5.0 SUMMARY

In this section of the Report for the Joint Committee on the Implementation of the Good Friday Agreement we outline the infrastructure of the Good Friday Agreement. The agreement is included in full in the appendix of this section.

**Strand I:** The Assembly and Executive with in Northern Ireland

**Strand II:** The North South Ministerial Council

**Strand III:** The British Irish Council

The report looks at some of the provisions of the Agreement that have still to be implemented such as, Bill of Rights, Civic Forum, North South Consultative Forum and the Irish Language Act. We highlight that even with Ireland’s membership since 2011 of the International Court of Justice, as Northern Ireland is not covered by the ICJ there are limited avenues to address breaches of the Good Friday Agreement by the British government or any signatory. This flaw in the Agreement needs to be addressed.

High Court Justice Humphrey’s book ‘Countdown to Unity’ looked at developing and expanding the architecture and infrastructure of the Good Friday Agreement and his analysis is included here. Justice Humphreys looks at the idea of an East – West Parliamentary Body and the Constitutionality or otherwise of it. The concept and again the constitutionality of judicial branch of government to resolve disputes of North-South & East-West Parliamentary Bodies is explored. Justice Humphreys also analyses the opportunity of a North-South Implementation Body and the possible gains from East-West Administrative Bodies. An All Island Civic forum to assist the North South structure is also explored. Finally, in this section High Court Justice Humphreys looks at the continuation of the infrastructure of the Good Friday Agreement ‘into the long term’ and after a referendum for a united Ireland.

5.1 RECOMMENDATION

That Northern Ireland is included in the jurisdiction of the International Court of Justice to resolve disputes arising from the Good Friday Agreement
5.2 THE NORTHERN IRELAND EXECUTIVE

STRAND I
DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Agreement committed different parties to a number of actions on issues central to the conflict. Referred to as ‘confidence-building measures’, they included actions on the decommissioning of paramilitary weapons and effective demobilisation of paramilitary organisations; security and demilitarisation; policing and justice; prisoners issues, and the management of civil rights, safeguards and equality of opportunity”. The latter included a commitment to “equality and mutual respect as the basis of relationships” and “to the protection and vindication of the human rights of all”. Further, the parties committed to ensure that the decisions of the Assembly do not infringe the European Convention on Human Rights or any Bill of Rights for Northern Ireland, and provided for the establishment of a Human Rights Commission.”
5.3 THE NORTH SOUTH MINISTERIAL COUNCIL

STRAND II
NORTH/SOUTH MINISTERIAL COUNCIL
1. Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South.

Importantly for nationalist parties, the Agreement provides for the Council to have executive powers. Importantly for unionist parties, the Council’s powers are not full executive powers, in that it cannot make decisions without the approval of the power-sharing Assembly and the Oireachtas.

ANNEX

Areas for North-South co-operation and implementation may include the following:
1. Agriculture - animal and plant health.
2. Education - teacher qualifications and exchanges.
3. Transport - strategic transport planning.
4. Environment - environmental protection, pollution, water quality, and waste management.
5. Waterways - inland waterways.
7. Tourism - promotion, marketing, research, and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.
9. Inland Fisheries.
10. Aquaculture and marine matters
11. Health: accident and emergency services and other related cross-border issues.
12. Urban and rural development.

Others to be considered by the shadow North/South Council.

5.4 THE BRITISH IRISH COUNCIL

STRAND III
BRITISH-IRISH COUNCIL
1. A British-Irish Council (BIC) will be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.
2. Membership of the BIC will comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.
3. The BIC will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; in an appropriate format to consider cross-sectoral matters.

“Under Strand 3, the British-Irish architecture established under the Anglo-Irish Agreement (1985) was replaced with a new Standing British-Irish Intergovernmental Conference which exists alongside power sharing in Northern Ireland (Section 5, 1-9). Under the Agreement, the Governments do not have the power to override the democratic arrangements established by the Agreement”.4
5.5 GOOD FRIDAY AGREEMENT PROVISIONS STILL TO BE IMPLEMENTED

There are a number of elements of the Good Friday Agreement which have not been fully implemented.

The position of the Irish Government is that the Good Friday Agreement and all subsequent agreements, must be implemented in full. All the agreements, including the principals and values which underpin them, are at the centre of the Government’s approach to peace, reconciliation and prosperity on the island of Ireland.

5.5.1 BILL OF RIGHTS FOR NORTHERN IRELAND

The Good Friday Agreement sets out that a Bill of Rights for Northern Ireland is a central provision. The Bill is to be based on the European Convention on Human Rights inclusive of additional rights to “reflect the principal of mutual respect for the identity and ethos of both communities and parity of esteem”5. A Forum on a Bill of Rights was provided for in the St Andrews Agreement to produce agreed recommendations. The Forum was established in late 2006 and consisted of representatives from across the voluntary and community sector as well as each of the political parties. The Forum’s recommendations were presented to the NIHRC in March 2008. These recommendations were to inform Northern Ireland’s Human Rights Commission’s (NIHRC) advice to the Secretary of State. The Northern Ireland Office issued its consultation paper on a Bill of Rights which was narrower in scope than the NIHRC document and was not welcomed by nationalist parties or by civil society groups.

The Irish Government remains committed to the full implementation of all aspects of the Good Friday Agreement, and all subsequent agreements, including the provision for a Bill of Rights for Northern Ireland. At Stormont in 2014 the Irish Government advanced the view that a Bill of Rights could set out formally the rights upon which a shared society for Northern Ireland could be based. There was not sufficient consensus to take this forward, however the final document did provide for the parties to serve the people of Northern Ireland equally, and to act in accordance with the obligations on government to promote equality and respect and to prevent discrimination; to promote a culture of tolerance, mutual respect and mutual understanding at every level of society, including initiatives to facilitate and encourage share and integrated
education and housing, social inclusion, and in particular community development and the advancement of women in public life: and to promote the interest of the whole community towards the goal of reconciliation and economic renewal.

**5.5.2 IRISH LANGUAGE ACT FOR NORTHERN IRELAND**

The Good Friday Agreement recognised the importance of respect, understanding and tolerance in relation to linguistic diversity, which in Northern Ireland includes the Ulster Scots, Irish Language and other ethnic languages.

The issue of language is a devolved matter and is therefore the responsibility of the Northern Ireland Executive. Following on from the launch of a 20-year strategy for both the Irish and Ulster Scot languages in 2015 a public consultation process on an Irish Language Bill was held.

With the collapse of the executive in 2016 the Irish Government continued to encourage those who support an Act to continue to build the necessary consensus.

At the 2014 Stormont House Agreement, the Irish Government and the British Government endorsed the need for respect and recognition for the Irish Language in Northern Ireland, in line with the Council of Europe Charter on Regional or Minority Languages.

Through its reconciliation fund the Department of Foreign Affairs and Trade gives support to a number of projects promoting the use of the Irish language on a cross community basis with in Northern Ireland. The Government also continues to support the work of Foras na Gaeilge who promote the Irish Language on an all-island basis.

The comments by DUP leader Arlene Foster in 2017 were a contradiction to the aims and spirit of the Good Friday Agreement and subsequent agreements in relation to the Irish language.
5.5.3 NORTH SOUTH CONSULTATIVE FORUM

STRAND II SECTION 19

“Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues”

The Good Friday Agreement provided for consideration to be given to the appointment by the two Administrations of a North South Consultative Forum comprised of representatives of civil society and other social partners as well as experts in social, cultural, economic and other areas.

The Irish Government continues to support the establishment of the consultative Forum and the Taoiseach has raised the Forum at successive plenary meetings of the North South Ministerial Council.
5.5.4 CIVIC FORUM

STRAND I of the Good Friday Agreement provides for the establishment of a Civic Forum in Northern Ireland as a consultative mechanism with representatives from the business, trade union and voluntary sectors.

“A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum.”

Under the Good Friday Agreement, the responsibility for establishing the Civic Forum lies with the Northern Ireland Executive. The Stormont House Agreement provided for the establishment of a civic advisory panel. The panel, to ensure that civic voices are heard, and civic views are considered in relation to the key social, cultural and economic issues.

Work on the Civic Forum is being advanced through the regular Northern Ireland Executive Party Leaders meetings on implementation of the Stormont House and Fresh Start Agreement. At one of the recent meetings of the the last quarterly implementation and review meeting of the Stormont House and Fresh Start Agreement held in Belfast, there was a statement to the effect that the executive advised that membership of the panel is currently under consideration and that a decision is expected shortly.

The Government will continue to support the early establishment by the executive of the advisory panel, which will allow for stronger representation of civil society voices in policy formation in Northern Ireland.
5.6 MECHANISM TO ENSURE COMPLIANCE WITH THE AGREEMENT

High Court Justice Humphreys states “The British- Irish Agreement of 10 April 1998, while a binding international legal instrument does not in and of itself contain a mechanism to force the British or indeed the Irish government to comply with the obligations contained therein in the event of a breach. Talk of a breach of the obligations in the agreement might seem far-fetched save for the fact that the official position of the Irish government appears to be that the introduction, by the former secretary of state for Northern Ireland, Peter Mandelson, of the Northern Ireland Act 2000.”

“As regards the question of judicial remedies for breach of the agreement, in the wake of issues surrounding failure by former First Minister Trimble to accord full facilities to the Sinn Fein ministers in late 2000, the Sinn Fein president, Gerry Adams, called on the Irish government to make a declaration recognizing the jurisdiction of the International Court of Justice as a means of providing a judicial forum within which this question might be resolved, and this approach appears to provide the simplest and most convenient way forward. Even in the event of establishment of a North South or East West judicial body or both, it might still be appropriate to permit fundamental constitutional disputes regarding the good faith operation of the agreement to be submitted for adjudication of the International Court of Justice, by making a declaration under Article 36(2) of the Statue of the Court annexed to the UN Charter.”

“The alternative to a judicial mechanism to resolve a major future difference between the two governments as to the principle of good faith in the implementation of the agreement would be the use of international political mechanisms. The prospects in this regards may not be terribly good. Donncha O’Connell points out that during the 1950’s, the approach of raising the partition issue in the Council of Europe and other supranational fora had proved unsuccessful.”

5.7 INTERNATIONAL COURT FOR JUSTICE

Since the publication of Justice Humphreys book in 2009, Ireland has joined the International Court of Justice, however as Northern Ireland is not covered by the ICJ there are limited avenues to address breaches of the Good Friday Agreement by the British government or any signatory.
5.8 THE INTERNATIONAL COURT OF JUSTICE JURISDICTION TO INCLUDE NORTHERN IRELAND AND THE GOOD FRIDAY AGREEMENT

The Irish Government has become a member of the International Court of Justice since the 15th of December 2011. However there is an exception of any legal dispute with the United Kingdom of Great Britain and Northern Ireland in regard to Northern Ireland.

Northern Ireland is not covered by Ireland’s membership of the International Court of Justice and this needs to be addressed. ‘In the absence of such a declaration’ explains Justice Humphreys regarding the Good Friday Agreement are ‘there may simply not be any international judicial venue to which such a complaint could be brought.’

“The International Court of Justice (ICJ) in The Hague, also known as the World Court, is the principal judicial organ of the United Nations. Although the Court’s judgments are binding only on the parties to any particular case, given the calibre of Court’s judges and its status as the principal judicial organ of the UN, decisions of the ICJ are themselves often cited as evidence of international law. The Court has given important decisions and opinions on such topics as the law of the sea, boundary disputes, the use of force and the legality of the threat or use of nuclear weapons. It operates under a Statute annexed to the UN Charter. UN Charter and Statute of the ICJ, as published in the Irish Treaty Series.”

Ireland must fully sign up to the International Court of Justice to protect the Good Friday Agreement

Of particular concern for the issue of Unity is in the event of the Secretary of State for Northern Ireland not allowing a referendum on a United Ireland when it is believed that a majority would be in favour there is no current recourse for the Irish Government.

Full membership of the International Court of Justice could be a new avenue open to protect the Good Friday Agreement.
5.9 DEVELOPING & EXPANDING THE ARCHITECTURE OF THE GOOD FRIDAY AGREEMENT

In his book ‘Countdown to Unity’ High Court Justice Humphries outlines how the architecture of the Good Friday Agreement can be built upon, some of which are in place. “Another critical aspect to be considered is the widening and development of the six-county North-South and east–west institutional architecture to strengthen all of the relevant relationships. One might consider all of the sets of possible institutions in the form of a matrix with two axes, one being the different set of relationships and the other consisting of the forms of institutions required, legislative, executive, judicial, administrative and related to civic society. The matrix of relationships can be considered in tablature form as set out below. On this basis it can readily be seen that there is very considerable scope for further institutional architecture to underpin and develop the total of relationship recognised by the Good Friday Agreement.”

Matrix of Institutional Architecture by Strand

<table>
<thead>
<tr>
<th>Type of Institution</th>
<th>Strand 1</th>
<th>Strand 2</th>
<th>Strand 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative</td>
<td>NI</td>
<td>Assembly</td>
<td>Pre-existing British-Irish Interparliamentary Body continues—agreement envisages development of this</td>
</tr>
<tr>
<td>Executive</td>
<td>Northern Ireland Executive</td>
<td>North-South Ministerial Council – Joint Secretariat.</td>
<td>British-Irish Council (involves devolved institutions and other administrations in the islands). Secretariat to British-Irish council provided by two governments. British-Irish Intergovernmental Conference (two governments).</td>
</tr>
<tr>
<td>Judicial</td>
<td>No new institutions. Pre-existing courts continue.</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>Administrative</td>
<td>Some new institutions under Good Friday Agreement: Northern Ireland Human Rights Commission, Equality Commission.</td>
<td>North-South implementation bodies in specified areas Joint Committee bringing together North and South Human Rights Commissions.</td>
<td>None.</td>
</tr>
<tr>
<td>Civic Society</td>
<td>Civic Forum</td>
<td>None.</td>
<td>None.</td>
</tr>
</tbody>
</table>
5.10 EAST –WEST PARLIAMENTARY BODY

As far as east-west legislative structures are concerned, there may be a case for putting the British-Irish Inter Parliamentary Body on a treaty basis, and in any event for developing its role as the Good Friday Agreement envisaged."

5.11 CONSTITUTIONALITY OF NORTH-SOUTH EAST-WEST PARLIAMENTARY BODIES

“One might pose the question as to whether investing the North-South or even east-west bodies with actual legislative power would be constitutionally permissible. Article 29.7.2 of the Constitution would provide a protection for such bodies not otherwise available under Articles 3 or 15 if they were held to be established ‘under’ the Agreement. While there might be logic in allowing the North-South parliamentary structure to legislate within its area of competence (and indeed a form of all-island subordinate legislation exists in the shape of statutory instruments made by the North-South aquaculture and marine implementation body with the consent of the governments)”

“there would be resistance to giving an east-west body any legislative power, as to do so would be redolent of turning the clock back to 5 December 1921, even if ‘assent’ to its bills could be withheld by a sovereign Irish government. As against that, some dimension of east-west legislation might provide the necessary balance to a North-South parliamentary system with actual legislative power. Whether to put in place even an enabling measure for such a power would be a matter for political consideration.”
5.12 JUDICIAL BRANCH OF GOVERNMENT

“As far as the judicial branch of government is concerned, no additional structures were proposed by the Good Friday Agreement. An all-island court to deal with security matters had been a feature of previous proposals to deal with issues such as extradition, but in the light of the changed security situation the pressure for such a mechanism has reduced.”17 “However, the absence of North-South and east-west judicial bodies does have certain unfortunate consequences. Such absence means that instruments adopted by, or agreements between, administrations North and South, or east and west as the case may be will fall to be interpreted or assessed for validity, or both, by the courts of two separate jurisdictions, with the possibility of different results. One can see an advantage in having a judicial mechanism to avoid this problem, and as a visible expression of the broader sets of relationships that transcend state sovereignty in this area; and in terms of international law, there may be some arguments in favour of the approach of specialized judicial bodies to deal with this sort of local or regional problem. The establishment of such judicial bodies could therefore reasonably be a matter for consideration, with east-west structures balancing for unionists the North-South structures that would express the all-island perspective for nationalists. Perversely however, much as the old Article3 copper-fastened partition in its own way,18 it would appear that the new Article 3 likewise could render such cross-border judicial bodies unconstitutional unless held to be established ‘under’ the Agreement for the purposes of Article 29.7.2°. Again one view would be that Article 3 is drafted in excessively narrow and limited way, particularly as regards the North-South dimension, and that amendment to cater for shared judicial bodies would create a desirable flexibility.”19

5.13 NORTH SOUTH IMPLEMENTATION BODY

“The North-South implementation bodies represent an element of lost opportunity for a much more ambitious programme of cross-border cooperation to mutual advantage. There is a huge economic and social case for much more significant cooperation in a range of areas. Under the Good Friday Agreement this would be a matter for agreement between the two executives.”19
5.14 EAST WEST ADMINISTRATIVE BODIES

“To balance this exercise politically there can be no absolute argument in principle against putting in place east-west administrative bodies where this would provide joint gains. Again, such bodies could appear to be constitutionally dubious in the absence of amendment of Article 3. Indeed the All-Party Oireachtas Committee on the Constitution rejected a more general enabling clause for inter-state executive cooperation in 2003.”20 The case for an ongoing role with consultation with the British government can be made for a number of reasons, principally to provide reassurance and protection for the unionist minority.”21

5.15 CIVIC SOCIETY

“Development of the North-South structure to consult civic society would not require any legal or constitutional change. Such a step might be a valuable addition to the mechanism for cross-border cooperation. The establishment of such a body might, if appropriate be balanced by the simultaneous establishment of an east-west structure for bringing together representatives of civil society.”22 The recent All-Ireland Civic Dialogue on Brexit is an example of such an engagement by civic society groups, trade unions, business groups and non-governmental organisations as well as representatives of all the main political parties on the island.
APPENDIX 1

ALL-ISLAND CIVIC DIALOGUE ON BREXIT

The Government has agreed that there will be an all-island Civic Dialogue on Brexit with the initial meeting to be hosted by the Taoiseach and the Minister for Foreign Affairs and Trade on 2 November in Dublin. This is to allow for the widest possible conversation on the implications of the UK referendum result for Ireland, North and South and for North/South relations. The all-day Conference will take place in Dublin on Wednesday, 2 November.

This event will provide an opportunity to hear the voices of the people affected by the vote, both directly and through their representative groups. It will also provide an opportunity to map the challenges presented by Brexit and how they might impact on different elements of society and the economy on an all-island basis.

The main output will be a report and recommendations which will be used to help inform the Government's position on issues related to the UK’s exit negotiations.

PARTICIPATION

Attendance at the Conference will be at the invitation of the Taoiseach and the Minister for Foreign Affairs and Trade. Organisations which will be invited to nominate a maximum of two representatives include:

· Business, employer and trade union organisations, farming organisations, community and voluntary NGOs, North and South
· Organisations who participate in the current EU/UK stakeholder group, such as the British Irish Chamber, IIEA, European Movement Ireland
· Local Authorities in border regions
· Key Government agencies, particularly those with a North/South dimension
· Academic institutions North and South such as Centre for Cross Border Studies
and the Royal Irish Academy as well as universities and Higher Education Institutions.

Representatives of the main political parties, North and South, will also be invited.

**FORMAT**

The conference programme would broadly cover potential Brexit implications across the main areas of concern for Ireland:

· the economy and trade
· the Peace Process
· the common travel area and the border
· the future of the EU

The format would be highly interactive with each area being initially framed in terms of the key challenges, after which a discussion will take place to tease out the issue further.

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The format would be highly interactive with each area being initially framed in terms of the key challenges, after which a discussion will take place to tease out the issue further.
5.16 GOOD FRIDAY AGREEMENT AFTER UNIFICATION

According to High Court Justice Humphreys, “One of the key features to emerge from this discussion of the Good Friday Agreement is that the agreement expressly imposes obligations on both governments into the long term. In the sense it is intended to apply both to the current United Kingdom and to a possible future United Ireland. In the absence of any amending agreement, it would therefore be a legal obligation on Ireland to continue to give effect to the agreement after Irish Unity. This simple conclusion has profound consequences for the way in which the whole question of reunification is to be approached. In particular, it means that the strong protections for which ever community does not command a majority within Northern Ireland would endure in the absence of any further agreement so as to benefit unionism following a united Ireland.”

“There was also a pragmatic argument for maintaining the Good Friday Agreement institutions – it would provide certainty and stability and there by assist in making the case for a united Ireland. The SDLP also proposed that a referendum on unity should be held once the agreement intuitions have bedded down and are operating stably a call which has been made at various times by Sinn Fein, the UUP and the DUP the document stated. However in the context of a referendum, the SDLP committed themselves to seeking the agreement of all the island parties that the agreement endures regardless of whether one is in a United Kingdom or a united Ireland.”

“The document also envisages that unity would bring changes to the Good Friday Agreement itself but these should be made in the way envisaged by the agreement, namely through a review.”

“Launching the document the SDLP chairperson, Patricia Lewsley put the SDLP proposal in the context of the ‘true republican ideal of uniting Catholic, protestant and dissenter’

The thesis that there would be practical advantages to preserving the Good Friday Agreement post a united Ireland was also advanced by the Unionist Commentator Rory Garland. Reacting to the November 2003 version of the SDLP proposal, he described them as ‘welcome and innovative’ It would fulfil a unionist proposal to ‘insist
on Northern Ireland remaining an administrative unit, even if Irish Unity were achieved and therefore ‘has some potential to appeal to unionists’.

Finally describing the agreement as a covenant of honour (surprisingly rather than a law) the SDLP made the point that the best protection for unionists in a united Ireland would be through the mechanism of the agreement.

For unionist to ‘smash the agreement’ would be to forgo not only their say in Northern Ireland of today but their guaranteed position in a future united Ireland.
Brexit and the future of Ireland

(ENDNOTES)

1 Department of Foreign Affairs. Available at https://www.dfa.ie/our-role-policies/northern-ireland/the-good-friday-agreement-and-today/

2 North/South Inter-Parliamentary Association, Impact of Brexit on Cross-Broder Activity", 18th November 2016. P.19, P.20

3 Ibid P.20

4 Ibid P.20


6 Ibid P.15

7 Ibid P.10


9 Ibid P.165, P.166

10 Ibid P.166


13 Ibid P.160, P.161

14 Ibid P.162

15 Ibid p.162

16 Ibid

17 Ibid

18 Ibid P.163

19 Ibid P.163

20 Ibid

21 Ibid P.131

22 Ibid P.164

23 Ibid P.104

24 Ibid P.118

25 Ibid P.119

26 Ibid

27 Ibid
The Northern Ireland Peace Agreement

The Agreement reached in the multi-party negotiations
10 April 1998

CONTENTS

1. Declaration of Support

2. Constitutional Issues
   Annex A: Draft Clauses/Schedules for Incorporation in British Legislation
   Annex B: Irish Government Draft Legislation

3. Strand One:
   Democratic Institutions in Northern Ireland

4. Strand Two:
   North/South Ministerial Council

5. Strand Three:
   British - Irish Council
   British - Irish Intergovernmental Conference

6. Rights, Safeguards and Equality of Opportunity
   Human Rights
   United Kingdom Legislation
   New Institutions in Northern Ireland
   Comparable Steps by the Irish Government
   A Joint Committee
   Reconciliation and Victims of Violence
   Economic, Social and Cultural Issues

7. Decommissioning

8. Security

9. Policing and Justice
   Annex A: Commission on Policing for Northern Ireland
   Annex B: Review of the Criminal Justice System

10. Prisoners

11. Validation, Implementation and Review
   Validation and Implementation
   Review Procedures Following Implementation

ANNEX: Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland
DECLARATION OF SUPPORT

1. We, the participants in the multi-party negotiations, believe that the agreement we have negotiated offers a truly historic opportunity for a new beginning.

2. The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.

3. We are committed to partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.

4. We reaffirm our total and absolute commitment to exclusively democratic and peaceful means of resolving differences on political issues, and our opposition to any use or threat of force by others for any political purpose, whether in regard to this agreement or otherwise.

5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations. However, we will endeavour to strive in every practical way towards reconciliation and rapprochement within the framework of democratic and agreed arrangements. We pledge that we will, in good faith, work to ensure the success of each and every one of the arrangements to be established under this agreement. It is accepted that all of the institutional and constitutional arrangements - an Assembly in Northern Ireland, a North/South Ministerial Council, implementation bodies, a British-Irish Council and a British-Irish Intergovernmental Conference and any amendments to British Acts of Parliament and the Constitution of Ireland - are interlocking and interdependent and that in particular the functioning of the Assembly and the North/South Council are so closely inter-related that the success of each depends on that of the other.

6. Accordingly, in a spirit of concord, we strongly commend this agreement to the people, North and South, for their approval.
CONSTITUTIONAL ISSUES

1. The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will:

   (i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

   (ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

   (iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland’s status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

   (iv) affirm that if, in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;

   (v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos, and aspirations of both communities;

   (vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

2. The participants also note that the two Governments have accordingly undertaken in the context of this comprehensive political agreement, to propose and support changes in, respectively, the Constitution of Ireland and in British legislation relating to the constitutional status of Northern Ireland.
ANNEX A

DRAFT CLAUSES/SCHEDULES FOR INCORPORATION IN BRITISH LEGISLATION

1. (1) It is hereby declared that Northern Ireland in its entirety remains part of the United Kingdom and shall not cease to be so without the consent of a majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1.

(2) But if the wish expressed by a majority in such a poll is that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland, the Secretary of State shall lay before Parliament such proposals to give effect to that wish as may be agreed between Her Majesty’s Government in the United Kingdom and the Government of Ireland.

2. The Government of Ireland Act 1920 is repealed; and this Act shall have effect notwithstanding any other previous enactment.

SCHEDULE 1

POLLS FOR THE PURPOSE OF SECTION 1

1. The Secretary of State may by order direct the holding of a poll for the purposes of section 1 on a date specified in the order.

2. Subject to paragraph 3, the Secretary of State shall exercise the power under paragraph 1 if at any time it appears likely to him that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland.

3. The Secretary of State shall not make an order under paragraph 1 earlier than seven years after the holding of a previous poll under this Schedule.

4. (Remaining paragraphs along the lines of paragraphs 2 and 3 of existing Schedule 1 to 1973 Act.)

ANNEX B

IRISH GOVERNMENT DRAFT LEGISLATION TO AMEND THE CONSTITUTION

Add to Article 29 the following sections:

7.

1°. The State may consent to be bound by the British-Irish Agreement done at Belfast on the 10th day of April 1998, hereinafter called the Agreement.

2°. Any institution established by or under the Agreement may exercise the powers and functions thereby conferred on it in respect of all or any part of the island of Ireland notwithstanding any other provision of this Constitution conferring a like power or function on any person or any organ of State appointed under or created or established by or under this Constitution. Any power or function conferred on such an institution in relation to the settlement or resolution of disputes or controversies may be in addition to or in substitution for any like power or function conferred by this Constitution on any such person or organ of State as aforesaid.
3°. If the Government declare that the State has become obliged, pursuant to
the Agreement, to give effect to the amendment of this Constitution referred
to therein, then, notwithstanding Article 46 hereof, this Constitution shall be
amended as follows:

i. the following Articles shall be substituted for Articles 2 and 3 of the Irish
text:

**Aírteagal 2**

Tá gach duine a shaoltaítear in oileán na hÉireann, ar a n-áirítear a oileáin
agus a híarraí, i dteideal, agus tá de cheart oidhreachta aige nó aici, a
bheith páirteach i náisiún na hÉireann. Tá an teideal sin freisin ag na daoine
go léir atá cáilithe ar shí li dí chun bheith ina saoránaigh d'Éirinn.
Ina theannta sin, is mór ag náisiún na hÉireann a choibhneas speisialta le
daoine de bhunadh na hÉireann atá ina gcónaí ar an gcogrioch agus arb
ionann féiniúlacht agus oidhreachta chultúir dóbh agus do náisiún na
hÉireann.

**Aírteagal 3**

1. Is í toil dhiongbháilte náisiúin na hÉireann, go sítheach cairdiúil, na daoine
go léir a chomhroinneann crioche oileán na hÉireann i bpáirt lena chéile, in
eagsúlacht uile a bhféiniúilachaí agus a dtraídsíúin, a aontú, á thiontu gur tri
mhodhanna síochánta amhain le toilíú thromlach na ndaoine, a chur in íol go
daonlathach, sa dálhainse san oileán, a dhéanfar Éire aontaithe a thabhairt i
crich. Go dtí sin, bainfidh na dlíthe a achtófar ag an bParlaimint a
bhunaítear leis an mBunreacht seo leis an limistéar feidhme céanna, agus
beidh an raon feidhme céanna acu, lenar bhain na dlíthe, agus a bhí ag na
dlíthe, a d'achtaigh an Parlaimint a bhí ar marthain díreach roimhe theacht i
ngníomh don Bhunreacht seo.

2. Féadfaidh údaráis fhreagracha faoi seach na ndlínsí sin institiúidí ag a
meidh cumhachtai agus feidhmheanna feidhmiúcháin a chomhroinntear idir
na dlísin sin a bhunú chun crioche sonraithe agus féadfaidh na hínstitiúidí sin
cumhachtai agus feidhmheanna a feidhmíodh i leith an oileáin ar fad nó i leith
aon chuid de.

ii. the following Articles shall be substituted for Articles 2 and 3 of the English
text:

**Article 2**

It is the entitlement and birthright of every person born in the island of Ireland,
which includes its islands and seas, to be part of the Irish nation. That is also
the entitlement of all persons otherwise qualified in accordance with law to be
citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity
with people of Irish ancestry living abroad who share its cultural identity and
heritage.

**Article 3**

1. It is the firm will of the Irish nation, in harmony and friendship, to unite all
the people who share the territory of the island of Ireland, in all the diversity
of their identities and traditions, recognising that a united Ireland shall be
brought about by only by peaceful means with the consent of a majority of the
people, democratically expressed, in both jurisdictions in the island. Until
then, the laws enacted by the Parliament established by this Constitution
shall have the like area and extent of application as the laws enacted by the
Parliament that existed immediately before the coming into operation of this
Constitution.
2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island."

iii. the following section shall be added to the Irish text of this Article:

"8 Tig leis an Stát dlíinse a fheidhmiú taobh amuigh dá chrióch de réir bhunrialacha gnáth-admhairthe an dlí idirnáisúnta."

and

iv. the following section shall be added to the English text of this Article:

"8. The State may exercise extra-territorial jurisdiction in accordance with the generally recognised principles of international law."

4. If a declaration under this section is made, this subsection and subsection 3, other than the amendment of this Constitution effected thereby, and subsection 5 of this section shall be omitted from every official text of this Constitution published thereafter, but notwithstanding such omission this section shall continue to have the force of law.

5. If such a declaration is not made within twelve months of this section being added to this Constitution or such longer period as may be provided for by law, this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.
STRAND ONE

DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. This agreement provides for a democratically elected Assembly in Northern Ireland which is inclusive in its membership, capable of exercising executive and legislative authority, and subject to safeguards to protect the rights and interests of all sides of the community.

The Assembly

2. A 108 member Assembly will be elected by PR (STV) from existing Westminster constituencies.

3. The Assembly will exercise full legislative and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement.

4. The Assembly - operating where appropriate on a cross-community basis - will be the prime source of authority in respect of all devolved responsibilities.

Safeguards

5. There will be safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions and that all sections of the community are protected, including:

   (a) allocations of Committee Chairs, Ministers and Committee membership in proportion to party strengths;

   (b) the European Convention on Human Rights (ECHR) and any Bill of Rights for Northern Ireland supplementing it, which neither the Assembly nor public bodies can infringe, together with a Human Rights Commission;

   (c) arrangements to provide that key decisions and legislation are proofed to ensure that they do not infringe the ECHR and any Bill of Rights for Northern Ireland;

   (d) arrangements to ensure key decisions are taken on a cross-community basis;

      (i) either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting;

      (ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting.

   Key decisions requiring cross-community support will be designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations. In other cases such decisions could be triggered by a petition of concern brought by a significant minority of Assembly members (30/108).

   (e) an Equality Commission to monitor a statutory obligation to promote equality of opportunity in specified areas and parity of esteem between the two main communities, and to investigate individual complaints against public bodies.
Operation of the Assembly

6. At their first meeting, members of the Assembly will register a designation of identity - nationalist, unionist or other - for the purposes of measuring cross-community support in Assembly votes under the relevant provisions above.

7. The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.

8. There will be a Committee for each of the main executive functions of the Northern Ireland Administration. The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d’Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly to ensure that the opportunity of Committee places is available to all members.

9. The Committees will have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation. They will have the power to:
   - consider and advise on Departmental budgets and Annual Plans in the context of the overall budget allocation;
   - approve relevant secondary legislation and take the Committee stage of relevant primary legislation;
   - call for persons and papers;
   - initiate enquiries and make reports;
   - consider and advise on matters brought to the Committee by its Minister.

10. Standing Committees other than Departmental Committees may be established as may be required from time to time.

11. The Assembly may appoint a special Committee to examine and report on whether a measure or proposal for legislation is in conformity with equality requirements, including the ECHR/Bill of Rights. The Committee shall have the power to call people and papers to assist in its consideration of the matter. The Assembly shall then consider the report of the Committee and can determine the matter in accordance with the cross-community consent procedure.

12. The above special procedure shall be followed when requested by the Executive Committee, or by the relevant Departmental Committee, voting on a cross-community basis.

13. When there is a petition of concern as in 5(d) above, the Assembly shall vote to determine whether the measure may proceed without reference to this special procedure. If this fails to achieve support on a cross-community basis, as in 5(d)(i) above, the special procedure shall be followed.

Executive Authority

14. Executive authority to be discharged on behalf of the Assembly by a First Minister and Deputy First Minister and up to ten Ministers with Departmental responsibilities.

15. The First Minister and Deputy First Minister shall be jointly elected into office by the Assembly voting on a cross-community basis, according to 5(d)(i) above.
16. Following the election of the First Minister and Deputy First Minister, the posts of Ministers will be allocated to parties on the basis of the d’Hondt system by reference to the number of seats each party has in the Assembly.

17. The Ministers will constitute an Executive Committee, which will be convened, and presided over, by the First Minister and Deputy First Minister.

18. The duties of the First Minister and Deputy First Minister will include, inter alia, dealing with and co-ordinating the work of the Executive Committee and the response of the Northern Ireland administration to external relationships.

19. The Executive Committee will provide a forum for the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, for prioritising executive and legislative proposals and for recommending a common position where necessary (e.g. in dealing with external relationships).

20. The Executive Committee will seek to agree each year, and review as necessary, a programme incorporating an agreed budget linked to policies and programmes, subject to approval by the Assembly, after scrutiny in Assembly Committees, on a cross-community basis.

21. A party may decline the opportunity to nominate a person to serve as a Minister or may subsequently change its nominee.

22. All the Northern Ireland Departments will be headed by a Minister. All Ministers will liaise regularly with their respective Committee.

23. As a condition of appointment, Ministers, including the First Minister and Deputy First Minister, will affirm the terms of a Pledge of Office (Annex A) undertaking to discharge effectively and in good faith all the responsibilities attaching to their office.

24. Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive Committee and endorsed by the Assembly as a whole.

25. An individual may be removed from office following a decision of the Assembly taken on a cross-community basis, if (s)he loses the confidence of the Assembly, voting on a cross-community basis, for failure to meet his or her responsibilities including, inter alia, those set out in the Pledge of Office. Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office under these provisions.

Legislation

26. The Assembly will have authority to pass primary legislation for Northern Ireland in devolved areas, subject to:

   (a) the ECHR and any Bill of Rights for Northern Ireland supplementing it which, if the courts found to be breached, would render the relevant legislation null and void;

   (b) decisions by simple majority of members voting, except when decision on a cross-community basis is required;

   (c) detailed scrutiny and approval in the relevant Departmental Committee;

   (d) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;
27. The Assembly will have authority to legislate in reserved areas with the approval of the Secretary of State and subject to Parliamentary control.

28. Disputes over legislative competence will be decided by the Courts.

29. Legislation could be initiated by an individual, a Committee or a Minister.

Relations with other institutions

30. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 18, and will be such as to ensure cross-community involvement.

31. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Ministers to national policy-making, including on EU issues.

32. Role of Secretary of State:
   (a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers;
   (b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;
   (c) to represent Northern Ireland interests in the United Kingdom Cabinet;
   (d) to have the right to attend the Assembly at their invitation.

33. The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will:
   (a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament;
   (b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland;
   (c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.

34. A consultative Civic Forum will be established. It will comprise representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Minister and the Deputy First Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Minister and the Deputy First Minister will by agreement provide administrative support for the Civic Forum and establish guidelines for the selection of representatives to the Civic Forum.
Transitional Arrangements

35. The Assembly will meet first for the purpose of organisation, without legislative or executive powers, to resolve its standing orders and working practices and make preparations for the effective functioning of the Assembly, the British-Irish Council and the North/South Ministerial Council and associated implementation bodies. In this transitional period, those members of the Assembly serving as shadow Ministers shall affirm their commitment to non-violence and exclusively peaceful and democratic means and their opposition to any use or threat of force by others for any political purpose; to work in good faith to bring the new arrangements into being; and to observe the spirit of the Pledge of Office applying to appointed Ministers.

Review

36. After a specified period there will be a review of these arrangements, including the details of electoral arrangements and of the Assembly’s procedures, with a view to agreeing any adjustments necessary in the interests of efficiency and fairness.

Annex A

Pledge of Office

To pledge:

(a) to discharge in good faith all the duties of office;

(b) commitment to non-violence and exclusively peaceful and democratic means;

(c) to serve all the people of Northern Ireland equally, and to act in accordance with the general obligations on government to promote equality and prevent discrimination;

(d) to participate with colleagues in the preparation of a programme for government;

(e) to operate within the framework of that programme when agreed within the Executive Committee and endorsed by the Assembly;

(f) to support, and to act in accordance with, all decisions of the Executive Committee and Assembly;

(g) to comply with the Ministerial Code of Conduct.
CODE OF CONDUCT

Ministers must at all times:

- observe the highest standards of propriety and regularity involving impartiality, integrity and objectivity in relationship to the stewardship of public funds;

- be accountable to users of services, the community and, through the Assembly, for the activities within their responsibilities, their stewardship of public funds and the extent to which key performance targets and objectives have been met;

- ensure all reasonable requests for information from the Assembly, users of services and individual citizens are complied with; and that Departments and their staff conduct their dealings with the public in an open and responsible way;

- follow the seven principles of public life set out by the Committee on Standards in Public Life;

- comply with this code and with rules relating to the use of public funds;

- operate in a way conducive to promoting good community relations and equality of treatment;

- not use information gained in the course of their service for personal gain; nor seek to use the opportunity of public service to promote their private interests;

- ensure they comply with any rules on the acceptance of gifts and hospitality that might be offered;

- declare any personal or business interests which may conflict with their responsibilities. The Assembly will retain a Register of Interests. Individuals must ensure that any direct or indirect pecuniary interests which members of the public might reasonably think could influence their judgement are listed in the Register of Interests;
STRAND TWO

NORTH/SOUTH MINISTERIAL COUNCIL

1. Under a new British/Irish Agreement dealing with the totality of relationships, and related legislation at Westminster and in the Oireachtas, a North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South.

2. All Council decisions to be by agreement between the two sides. Northern Ireland to be represented by the First Minister, Deputy First Minister and any relevant Ministers, the Irish Government by the Taoiseach and relevant Ministers, all operating in accordance with the rules for democratic authority and accountability in force in the Northern Ireland Assembly and the Oireachtais respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations. If a holder of a relevant post will not participate normally in the Council, the Taoiseach in the case of the Irish Government and the First and Deputy First Minister in the case of the Northern Ireland Administration to be able to make alternative arrangements.

3. The Council to meet in different formats:

   (i) in plenary format twice a year, with Northern Ireland representation led by the First Minister and Deputy First Minister and the Irish Government led by the Taoiseach;

   (ii) in specific sectoral formats on a regular and frequent basis with each side represented by the appropriate Minister;

   (iii) in an appropriate format to consider institutional or cross-sectoral matters (including in relation to the EU) and to resolve disagreement.

4. Agendas for all meetings to be settled by prior agreement between the two sides, but it will be open to either to propose any matter for consideration or action.

5. The Council:

   (i) to exchange information, discuss and consult with a view to co-operating on matters of mutual interest within the competence of both Administrations, North and South;

   (ii) to use best endeavours to reach agreement on the adoption of common policies, in areas where there is a mutual cross-border and all-island benefit, and which are within the competence of both Administrations, North and South, making determined efforts to overcome any disagreements;

   (iii) to take decisions by agreement on policies for implementation separately in each jurisdiction, in relevant meaningful areas within the competence of both Administrations, North and South;

   (iv) to take decisions by agreement on policies and action at an all-island and cross-border level to be implemented by the bodies to be established as set out in paragraphs 8 and 9 below.

6. Each side to be in a position to take decisions in the Council within the defined authority of those attending, through the arrangements in place for co-ordination of executive functions within each jurisdiction. Each side to remain accountable to the Assembly and Oireachtas respectively, whose approval, through the arrangements in place on either side, would be required for decisions beyond the defined authority of those attending.
7. As soon as practically possible after elections to the Northern Ireland Assembly, inaugural meetings will take place of the Assembly, the British/Irish Council and the North/South Ministerial Council in their transitional forms. All three institutions will meet regularly and frequently on this basis during the period between the elections to the Assembly, and the transfer of powers to the Assembly, in order to establish their modus operandi.

8. During the transitional period between the elections to the Northern Ireland Assembly and the transfer of power to it, representatives of the Northern Ireland transitional Administration and the Irish Government operating in the North/South Ministerial Council will undertake a work programme, in consultation with the British Government, covering at least 12 subject areas, with a view to identifying and agreeing by 31 October 1998 areas where co-operation and implementation for mutual benefit will take place. Such areas may include matters in the list set out in the Annex.

9. As part of the work programme, the Council will identify and agree at least 6 matters for co-operation and implementation in each of the following categories:

   (I) Matters where existing bodies will be the appropriate mechanisms for co-operation in each separate jurisdiction;

   (ii) Matters where the co-operation will take place through agreed implementation bodies on a cross-border or all-island level.

10. The two Governments will make necessary legislative and other enabling preparations to ensure, as an absolute commitment, that these bodies, which have been agreed as a result of the work programme, function at the time of the inception of the British-Irish Agreement and the transfer of powers, with legislative authority for these bodies transferred to the Assembly as soon as possible thereafter. Other arrangements for the agreed co-operation will also commence contemporaneously with the transfer of powers to the Assembly.

11. The implementation bodies will have a clear operational remit. They will implement on an all-island and cross-border basis policies agreed in the Council.

12. Any further development of these arrangements to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and Oireachtas, subject to the extent of the competences and responsibility of the two Administrations.

13. It is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other.

14. Disagreements within the Council to be addressed in the format described at paragraph 3(iii) above or in the plenary format. By agreement between the two sides, experts could be appointed to consider a particular matter and report.

15. Funding to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.

16. The Council to be supported by a standing joint Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.

17. The Council to consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework. Arrangements to be made to ensure that the views of the Council are taken into account and represented appropriately at relevant EU meetings.
18. The Northern Ireland Assembly and the Oireachtas to consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.

19. Consideration to be given to the establishment of an independent consultative forum appointed by the two Administrations, representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.

ANNEX

Areas for North-South co-operation and implementation may include the following:

1. Agriculture - animal and plant health.
2. Education - teacher qualifications and exchanges.
3. Transport - strategic transport planning.
4. Environment - environmental protection, pollution, water quality, and waste management.
5. Waterways - inland waterways.
7. Tourism - promotion, marketing, research, and product development.
8. Relevant EU Programmes such as SPPR, INTERREG, Leader II and their successors.
9. Inland Fisheries.
10. Aquaculture and marine matters
11. Health: accident and emergency services and other related cross-border issues.
12. Urban and rural development.

Others to be considered by the shadow North/ South Council.
STRAND THREE

BRITISH-IRISH COUNCIL

1. A British-Irish Council (BIC) will be established under a new British-Irish Agreement to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands.

2. Membership of the BIC will comprise representatives of the British and Irish Governments, devolved institutions in Northern Ireland, Scotland and Wales, when established, and, if appropriate, elsewhere in the United Kingdom, together with representatives of the Isle of Man and the Channel Islands.

3. The BIC will meet in different formats: at summit level, twice per year; in specific sectoral formats on a regular basis, with each side represented by the appropriate Minister; in an appropriate format to consider cross-sectoral matters.

4. Representatives of members will operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.

5. The BIC will exchange information, discuss, consult and use best endeavours to reach agreement on co-operation on matters of mutual interest within the competence of the relevant Administrations. Suitable issues for early discussion in the BIC could include transport links, agricultural issues, environmental issues, cultural issues, health issues, education issues and approaches to EU issues. Suitable arrangements to be made for practical co-operation on agreed policies.

6. It will be open to the BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.

7. The BIC normally will operate by consensus. In relation to decisions on common policies or common actions, including their means of implementation, it will operate by agreement of all members participating in such policies or actions.

8. The members of the BIC, on a basis to be agreed between them, will provide such financial support as it may require.

9. A secretariat for the BIC will be provided by the British and Irish Governments in co-ordination with officials of each of the other members.

10. In addition to the structures provided for under this agreement, it will be open to two or more members to develop bilateral or multilateral arrangements between them. Such arrangements could include, subject to the agreement of the members concerned, mechanisms to enable consultation, co-operation and joint decision-making on matters of mutual interest; and mechanisms to implement any joint decisions they may reach. These arrangements will not require the prior approval of the BIC as a whole and will operate independently of it.

11. The elected institutions of the members will be encouraged to develop interparliamentary links, perhaps building on the British-Irish Interparliamentary Body.

12. The full membership of the BIC will keep under review the workings of the Council, including a formal published review at an appropriate time after the Agreement comes into effect, and will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations.
BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE

1. There will be a new British-Irish Agreement dealing with the totality of relationships. It will establish a standing British-Irish Intergovernmental Conference, which will subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.

2. The Conference will bring together the British and Irish Governments to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.

3. The Conference will meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments will be represented by appropriate Ministers. Advisers, including police and security advisers, will attend as appropriate.

4. All decisions will be by agreement between both Governments. The Governments will make determined efforts to resolve disagreements between them. There will be no derogation from the sovereignty of either Government.

5. In recognition of the Irish Government's special interest in Northern Ireland and of the extent to which issues of mutual concern arise in relation to Northern Ireland, there will be regular and frequent meetings of the Conference concerned with non-devolved Northern Ireland matters, on which the Irish Government may put forward views and proposals. These meetings, to be co-chaired by the Minister for Foreign Affairs and the Secretary of State for Northern Ireland, would also deal with all-island and cross-border co-operation on non-devolved issues.

6. Co-operation within the framework of the Conference will include facilitation of co-operation in security matters. The Conference also will address, in particular, the areas of rights, justice, prisons and policing in Northern Ireland (unless and until responsibility is devolved to a Northern Ireland administration) and will intensify co-operation between the two Governments on the all-island or cross-border aspects of these matters.

7. Relevant executive members of the Northern Ireland Administration will be involved in meetings of the Conference, and in the reviews referred to in paragraph 9 below to discuss non-devolved Northern Ireland matters.

8. The Conference will be supported by officials of the British and Irish Governments, including by a standing joint Secretariat of officials dealing with non-devolved Northern Ireland matters.

9. The Conference will keep under review the workings of the new British-Irish Agreement and the machinery and institutions established under it, including a formal published review three years after the Agreement comes into effect. Representatives of the Northern Ireland Administration will be invited to express views to the Conference in this context. The Conference will contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations but will have no power to override the democratic arrangements set up by this Agreement.
UNITED KINGDOM LEGISLATION

2. The British Government will complete incorporation into Northern Ireland law of the European Convention on Human Rights (ECHR), with direct access to the courts, and remedies for breach of the Convention, including power for the courts to overrule Assembly legislation on grounds of inconsistency.

3. Subject to the outcome of public consultation underway, the British Government intends, as a particular priority, to create a statutory obligation on public authorities in Northern Ireland to carry out all their functions with due regard to the need to promote equality of opportunity in relation to religion and political opinion; gender; race; disability; age; marital status; dependants; and sexual orientation. Public bodies would be required to draw up statutory schemes showing how they would implement this obligation. Such schemes would cover arrangements for policy appraisal, including an assessment of impact on relevant categories, public consultation, public access to information and services, monitoring and timetables.

4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited to consult and to advise on the scope for defining, in Westminster legislation, rights supplementary to those in the European Convention on Human Rights, to reflect the particular circumstances of Northern Ireland, drawing as appropriate on international instruments and experience. These additional rights to reflect the principles of mutual respect for the identity and ethos of both communities and parity of esteem, and - taken together with the ECHR - to constitute a Bill of Rights for Northern Ireland. Among the issues for consideration by the Commission will be:

- the formulation of a general obligation on government and public bodies fully to respect, on the basis of equality of treatment, the identity and ethos of both communities in Northern Ireland; and
- a clear formulation of the rights not to be discriminated against and to equality of opportunity in both the public and private sectors.
New Institutions in Northern Ireland

5. A new Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation, independent of Government, with an extended and enhanced role beyond that currently exercised by the Standing Advisory Commission on Human Rights, to include keeping under review the adequacy and effectiveness of laws and practices, making recommendations to Government as necessary; providing information and promoting awareness of human rights; considering draft legislation referred to them by the new Assembly; and, in appropriate cases, bringing court proceedings or providing assistance to individuals doing so.

6. Subject to the outcome of public consultation currently underway, the British Government intends a new statutory Equality Commission to replace the Fair Employment Commission, the Equal Opportunities Commission (NI), the Commission for Racial Equality (NI) and the Disability Council. Such a unified Commission will advise on, validate and monitor the statutory obligation and will investigate complaints of default.

7. It would be open to a new Northern Ireland Assembly to consider bringing together its responsibilities for these matters into a dedicated Department of Equality.

8. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

Comparable Steps by the Irish Government

9. The Irish Government will also take steps to further strengthen the protection of human rights in its jurisdiction. The Government will, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the Report of the Constitution Review Group, bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights and the question of the incorporation of the ECHR will be further examined in this context. The measures brought forward would ensure at least an equivalent level of protection of human rights as will pertain in Northern Ireland. In addition, the Irish Government will:
   - establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;
   - proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
   - implement enhanced employment equality legislation;
   - introduce equal status legislation; and
   - continue to take further active steps to demonstrate its respect for the different traditions in the island of Ireland.

A Joint Committee

10. It is envisaged that there would be a joint committee of representatives of the two Human Rights Commissions, North and South, as a forum for consideration of human rights issues in the island of Ireland. The joint committee will consider, among other matters, the possibility of establishing a charter, open to signature by all democratic political parties, reflecting and endorsing agreed measures for the protection of the fundamental rights of everyone living in the island of Ireland.
Reconciliation and Victims of Violence

11. The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission.

12. It is recognised that victims have a right to remember as well as to contribute to a changed society. The achievement of a peaceful and just society would be the true memorial to the victims of violence. The participants particularly recognise that young people from areas affected by the troubles face particular difficulties and will support the development of special community-based initiatives based on international best practice. The provision of services that are supportive and sensitive to the needs of victims will also be a critical element and that support will need to be channelled through both statutory and community-based voluntary organisations facilitating locally-based self-help and support networks. This will require the allocation of sufficient resources, including statutory funding as necessary, to meet the needs of victims and to provide for community-based support programmes.

13. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between and within communities and traditions, in Northern Ireland and between North and South, and they see such work as having a vital role in consolidating peace and political agreement. Accordingly, they pledge their continuing support to such organisations and will positively examine the case for enhanced financial assistance for the work of reconciliation. An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.

Economic, Social and Cultural Issues

1. Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.

2. Subject to the public consultation currently under way, the British Government will make rapid progress with:

   (i) a new regional development strategy for Northern Ireland, for consideration in due course by a the Assembly, tackling the problems of a divided society and social cohesion in urban, rural and border areas, protecting and enhancing the environment, producing new approaches to transport issues, strengthening the physical infrastructure of the region, developing the advantages and resources of rural areas and rejuvenating major urban centres;

   (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a the Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy; and

   (iii) measures on employment equality included in the recent White Paper ("Partnership for Equality") and covering the extension and strengthening of anti-discrimination legislation, a review of the national security aspects of the present fair employment legislation at the earliest possible time, a new more focused Targeting Social Need initiative and a range of measures aimed at combating unemployment and progressively eliminating the differential in unemployment rates between the two communities by targeting objective need.
3. All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.

4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:

- take resolute action to promote the language;
- facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
- seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
- make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
- place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilge in Northern Ireland;
- seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
- encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

5. All participants acknowledge the sensitivity of the use of symbols and emblems for public purposes, and the need in particular in creating the new institutions to ensure that such symbols and emblems are used in a manner which promotes mutual respect rather than division. Arrangements will be made to monitor this issue and consider what action might be required.
DECOMMISSIONING

1. Participants recall their agreement in the Procedural Motion adopted on 24 September 1997 "that the resolution of the decommissioning issue is an indispensable part of the process of negotiation", and also recall the provisions of paragraph 25 of Strand 1 above.

2. They note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which can represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.

3. All participants accordingly reaffirm their commitment to the total disarmament of all paramilitary organisations. They also confirm their intention to continue to work constructively and in good faith with the Independent Commission, and to use any influence they may have, to achieve the decommissioning of all paramilitary arms within two years following endorsement in referendums North and South of the agreement and in the context of the implementation of the overall settlement.

4. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.

5. Both Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.

SECURITY

1. The participants note that the development of a peaceful environment on the basis of this agreement can and should mean a normalisation of security arrangements and practices.

2. The British Government will make progress towards the objective of as early a return as possible to normal security arrangements in Northern Ireland, consistent with the level of threat and with a published overall strategy, dealing with:

   (i) the reduction of the numbers and role of the Armed Forces deployed in Northern Ireland to levels compatible with a normal peaceful society;

   (ii) the removal of security installations;

   (iii) the removal of emergency powers in Northern Ireland; and

   (iv) other measures appropriate to and compatible with a normal peaceful society.

3. The Secretary of State will consult regularly on progress, and the response to any continuing paramilitary activity, with the Irish Government and the political parties, as appropriate.

4. The British Government will continue its consultation on firearms regulation and control on the basis of the document published on 2 April 1998.

5. The Irish Government will initiate a wide-ranging review of the Offences Against the State Acts 1939-85 with a view to both reform and dispensing with those elements no longer required as circumstances permit.
POLICING AND JUSTICE

1. The participants recognise that policing is a central issue in any society. They equally recognise that Northern Ireland’s history of deep divisions has made it highly emotive, with great hurt suffered and sacrifices made by many individuals and their families, including those in the RUC and other public servants. They believe that the agreement provides the opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole. They also believe that this agreement offers a unique opportunity to bring about a new political dispensation which will recognise the full and equal legitimacy and worth of the identities, senses of allegiance and ethos of all sections of the community in Northern Ireland. They consider that this opportunity should inform and underpin the development of a police service representative in terms of the make-up of the community as a whole and which, in a peaceful environment, should be routinely unarmed.

2. The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms. The participants also believe that those structures and arrangements must be capable of maintaining law and order including responding effectively to crime and to any terrorist threat and to public order problems. A police service which cannot do so will fail to win public confidence and acceptance. They believe that any such structures and arrangements should be capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with the maximum delegation of authority and responsibility, consistent with the foregoing principles. These arrangements should be based on principles of protection of human rights and professional integrity and should be unambiguously accepted and actively supported by the entire community.

3. An independent Commission will be established to make recommendations for future policing arrangements in Northern Ireland including means of encouraging widespread community support for these arrangements within the agreed framework of principles reflected in the paragraphs above and in accordance with the terms of reference at Annex A. The Commission will be broadly representative with expert and international representation among its membership and will be asked to consult widely and to report no later than Summer 1999.

4. The participants believe that the aims of the criminal justice system are to:

   - deliver a fair and impartial system of justice to the community;
   - be responsive to the community’s concerns, and encouraging community involvement where appropriate;
   - have the confidence of all parts of the community; and
   - deliver justice efficiently and effectively.

5. There will be a parallel wide-ranging review of criminal justice (other than policing and those aspects of the system relating to the emergency legislation) to be carried out by the British Government through a mechanism with an independent element, in consultation with the political parties and others. The review will commence as soon as possible, will include wide consultation, and a report will be made to the Secretary of State no later than Autumn 1999. Terms of Reference are attached at Annex B.

6. Implementation of the recommendations arising from both reviews will be discussed with the political parties and with the Irish Government.
7. The participants also note that the British Government remains ready in principle, with the broad support of the political parties, and after consultation, as appropriate, with the Irish Government, in the context of ongoing implementation of the relevant recommendations, to devolve responsibility for policing and justice issues.
ANNEX A

COMMISSION ON POLICING FOR NORTHERN IRELAND

Terms of Reference
Taking account of the principles on policing as set out in the agreement, the Commission will inquire into policing in Northern Ireland and, on the basis of its findings, bring forward proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements.

Its proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole.

Its proposals should include recommendations covering any issues such as re-training, job placement and educational and professional development required in the transition to policing in a peaceful society.

Its proposals should also be designed to ensure that:

- the police service is structured, managed and resourced so that it can be effective in discharging its full range of functions (including proposals on any necessary arrangements for the transition to policing in a normal peaceful society);
- the police service is delivered in constructive and inclusive partnerships with the community at all levels with the maximum delegation of authority and responsibility;
- the legislative and constitutional framework requires the impartial discharge of policing functions and conforms with internationally accepted norms in relation to policing standards;
- the police operate within a clear framework of accountability to the law and the community they serve, so:
  - they are constrained by, accountable to and act only within the law;
  - their powers and procedures, like the law they enforce, are clearly established and publicly available;
  - there are open, accessible and independent means of investigating and adjudicating upon complaints against the police;
  - there are clearly established arrangements enabling local people, and their political representatives, to articulate their views and concerns about policing and to establish publicly policing priorities and influence policing policies, subject to safeguards to ensure police impartiality and freedom from partisan political control;
  - there are arrangements for accountability and for the effective, efficient and economic use of resources in achieving policing objectives;
  - there are means to ensure independent professional scrutiny and inspection of the police service to ensure that proper professional standards are maintained;
  - the scope for structured co-operation with the Garda Siochana and other police forces is addressed; and
  - the management of public order events which can impose exceptional demands on policing resources is also addressed.

The Commission should focus on policing issues, but if it identifies other aspects of the criminal justice system relevant to its work on policing, including the role of the police in prosecution, then it should draw the attention of the Government to those matters.

The Commission should consult widely, including with non-governmental expert organisations, and through such focus groups as they consider it appropriate to establish.
The Government proposes to establish the Commission as soon as possible, with the aim of it starting work as soon as possible and publishing its final report by Summer 1999.
ANNEX B

REVIEW OF THE CRIMINAL JUSTICE SYSTEM

Terms of Reference
Taking account of the aims of the criminal justice system as set out in the Agreement, the review will address the structure, management and resourcing of publicly funded elements of the criminal justice system and will bring forward proposals for future criminal justice arrangements (other than policing and those aspects of the system relating to emergency legislation, which the Government is considering separately) covering such issues as:

- the arrangements for making appointments to the judiciary and magistracy, and safeguards for protecting their independence;
- the arrangements for the organisation and supervision of the prosecution process, and for safeguarding its independence;
- measures to improve the responsiveness and accountability of, and any lay participation in the criminal justice system;
- mechanisms for addressing law reform;
- the scope for structured co-operation between the criminal justice agencies on both parts of the island; and
- the structure and organisation of criminal justice functions that might be devolved to an Assembly, including the possibility of establishing a Department of Justice, while safeguarding the essential independence of many of the key functions in this area.

The Government proposes to commence the review as soon as possible, consulting with the political parties and others, including non-governmental expert organisations. The review will be completed by Autumn 1999.
PRISONERS

1. Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners, including transferred prisoners, convicted of scheduled offences in Northern Ireland or, in the case of those sentenced outside Northern Ireland, similar offences (referred to hereafter as qualifying prisoners). Any such arrangements will protect the rights of individual prisoners under national and international law.

2. Prisoners affiliated to organisations which have not established or are not maintaining a complete and unequivocal ceasefire will not benefit from the arrangements. The situation in this regard will be kept under review.

3. Both Governments will complete a review process within a fixed time frame and set prospective release dates for all qualifying prisoners. The review process would provide for the advance of the release dates of qualifying prisoners while allowing account to be taken of the seriousness of the offences for which the person was convicted and the need to protect the community. In addition, the intention would be that should the circumstances allow it, any qualifying prisoners who remained in custody two years after the commencement of the scheme would be released at that point.

4. The Governments will seek to enact the appropriate legislation to give effect to these arrangements by the end of June 1998.

5. The Governments continue to recognise the importance of measures to facilitate the reintegation of prisoners into the community by providing support both prior to and after release, including assistance directed towards availing of employment opportunities, retraining and/or re-skilling, and further education.

- 28 -
VALIDATION, IMPLEMENTATION AND REVIEW

Validation and Implementation

1. The two Governments will as soon as possible sign a new British-Irish Agreement replacing the 1985 Anglo-Irish Agreement, embodying understandings on constitutional issues and affirming their solemn commitment to support and, where appropriate, implement the agreement reached by the participants in the negotiations which shall be annexed to the British-Irish Agreement.

2. Each Government will organise a referendum on 22 May 1998. Subject to Parliamentary approval, a consultative referendum in Northern Ireland, organised under the terms of the Northern Ireland (Entry to Negotiations, etc.) Act 1996, will address the question: "Do you support the agreement reached in the multi-party talks on Northern Ireland and set out in Command Paper 3883?". The Irish Government will introduce and support in the Oireachtas a Bill to amend the Constitution as described in paragraph 2 of the section "Constitutional Issues" and in Annex B, as follows: (a) to amend Articles 2 and 3 as described in paragraph 8.1 in Annex B above and (b) to amend Article 29 to permit the Government to ratify the new British-Irish Agreement. On passage by the Oireachtas, the Bill will be put to referendum.

3. If majorities of those voting in each of the referendums support this agreement, the Governments will then introduce and support, in their respective Parliaments, such legislation as may be necessary to give effect to all aspects of this agreement, and will take whatever ancillary steps as may be required including the holding of elections on 25 June, subject to parliamentary approval, to the Assembly, which would meet initially in a "shadow" mode. The establishment of the North-South Ministerial Council, implementation bodies, the British-Irish Council and the British-Irish Intergovernmental Conference and the assumption by the Assembly of its legislative and executive powers will take place at the same time on the entry into force of the British-Irish Agreement.

4. In the interim, aspects of the implementation of the multi-party agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, the results of those elections), under the chairmanship of the British Government or the two Governments, as may be appropriate; and representatives of the two Governments and all relevant parties may meet under independent chairmanship to review implementation of the agreement as a whole.

Review procedures following implementation

5. Each institution may, at any time, review any problems that may arise in its operation and, where no other institution is affected, take remedial action in consultation as necessary with the relevant Government or Governments. It will be for each institution to determine its own procedures for review.

6. If there are difficulties in the operation of a particular institution, which have implications for another institution, they may review their operations separately and jointly and agree on remedial action to be taken under their respective authorities.

7. If difficulties arise which require remedial action across the range of institutions, or otherwise require amendment of the British-Irish Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Assembly. Each Government will be responsible for action in its own jurisdiction.

8. Notwithstanding the above, each institution will publish an annual report on its operations. In addition, the two Governments and the parties in the Assembly will convene a conference 4 years after the agreement comes into effect, to review and report on its operation.
AGREEMENT
BETWEEN THE GOVERNMENT OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND
THE GOVERNMENT OF IRELAND

The British and Irish Governments:

Welcoming the strong commitment to the Agreement reached on 10th April 1998 by themselves and other participants in the multi-party talks and set out in Annex 1 to this Agreement (hereinafter "the Multi-Party Agreement");

Considering that the Multi-Party Agreement offers an opportunity for a new beginning in relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands;

Wishing to develop still further the unique relationship between their peoples and the close co-operation between their countries as friendly neighbours and as partners in the European Union;

Reaffirming their total commitment to the principles of democracy and non-violence which have been fundamental to the multi-party talks;

Reaffirming their commitment to the principles of partnership, equality and mutual respect and to the protection of civil, political, social, economic and cultural rights in their respective jurisdictions;

Have agreed as follows:

ARTICLE 1

The two Governments:

(i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;

(ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;

(iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;

(iv) affirm that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish;
(v) affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of, civil, political, social and cultural rights, of freedom from discrimination for all citizens, and of parity of esteem and of just and equal treatment for the identity, ethos and aspirations of both communities;

(vi) recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

ARTICLE 2

The two Governments affirm their solemn commitment to support, and where appropriate implement, the provisions of the Multi-Party Agreement. In particular there shall be established in accordance with the provisions of the Multi-Party Agreement immediately on the entry into force of this Agreement, the following institutions:

(i) a North/South Ministerial Council;

(ii) the implementation bodies referred to in paragraph 9 (ii) of the section entitled "Strand Two" of the Multi-Party Agreement;

(iii) a British-Irish Council;

(iv) a British-Irish Intergovernmental Conference.

ARTICLE 3

(1) This Agreement shall replace the Agreement between the British and Irish Governments done at Hillsborough on 15th November 1985 which shall cease to have effect on entry into force of this Agreement.

(2) The Intergovernmental Conference established by Article 2 of the aforementioned Agreement done on 15th November 1985 shall cease to exist on entry into force of this Agreement.

ARTICLE 4

(1) It shall be a requirement for entry into force of this Agreement that:

(a) British legislation shall have been enacted for the purpose of implementing the provisions of Annex A to the section entitled "Constitutional Issues" of the Multi-Party Agreement;

(b) the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement shall have been approved by Referendum;

(c) such legislation shall have been enacted as may be required to establish the institutions referred to in Article 2 of this Agreement.

(2) Each Government shall notify the other in writing of the completion, so far as it is concerned, of the requirements for entry into force of this Agreement. This Agreement shall enter into force on the date of the receipt of the later of the two notifications.
(3) Immediately on entry into force of this Agreement, the Irish Government shall ensure that the amendments to the Constitution of Ireland set out in Annex B to the section entitled "Constitutional Issues" of the Multi-Party Agreement take effect.

In witness thereof the undersigned, being duly authorised thereto by the respective Governments, have signed this Agreement.

Done in two originals at Belfast on the 10th day of April 1998.

ANNEX 1

The Agreement Reached in the Multi-Party Talks

ANNEX 2

Declaration on the Provisions of Paragraph (vi) of Article 1 In Relationship to Citizenship

The British and Irish Governments declare that it is their joint understanding that the term "the people of Northern Ireland" in paragraph (vi) of Article 1 of this Agreement means, for the purposes of giving effect to this provision, all persons born in Northern Ireland and having, at the time of their birth, at least one parent who is a British citizen, an Irish citizen or is otherwise entitled to reside in Northern Ireland without any restriction on their period of residence.