and B to this minute). Annex A analyses the Nally proposals with particular reference to the Irish ideas on joint authority. It concludes that, although the Irish package is unacceptable as it stands, there are elements in it on which it might be possible to build constructively depending on how far we might contemplate according the Republic some degree of political involvement in the affairs of the Province. Annex B examines a range of illustrative possibilities.

2. Meanwhile the Secretary of State for Northern Ireland has minuted on the need for a new approach, recording his view that the risks involved in taking no new initiative are greater than those involved in making a fresh attempt to end the stalemate (Mr Prior's minute to you of 22 May). Because of the importance of maintaining the secrecy of the exchanges between Mr Nally and myself, Mr Prior's minute, which has necessarily been seen by a fairly large number of officials in the Northern Ireland Office, deliberately makes no reference to the ideas put to me by Mr Nally on 11 May; and it outlines the elements of a possible new approach only in very general terms. The possibilities examined in Annex B illustrate some of the ways in which that approach might be fleshed out.

3. You are holding a meeting with the Foreign and Commonwealth Secretary and the Secretary of State for Northern Ireland at 11.30 am tomorrow, after Cabinet, to discuss these papers. Sir Antony Acland, Mr Robert Andrew, Sir Philip Woodfield and Mr Goodall have also been invited.

4. The main questions for consideration are:

(a) is Mr Prior's judgment right that this is a good moment for the Government to make a new move on Northern Ireland, and that the inevitable dangers of doing so are outweighed by the dangers of continuing as we are?

(b) if a move is to be made, should it be in the direction of giving the Republic some real political say, even if only on a consultative basis, in the affairs of the Province?

5. If the answer to these two questions is yes, you will wish to consider whether the approach recommended by Mr Prior - establishing a joint security commission, giving greater substance to the Anglo-Irish Intergovernmental Council in relation to the affairs of Northern Ireland, and establishing joint Parliamentary arrangements - is the right one, and whether the Government would be prepared to contemplate fleshing it out in some or all of the ways examined in Annex B.

6. The terms of Mr Nally's communication to us on 11 May were such as to make it virtually certain that the Irish Government will not be prepared to embark on joint security arrangements with us on the basis which I was authorised to explore with him on 1 March without an additional element of political involvement. If you reach the conclusion that Irish political involvement is unacceptable, there would consequently appear to be little scope for a new approach involving the Irish Government or depending on its co-operation. It would therefore be necessary to consider whether there is any realistic possibility of achieving an internal settlement. It seems to be the considered judgment of the Secretary of State for Northern Ireland, with which officials would agree, that there is no prospect at present of bringing the parties in Northern Ireland to agree to operate a settlement of this kind, whatever form it might take. If this is accepted the only alternative to the approach recommended by Mr Prior would seem to be the continuation of direct rule on much the same basis as at present.

7. My judgment is that some sort of Irish involvement at political (not just administrative or security) level is an

indispensable condition for the Irish Government; and that the options for British Ministers are therefore:

(i) to decide that no form of Irish political presence, however diluted or "consultative", in Northern Ireland would be tolerable, and to disengage from the conversations with the Irish Government, despite the political and other risks which that would entail;

(ii) to decide that an Irish political presence in the North which did not dilute British sovereignty (and would therefore deprive the Irish of a formal right of veto) would be tolerable and could be sold to the unionists without provoking such violent reaction as to make the Province ungovernable; and to explore further in the Armstrong-Nally forum the possibility of reaching agreement on that basis.

8. Depending on the outcome of the discussion, you may wish to instruct officials to make recommendations as to the terms in which I should be authorised to respond to Mr Nally's proposals. If I am to be authorised to continue the dialogue with him, at least for a limited period, you may also wish to ask officials to examine the Irish proposal for a joint statement to be issued by yourself and the Taoiseach (paragraph 4 of my minute of 14 May); and to make recommendations about public handling of the Northern Ireland question as our discussions with the Irish develop.

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ROBERT ARMSTRONG

23 May 1984

British/Irish Joint Authority in Northern Ireland

This note offers preliminary comments on the proposals by the Republic of Ireland which were put to Sir Robert Armstrong and Mr Goodall by Mr Nally and Mr Lillis on 11 May, with particular reference to the central proposal for the establishment of a Joint Authority in the Province.

2. The essential elements of the proposals are:

(a) An Irish undertaking that there could be no change in Northern Ireland's status without the consent of the majority of its population, to be incorporated into a formal treaty.

(b) Solemn guarantees by the Irish and British Governments to both the unionist and nationalist communities that their political, cultural and social identities would be protected, whatever future constitutional changes might come about by consent.

(c) Continuation of United Kingdom sovereignty over Northern Ireland.

(d) A Joint Authority, comprising one British Minister and one Irish Minister, to be directly responsible for security, post and telecommunications, flags, emblems and place names. Stemming from the joint responsibility for security, military and police in Northern Ireland would be under joint United Kingdom/Republic command.

(e) The Joint Authority to have no responsibility for foreign policy, defence and finance unless Her Majesty's Government so decide; but to be consulted on these matters if the Republic so request.

(f) All other powers to be exercised by an Executive appointed by the Joint Authority, membership of which would be proportionate to the strength of parties in an elected Northern Ireland Assembly which would have certain (unspecified) powers in relation to the Executive.

(g) An all-Ireland law commission to be established charged with the harmonisation of the criminal law throughout the island and leading to the establishment of an all-Ireland court.

3. It was implicit in the discussion on 11 May that these proposals represented an initial negotiating position, and that the Government of the Republic would be open to alternative suggestions: for example, Mr Nally (though not Mr Lillis) showed some willingness to concede that "security" might be better placed in the list of subjects reserved to the United Kingdom Government (which would be difficult to reconcile with the ill-conceived proposal for joint command of the military and police). It must also be obvious to the Irish that their proposal for an appointed power-sharing Executive could survive only if the political parties in the Province were willing to work it, and that otherwise their scheme would boil down to the proposed Joint Authority being responsible (subject to United Kingdom financial provision and control) for most aspects of the internal government of Northern Ireland. However, for the sake of simplicity, the present note concentrates on the package as presented, and not with possible variations of it.

Constitutional implications of the package

4. In putting forward their proposals, the Irish suggest that, despite the existence of their proposed Joint Authority, sovereignty would remain with the United Kingdom. The proposition is arguable: it could be said that, while retaining sovereignty, the United Kingdom had decided to share its exercise, in limited areas, with another Government, and that a voluntary restriction on the exercise of sovereignty of this kind was no different in principle from what both the United Kingdom and the Republic had accepted when we went into the European Communities. On the other hand, few in Northern Ireland, and perhaps not many elsewhere, would have time for such subtleties: the arrangement - particularly if it embraced security - would be widely seen in practice as a substantial loss of United Kingdom sovereignty in key areas of Government. We might (subject to legal advice)

wish to argue that, by virtue of the arrangement, Northern Ireland did not "cease to be part of Her Majesty's Dominions and of the United Kingdom" and that the arrangement did not therefore require the consent of the majority of the people of Northern Ireland under the terms of section 1 of the Northern Ireland Constitution Act 1973; but although that guarantee might not literally apply, there would be pressure for the matter to be put to the electorate, certainly in Northern Ireland, and possibly in the United Kingdom as a whole. Mr Paisley has already demanded a referendum in Northern Ireland before there is any constitutional change.

5. On some major constitutional matters, the proposals as we have them are silent or at best inadequate. A key question is how disagreements between the two members of the Joint Authority would be resolved. The tentative Irish suggestion that those members should alternate as chairman of the Authority, he having a casting vote, would, without a great deal of willingness to compromise, be a recipe for unstable and uncertain government; on the other hand, the only "obvious" alternative, the United Kingdom always having the last word, would hardly commend the arrangements south of the border as a genuine sharing of authority. An aspect of this is how the legislative process would be affected. At present sovereignty in the United Kingdom resides in The Queen in Parliament. As matters stand, legislation for Northern Ireland is either primary legislation at Westminster or is made by Order in Council requiring Parliamentary approval; if devolution were to take place under the Northern Ireland Act 1982, Northern Ireland Assembly measures would require approval by Her Majesty in Council, and could be overridden by Westminster legislation. Legislation would from time to time be necessary in relation to the matters over which, under the proposed scheme, joint authority would be exercised in Northern Ireland; for instance the updating of emergency powers legislation. Would Parliament accept a situation in which the content of draft legislation or the prospects of amending it in a particular way were dependent on the views of a member of the Joint Authority

responsible to a different legislation? If Parliament insisted on its view, would the Republic member of the Joint Authority have an effective veto over the legislation; indeed, would the Dail itself expect to have, and perhaps assume, a role in such matters? Such questions would have to be answered if the Republic's scheme were to be pursued.

6. The other constitutional question which is not addressed in the proposals is the accountability (or lack of it) of the Irish member of the Joint Authority to those whom his decisions would affect. He would be the nominee of the Government of the day in the Republic whose policies and attitudes might or might not be sympathetic to, or consistent with, those of Her Majesty's Government either in the United Kingdom generally or specifically in Northern Ireland. The theory underlying his role (that he would look to the interests of the nationalist minority in Northern Ireland) might or might not work in practice. On many issues, opinion in the south itself is not monolithic, and there could well be matters with which the Joint Authority was concerned where the interests of Dublin and northern nationalists diverged. Yet apparently, the Dublin "say" in the government of the North would be subject to no democratic process exercised within Northern Ireland or the United Kingdom as a whole. Or would the Republic contemplate allowing the people of Northern Ireland representation in both the House of Commons and the Dail so that they had some say in the selection of the Irish Government on whose behalf joint authority would be exercised? This, again, is a question which would have to be answered if the Joint Authority proposal were to be seriously entertained. At the least, there would be a cogent case for joint Parliamentary arrangements to monitor the Joint Authority's activity.

Political and security implications

7. At Westminster, the proposals would require major primary legislation against which the unionist parties, and elements in the Conservative Party, could be expected to wage an all-out campaign. Ministers are best placed to assess the likely extent of support for the proposals on the Government benches. The Labour Party, and perhaps the other Opposition parties, could be

expected to welcome the proposals to the extent that they were a step on the road to the Labour Party's objective of a united Ireland by consent; but the more they nailed their colours to that particular mast, the more determined would others be to resist the proposals. As long as Articles 2 and 3 of the present Irish Constitution remain in force (on which, Mr Nally and Mr Lillis indicated that the Irish Government have as yet taken no decision), any "solemn undertaking" by the present Government of the Republic to respect the constitutional position in Northern Ireland, even if it were embodied in an international agreement, would be of questionable value: members would have in mind the ever-present possibility of Dr FitzGerald's Government being replaced by a greener one, as well as the possibility, sooner or later, of a Labour government in the United Kingdom - committed to the present view of the Labour Party.

8. Within the Province the reactions of unionists are entirely predictable. Those of the Paisleyites have already been made plain in the document issued by the DUP on 14 May: the policy, probably expressed on the streets, would be "not an inch". It could be backed by violence and certainly by attempts to wreck any arrangements that had been set up. Other unionists, although they might not follow a violent lead, would be likely to adopt fundamentally the same position both from conviction and to preserve their electoral position vis-a-vis the Paisleyites. The public ventilation of the Republic's proposals, even if they eventually came to nothing, would enlarge the community divide within Northern Ireland, and set back - at a time when some unionist recognition of the minority position is developing - any chances there may be of an internal political settlement there.

9. The SDLP is nevertheless convinced that proposals on these lines, if they were adopted and found to be workable, would significantly improve its position vis-a-vis Sinn Fein: and Mr Hume has made it clear that he has no interest in a political settlement for Northern Ireland which does not, in some way, involve Dublin. If he could deliver Dublin involvement in the

north in some form, his standing with the nationalist community would rise. Inasmuch as one of Her Majesty's Government's objectives is to curb the political rise of Sinn Fein, such a development could be welcome. But there could be no certainty that the settlement would halt the advance of Sinn Fein or that it would reduce nationalist terrorism: Sinn Fein and the IRA could be relied upon to denounce it to their potential supporters as a "sell-out" of the ideal of Irish unity, while claiming that it showed the Brits to be on the run, and calling for one last effort to get rid of them.

Practical implications for government in Northern Ireland

10. Whatever the constitutional or legislative framework, the administration of Northern Ireland must be carried on with reasonable efficiency and expedition. The creation of a Joint Authority would hardly be conducive to good government in these senses. This might be manageable if security were excluded from the Joint Authority's proposed remit so that it was concerned only, apart from post and telecommunications, with minor matters like flags, emblems and place names. But as suggested in paragraph 8 above, a Northern Ireland Assembly and Executive working alongside a Joint Authority would be unlikely to prove feasible, and the Authority would probably have to take on a wider range of functions. Suppose, for example, that decisions about housing or education or agriculture grants were the responsibility of the Joint Authority. Each member of the Authority would presumably have his own "cabinet" to advise him on such proposals coming forward from the Northern Ireland Departments: the United Kingdom member's cabinet could, effectively, be the Northern Ireland Office. But would the Republic's member also look to officials in Dublin for advice on the attitude he should take? Would, for example, proposals in the agricultural field be tested in Dublin against their effect on the Republic's agriculture? Would, indeed, it become necessary, in any areas of administration subject to joint authority, for proposals to be negotiated between the appropriate Departments, north and south, before the Joint Authority was asked to approve them? The room for delays, clashes of interest, and unsatisfactory compromises is obvious.

Conclusions

11. The Irish proposals as presented on 11 May are fraught with difficulties, and cannot as they stand be regarded as providing an acceptable way forward. In introducing important elements of joint sovereignty over Northern Ireland they would raise major constitutional problems, and would require very controversial legislation. Even with goodwill in the north, they would introduce a system of government which would be inherently uncertain and unstable. In practice the arrangements would be bitterly opposed by unionists, perhaps by violence or with widespread industrial action. There would be little hope of developing, under the proposals, any form of devolved provincial government which required unionist co-operation. The proposals, if they were seen to work, could give a boost to the SDLP but this might be balanced by the encouragement to Sinn Fein and the IRA to believe that the door to a united Ireland was open. That belief could well be encouraged if a "greener" government emerged in Dublin; there could be no guarantee that the settlement would long survive internal political pressures in the Republic, and unionists would be well aware of this in deciding the attitude they should adopt. All in all, measured against the Government's objectives of providing stable, efficient and fair government in Northern Ireland; seeking reconciliation between the communities; and reducing terrorism, the package as it stands has little to commend it.

12. The foregoing critique relates to Mr Nally's proposals in the form in which they have been presented to us. Although the package is unacceptable as it stands, there are nevertheless elements in it on which it might be possible to build constructively, depending on the extent to which Ministers might be prepared to contemplate admitting the Irish to certain areas of shared responsibility in the Province on a basis consistent with the maintenance of full British sovereignty. These possibilities are examined in Annex B.

Northern Ireland: Alternative Possibilities

The analysis in Annex A leads to the conclusion that Mr Nally's proposals as they stand do not form an acceptable basis for discussion; and it suggests that the Irish sights are set so high that (as has all along been foreseen) the prospects for arriving at an acceptable compromise between the British and Irish positions are unpromising. Meanwhile the risk of damaging leaks is intensifying.

Disengagement

2. The first option therefore would be to disengage from the Irish without further delay, combining this with a statement of continued readiness to maintain inter-governmental co-operation with the Irish on practical issues (including cross-border security) through normal channels as hitherto, possibly involving some intensification of the work of the Anglo-Irish Intergovernmental Council. It would also be accompanied by assurances to the minority of the Government's continued desire to find ways of taking account of their legitimate interests.
3. This course would, however, have serious disadvantages. It would not have the support of the SDLP or deal with the alienation of the minority. It would be seen in the Republic as a serious rebuff to Dr Fitzgerald personally and as an outright rejection by the United Kingdom of the Forum Report. Mr Haughey would claim it as a vindication of his own hard line position on Irish unity. Dr Fitzgerald's Government would be likely to embark on an international campaign, which could be particularly damaging in the United States, to criticise Britain for rejecting the Forum Report and ignoring the alienation of the nationalist minority in Northern Ireland. Britain would be blamed for the probable demise of the SDLP at the hands of Sinn Fein, as well as for any increase in violence over the next few years. Dr Fitzgerald's views might well be taken up by the opposition parties in the United Kingdom, further eroding what remains of bipartisan support for Government policy, including measures necessary to counter terrorism in Northern Ireland. Existing security co-operation with the Republic would come under strain.
4. The balance of advantage and disadvantage as between maintaining and terminating the dialogue with the Irish on the basis of the proposals put forward by Sir Robert Armstrong on 1 March and the Irish response conveyed by Mr Nally on 11 May is a matter for political judgement. In his minute to the Prime Minister of 22 May, the Secretary of State for Northern Ireland records his view that the risks involved in the

Government taking no new initiative on Northern Ireland are greater than those involved in making a fresh attempt to end the stalemate; and he argues that such an attempt, if it is to stand any chance of success, must include a recognition by the United Kingdom that the Republic has a role to play in the North: in other words, that any new settlement must involve according the Republic, as well as the nationalist community, some degree of political involvement in the affairs of the Province. The purpose of this paper is to consider, against the background of the Armstrong/Nally exchange, and in the light of Mr Prior's minute, how account might be taken of this requirement while at the same time ensuring that the essentials of sovereignty remained, and were seen to remain, with the United Kingdom.

Armstrong/Nally Proposals compared

5. The original Armstrong proposals (copy attached) envisaged that, in return for a solemn commitment by the Republic to respect the union, the requirement for Irish political involvement could be met by the establishment of a joint Anglo-Irish Security Commission tasked to work towards joint policing arrangements which would apply, at least in principle, on both sides of the Border; and of a joint Anglo-Irish Law Commission tasked to examine the possibilities for the progressive harmonisation of the criminal law throughout the island. In addition, a number of relatively minor measures would be taken by the British Government to meet nationalist concerns in the North. The essential difference between these proposals and Mr Nally's response is the Irish insistence that any involvement of the Republic in the North should not be confined to security and the criminal law but must include a significant share in the exercise of political authority in the Province. (The element of reciprocity - ie that any joint security arrangements would apply on both sides of the Border - is also missing from the Nally proposals.) The Irish argue, probably rightly, that without a share of political responsibility the Irish Government would be vulnerable at home to the charge that it was simply collaborating with the British Government to maintain British rule in the North.

6. In his minute of 22 May, Mr Prior acknowledges this difficulty and suggests that it might be met if, in addition to the establishment of a Joint Commission at Ministerial level on security and criminal law, the British Government were to agree to discuss developing the existing Anglo-Irish Intergovernmental Council and the possibility of the creation of a joint Parliamentary Body (which would presumably have some powers of scrutiny over the operation of the other joint arrangements). He

envisages that consideration would also be given to introducing a package of minor measures to meet minority concerns, slightly amplifying the suggestions under this head in the Armstrong proposals. On this basis he would try to persuade both unionists and nationalists to make the Assembly work, and would want to explore with them the various possibilities for devolution.

7. Mr Prior recognises that a package on these lines would require preparatory discussion with the Irish Government (whose co-operation and therefore approval, would be needed if the arrangements were to be put into effect). Irish reactions to these ideas are likely to depend crucially on the form which the proposed development of the AIIC might take, and on the status and powers of the joint Parliamentary body. If we were prepared to envisage both or either of these bodies evolving in a direction which would give the Republic a measure of shared responsibility for, or supervision of, the administration of the Province (even if only on a consultative basis), the Irish might well see attractions in this approach. But they would be likely to see little or no advantage in a proliferation of structures within the AIIC designed merely to promote inter-governmental discussion, supplemented by a joint Anglo-Irish Parliamentary group with no electoral legitimacy and no formal powers other than to discuss questions of common concern.

Possible Irish Involvement

8. To go beyond some intensification of the work of the AIIC and the establishment of a Parliamentary group would be a radical step, since it would involve giving the Irish some share of direct responsibility, even if only on a consultative basis, for the affairs of the Province. It is difficult to make specific suggestions without being able to consult more widely. But, if Ministers were prepared to contemplate moving in this direction, it might for example be possible to envisage the appointment by the Irish Government of a representative (who might be resident in Northern Ireland) with a right to be consulted by, or to make representations, to the Secretary of State for Northern Ireland on certain specified aspects of the Province's affairs. Such a representative, who might himself have Ministerial status if the Irish Government so wished, would operate within the framework of the AIIC. This could be in parallel with, or in association with, the following joint bodies:-

- (a) the Joint Security Commission envisaged by Mr Prior, which could have the remit suggested in the Armstrong proposals or any variant of it which might be agreed between the two Governments;

(b) the All-Ireland Law Commission, also on the lines suggested in the Armstrong proposals.

9. An additional possibility of this kind would be a Joint Economic Commission, tasked to review economic matters of concern to both parts of Ireland.

10. If judged desirable, it might be possible to go further and give the Irish representative a limited say in the nominations to public bodies in Northern Ireland, broadly proportionate to the size of the minority in relation to the population of the Province as a whole. On this basis, there might be a condition that one third of the nominations to such bodies should be made either on the Irish representative's initiative or with his endorsement. The bodies concerned might include the Housing Executive, the Police Authority, the Police Complaints Board and the Standing Advisory Commission on Human Rights.

11. All these arrangements could in principle be implemented even if we had to continue with Direct Rule. The logic of the representative's position would be the link with the principle of consent: the Irish claim in the Forum Report to equal responsibility for all aspects of the Government of Northern Ireland is clearly unacceptable, and the Nally proposals implicitly recognise this. But sharing responsibility for certain areas of activity on a basis proportionate to the size of those elements in the population which want the union and want Irish unity respectively would avoid stalemate and constitute practical recognition by the Irish of the principle of consent, while meeting the point that the minority need some practical focus and expression of their identity and loyalty. For the Irish to redefine their idea of joint authority as meaning less than an equal share would be a substantial modification of the Forum Report and the Nally proposals.

12. As a further gesture towards the Nally proposals, it might be necessary to examine the Irish wish for solemn guarantees by both Governments to the unionist and nationalist communities "that their political, cultural and social identities would be protected", whatever future constitutional changes might come about by consent. The implications of this proposal are not clear from what the Irish have so far said about it.

Parliamentary Arrangements

13. Arrangements for according the Irish Government a degree of shared responsibility in the Province on the foregoing lines, combined - if it could be achieved - with the devolution of powers to the Northern Ireland

Assembly, would limit the need to invest any joint Parliamentary body with specified powers, although these might have to include some right of scrutiny, and of making recommendations to the two Governments. Further consideration would need to be given (in consultation with the Irish) to ways in which such a body might be constituted, and what its position would be in relation to the Northern Ireland Assembly. In order to provide some degree of democratic legitimation for the share of responsibility in the administration of Northern Ireland which was being accorded to the Irish representative, it might be desirable, as a separate measure, to ask the Irish to permit attendance by Northern Ireland MPs at appropriate committees of the Irish Parliament (or even the Dail itself), although not many would probably want to go.

Conclusion

14. Any offer of Irish political involvement in Northern Ireland on the foregoing lines would have to be conditional, as the Armstrong proposals were, on the strongest obtainable commitment by the Republic to respect the union (sub-paragraph (i) of the attachment).

15. The elements described in paragraphs 7-13 above do not constitute a package: one might hope to concede only some of them; and different ideas would undoubtedly emerge in the course of negotiation. They are intended to illustrate, as a basis for Ministerial discussion, the sort of arrangements which might provide a sufficient role for the Irish Government and the SDLP to attract them. Sovereignty would be left firmly in British hands; but such arrangements would be likely to arouse fierce opposition from the unionists, who could be expected to denounce them as a stage on the road to a united Ireland. It should also be borne in mind that the foregoing proposals, especially those on security and the criminal law, have major implications for the judiciary and the police. The handling of such proposals, if Ministers wished to pursue them, would require very careful consideration.

The Armstrong Proposals

- (i) a solemn declaration of commitment by the Irish Government to respect the union, and to give expression to such a commitment either by seeking amendment of the territorial clauses in the Irish Constitution or by taking steps to ensure that the declaration would not be found unconstitutional by the Irish Supreme Court; the implementation of the other elements in the package to be dependent on the fulfilment of this commitment;
- (ii) a commitment by the British Government to work towards the introduction of joint policing arrangements in areas on both sides of the Irish border, possibly extending to other areas of major terrorist activity in the North and for this purpose the establishment of a joint Anglo-Irish Security Commission tasked (a) to reach early agreement on the modalities (including unified arrangements for the administration of criminal justice in the area) and perhaps (b) to examine the possibilities for moving eventually towards the establishment of a joint police force operating throughout the same areas;
- (iii) a commitment by the British Government to examine the possibilities for the progressive harmonisation of criminal law throughout Ireland and arrangements for associating Judges from each jurisdiction with criminal trials conducted in the other (ie steps towards an all-Ireland law enforcement area); and, for this purpose, the establishment of a joint Anglo-Irish Law Commission (for which the post-Sunningdale Joint Commission would provide a precedent) tasked to investigate these matters;
- (iv) the introduction by the British Government of measures to meet certain nationalist concerns in the North (eg repeal of the Flags & Emblems (Display) Act, Irish citizens to be allowed (subject to a residence qualification) to vote in local elections in Northern Ireland);
- (v) enhanced responsibilities for local government in Northern Ireland, which could include a regional council based on the Assembly, with a committee system; and a new local authority structure with some councils having nationalist majorities.