

[Editors' Note: The first 23 pages of this document are physically located in folder 09. The remaining 53 pages are physically located in folder 10. We have included a scan of the cover of folder 10 to mark the dividing line between the two folders.]

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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 failures of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have been injured or who have died, 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 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 arrangements - an Assembly in Northern Ireland, a

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North/South Ministerial Council, implementation bodies, a British-Irish Council, and a British-Irish Intergovernmental Conference - are interlocking and mutually supportive and that all will enter into force at or around the same time.

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

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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 the 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 Irish Constitution

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 shall cease to have effect; 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

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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 five 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

Add to Article 29 the following sections:

7.
 1. In this section and in section 8 of this Article "the Agreement" means the British-Irish Agreement done at Belfast on the day of 1998.
 2. The State may ratify the Agreement.
 3. 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 the exercise of a like power or function on another person or organ of State appointed under or established by this Constitution. Any power or function conferred on such an institution in relation to the settlement of disputes may be in lieu of any like power or function conferred by this Constitution on any such other person or organ of State as aforesaid.
8.
 1. 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.
 - i. by the substitution of the following Articles for Articles 2 and 3:

"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 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 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."

and

- ii. by the addition of the following section to this Article:

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

2. If a declaration under this section is not made within twelve months of this section being added to this Constitution or such longer period as may be determined by law, section 7 of this Article and this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.
3. If such a declaration is made, this section, other than the amendment effected thereby, 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.

STRAND ONE

DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

1. The following is intended to provide 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. An Assembly will be elected by PR(STV) from existing Westminster constituencies.

[Note from the Independent Chairmen: There is disagreement among participants as to the size of the Assembly and as to whether the election system should provide greater opportunity to small parties to be represented in the Assembly. We believe that it should.]

Options for your consideration include, but are not limited to:

- (a) *increasing the number of seats per constituency from 5 to 6; and/or*
- (b) *providing a top-up of 10 or 20 additional seats.]*

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:

[Note from the Chairmen: There is disagreement among participants as to whether the executive heads of departments should be titled "Assembly Secretaries" or "Ministers". Throughout this text the position will be titled "Assembly Secretary/Minister".]

- (a) allocations of Committee Chairs, Assembly Secretaries/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;

[Note from the Chairmen: There is disagreement among the participants as to the nature of such arrangements. Options for your consideration include, but are not limited, to the following:

- (a) *That this might require that any key decision would only pass if it is supported by;*

either a majority of those members present and voting which includes majorities of those who identify themselves (at the outset) as Nationalist and Unionist respectively

or a weighted majority (two thirds) of those members present and voting.]

In this alternative key decisions requiring cross-community support would be designated in advance (eg election of presiding officer, standing orders, budget allocations, employment equality, cultural issues) and/or be triggered by a right of petition exercised by a significant minority of Assembly members, (__ %); or

- (b) *Some combination of parallel consent and a weighted majority; or*
- (c) *Another alternative would be to give to the Chair and Deputy Chair of the Executive/Liaison Committee (see paragraph 17 below) joint authority over key decisions; this would insure cross-community support. Obviously, its effectiveness would depend on the definition of what are key decisions.]*

- (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. *[Note from the Chairmen: The parties are in disagreement as to the allocation of the position of Chair of the Assembly and as to whether there should be a Deputy Chair. Options for your consideration include, but are not limited to, the following:*
 - (a) *The Chair and Deputy Chair of the Assembly will be elected on a cross-community basis, as set out in paragraph 5(d) above.*
 - (b) *There will be a Chair of the Assembly, elected from among those who are not aligned with either of the two major communities.]*
- 7. 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.
- 8. 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 should have the power to:

- agree Departmental budgets and Annual Plans
 - approve relevant secondary legislation and take the Committee stage of relevant primary legislation
 - call for persons and papers
 - initiate enquiries and make reports.
9. Standing Committees other than Departmental Committees may be established as may be required from time to time.

Executive Authority

[Note from the Chairmen: There is disagreement among the participants as to whether executive authority should be vested in an Executive Committee or a Liaison committee. Throughout this text the Committee will be titled "Executive/Liaison Committee".]

10. Executive authority to be discharged on behalf of the Assembly by up to [ten] Assembly Secretaries/Ministers, with posts allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly.
11. A party may decline the opportunity to nominate a person to serve as an Assembly Secretary/Minister' or may subsequently change its nominee.
12. An individual may be excluded or removed from office by a decision of the Assembly taken on a cross-community basis, when he loses the confidence of the Assembly, voting on a cross-community basis either for failure to meet his responsibilities or because the Assembly

believes, on a cross-community basis, that his retention of office is incompatible with democratic expectations and constraints.

13. Assembly Secretaries/Ministers will be political Heads of the Northern Ireland Departments, and will liaise regularly with their respective Committee.
14. As a condition of appointment, Assembly Secretaries/Ministers will affirm their readiness to discharge effectively and in good faith all the responsibilities attaching to their posts, provided, however, that refusal to serve as an Assembly Secretary/Minister will not be grounds for removal from the Assembly.
15. Assembly Secretaries/Ministers will have full executive authority in their respective areas of responsibility, within any broad programme agreed by the Executive/Liaison Committee (see below) and endorsed by the Assembly as a whole on a cross-community basis; or in accordance with budgetary policy or legislative proposals approved, on a cross-community basis, after scrutiny by the Departmental Committee and by the Assembly. In the event of any dispute between an Assembly Secretary/Minister and the Committee, the Assembly as a whole to have the power of decision exercised on a cross-community basis.

Executive Liaison Committee

16. The Assembly Secretaries/Ministers will constitute an Executive/Liaison Committee.
17. Two Assembly Secretaries/Ministers will be selected as chair and deputy chair respectively, on a basis which ensures that between them they represent both main parts of the community in Northern Ireland.

[Note from the Chairmen: There is disagreement among the participants as to the nature of such arrangements. An option for your consideration is that this could be achieved by requiring the Committee's nominations to be endorsed by the Assembly on a cross-community basis.]

The Chair and Deputy Chair will be given ex-officio titles of First Secretary/Minister and Deputy First Secretary/Minister. Duties would, inter alia, include dealing with, and co-ordinating, the response of the Northern Ireland Administration to external relationships.

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

Code of Practice

20. A Code of Practice will be drawn up by the Assembly on the basis of a cross-community vote. Any amendments to the Code will be made on a cross-community basis. The Code would codify and build upon the provisions of this agreement.

Legislation

21. 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;
 - (e) option of the Assembly seeking to include Northern Ireland provisions in United Kingdom-wide legislation in Westminster Parliament especially on devolved issues where parity normally maintained (eg social security, company law).
22. The Assembly will have authority to legislate in reserved area with the approval of the Secretary of State and subject to Parliamentary control.
23. Disputes over legislative competence will be decided by the Courts.
24. Legislation could be initiated by an individual, a Committee or an Assembly Secretary/Minister.

Relations with other institutions

25. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, will be in accordance with paragraph 17. Otherwise, representation to be by the Assembly Secretary/Minister of the relevant departmental committee.
26. Terms will be agreed between appropriate Assembly representatives and the Government of the United Kingdom to ensure effective co-ordination and input by Assembly Secretaries to national policy-making, including on EU issues.
27. 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 Assembly Secretaries/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.
28. 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 approval of Secretary of State and subject to control of Parliament;
 - (b) to legislate as necessary to ensure 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.
29. A consultative Civic Forum will be established. It will be comprised of representatives of the business, trade union and voluntary sectors, and such other sectors as agreed by the First Secretary/Minister and the Deputy First Secretary/Minister. It will act as a consultative mechanism on social, economic and cultural issues. The First Secretary/Minister and the Deputy First Secretary/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

30. 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.

Review

31. 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.

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 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 [executive members of the Northern Ireland Administration], 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 Oireachtas respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations.
3. The Council to meet in different formats:
 - (i) in plenary format twice a year, with Northern Ireland representation [led by the First Secretary and Deputy Secretary] 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 [Assembly Secretary];
 - (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 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 cooperating on matters of mutual interest within the competence of both administrations;
 - (ii) to use best endeavours to reach agreement on the adoption of common policies in the areas listed in Annex A, making determined efforts to overcome any disagreements;
 - (iii) in specified areas set out in Annex B to take decisions on action for implementation separately in each jurisdiction;
 - (iv) in other specified meaningful areas set out in Annex C to take decisions on action at an all-island and cross-border level through implementation bodies to be established as set out in paragraphs 7 and 8 below.

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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. For the areas listed in Annex C, where it is agreed that new implementation bodies are to be established, the two Governments to make all necessary legislative and other preparations to ensure the establishment of these bodies at the inception of the British/Irish Agreement or as soon as feasible thereafter, such that these bodies function effectively as rapidly as possible. The bodies to have a clear operational remit. To implement, on an all-island and cross-border basis, policies agreed in the Council. To report to the Council while remaining subject to normal accountability to the Northern Ireland Assembly and the Oireachtas, through the Council.
8. Any further bodies in addition to those specified in the Annexes, and other developments of these arrangements, to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and the Oireachtas, subject to the extent of the competences and responsibility of the two administrations.
9. 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.

10. The necessary costs of the Council and the funding of implementation bodes to be agreed within the Council, subject to normal procedures in the Oireachtas and the Northern Ireland Assembly. Funds to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.
11. The Council's expenditure to be audited jointly by the Comptroller and the Auditor-General's Office and by the Northern Ireland Audit Office. Their joint report to be submitted simultaneously to the Oireachtas and to the Assembly.
12. The Council to be supported by a standing joint Secretariat , staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.
13. 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.
14. The Northern Ireland Assembly and the Oireachtas to be encouraged to develop a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.
15. 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 A

List of specified areas where the Council to use best endeavours to reach agreement on the adoption of common policies [para 5 (ii)]

Agriculture

- research, training and advisory services
- development of the bloodstock and greyhound industries
- rural development

Education and Training

- tourism training
- education for students with special needs
- education for mutual understanding
- teacher qualifications and exchanges
- higher and further education
- combating educational disadvantage

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Health

- general hospital services and accident/emergency planning
- food safety

Industrial and Trade Matters

- management development services to industry
- trading standards
- public purchasing
- supervision of credit unions
- occupational health and safety

Marine and Waterways

- inland fisheries
- approaches to the Common Fisheries Policy
- fish health
- fisheries education, research and training

Energy and Transport

- geological survey
- energy projects
- road and rail issues

Environment

- physical planning and development strategy
- road safety

ANNEX B

List of specified areas in which Council is to take decisions on action for implementation separately in each jurisdiction [para 5 (iii)] *[Items in brackets are not agreed.]*

Agriculture

- Animal and plant health
- [Approaches to Common Agricultural Policy]

Education and Youth

- Education and training programmes

Social Welfare/ Community Activity

- entitlements of cross-border workers and fraud control
- support for voluntary community activity

The Environment

- environmental protection, waste management and pollution control
- mapping
- wildlife conservation

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Culture, Heritage and the Arts

- heritage protection and restoration
- cultural promotion abroad

Health

- disease registries, clinical trials and high cost, high technology areas
- post-graduate medical teaching and training
- health promotion strategies

Marine and Waterways

- aquaculture and marine matters [including research?] and drainage

Sport

- promotion and support of joint activities and strategic planning of facilities

Science and Technology

- promotion of scientific and technological research and its application

ANNEX C

List of Implementation Bodies in specified areas in which the Council is to take decisions on action at an all-island and cross-border level (paras 5 (iv) and 7.) *[Items through Inland Waterways Body are agreed; all items thereafter are not agreed.]*

- a **Tourism Body**, covering promotion, marketing, research and product development for the island as a whole;
- an **Environmental Protection Body**, covering co-operation on environmental protection, pollution, water quality and waste management and related matters in cross-border areas, as well as the development of a strategic approach for the island as a whole.
- an **EU Programmes Implementation Body** covering work on the North/South INTERREG programme, the Special Programme for Peace and Reconciliation and LEADER II (or its successor)
- a **Transport Planning Body** covering the co-ordination and development of the major transport services in Ireland, consideration of strategic issues in relation to road and rail networks and ports.
- an **Inland Waterways Body** covering the joint development and management of inland waterways.

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- an **Irish Language Promotion Body**, promoting the use of the Irish Language to include an element of advice and support for Irish-medium education, supplementing and supporting the efforts of the voluntary support and co-ordination agencies in this latter sphere.

- a **Trade Promotion and Indigenous Company Development Body**, supporting the development of indigenous enterprise and companies in the industrial and services sectors, including industrial training and the promotion of exports and of innovation and scientific and technological research and development. *[It would be the objective to retain the facilities which Northern Ireland exporters can avail of through the IDB and the Foreign and Commonwealth Office, acting as agents for the UK Department of Trade and Industry].*

- an **Arts Body**, with functions in regard to promotion of the arts discharged in the Republic by An Chomhairle Ealaíon (The Arts Council) and in Northern Ireland by the Arts Council of Northern Ireland.

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 twice a year at Summit level, with other meetings on sectoral issues comprising appropriate representatives of the relevant members to be convened as necessary.
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 consider, and will promote, consultation and co-operation on matters of common interest falling within the competence of its members. Suitable issues for early discussion in the BIC could include:

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transport links; environmental issues; cultural issues; minority languages; approaches to European Union (EU) issues.

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.

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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 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

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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. The Northern Ireland Administration will be given advance notice of what is to be discussed at such meetings of the Conference, and will be invited to express views to both Governments in advance. Representatives of the Northern Ireland Administration will attend meetings of the Conference as and when appropriate. The two Governments will meet on their own as and when necessary.
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

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review of the overall political agreement arising from the multi-party negotiations.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:
 - the right of free political thought;
 - the right to freedom and expression of religion;
 - the right to pursue democratically national and political aspirations;
 - the right to seek constitutional change by peaceful and legitimate means;
 - the right to freely choose one's place of residence;
 - the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour; and
 - the right to freedom from sectarian harassment.

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. The British Government has proposed as a particular priority the creation of 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, public consultation, public access to services, monitoring and timetables.
4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited 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. 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:

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- 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;
- 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 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. The British Government has proposed 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. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

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Comparable Steps by the Irish Government

8. 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 will 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 to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
 - implement enhanced employment equality legislation; and
 - introduce equal status legislation.

A Joint Committee

9. 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

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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.

Victims of Violence and Reconciliation

10. The participants believe it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. Sufficient resources, including statutory funding as necessary, should be allocated to victims' treatment and support programmes.
11. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between 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.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Economic, Social and Cultural Issues

1. The British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland, and will reduce social exclusion, pending devolution of powers to a new Northern Ireland Assembly.
2. In the light of reactions to 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 new Northern Ireland Assembly, which would go beyond conventional land use and planning issues to include:
 - tackling the problems of a divided society and social cohesion;
 - generating a dynamic region and promoting sustainable developments;
 - protecting and enhancing the environment;
 - deciding on major new development;
 - 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;

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- (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a new Northern Ireland Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy;
 - (iii) measures on employment equality, including:
 - the extension of anti-discrimination legislation to the supply of goods, facilities and services;
 - the strengthening of other aspects of existing fair employment laws;
 - at the earliest possible time, a review of the national security aspects of the present fair employment legislation;
 - a new more focused Targeting Social Need initiative to combat deprivation defined objectively; and
 - a range of measures aimed at combating unemployment, in particular youth and long-term unemployment, and at progressively eliminating the differential in employment 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, which is part of the cultural wealth of the people of the island of Ireland.

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The British Government will in particular, in relation to the Irish language, pending the transfer of responsibility to a new Northern Ireland Assembly:

- take resolute action to promote the language;
- facilitate 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;
- continue to take into consideration the needs and wishes expressed by users of the language in determining policy;
- impose a statutory duty on the Department of Education for Northern Ireland to encourage and facilitate Irish medium education; and
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilge in Northern Ireland.

The parties will seek to secure agreement that this commitment will be sustained by a new Northern Ireland Assembly.

4. 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

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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. The participants agreed, 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." It is, therefore, an indispensable part of this agreement.
2. The Participants note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.
3. All participants reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent Commission on Decommissioning to achieve this.
4. All participants undertake to work constructively and in good faith with the Independent Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period of [X years following endorsement in referendums North and South of the overall settlement] in the context of the implementation of the overall settlement.
5. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.

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6. Both Governments will take all necessary steps to facilitate the decommissioning process.

[Note from the Independent Chairmen: Remaining to be resolved is the time frame for decommissioning (paragraph 3 above).]

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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;
 - (iv) other appropriate measures consistent with a move to normalisation.
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 on the basis of the document published on 2 April 1998,

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and will review progress with the Irish Government and the political parties as appropriate.

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 have made it highly emotive, with great hurt suffered and sacrifices made by many individuals. They 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 the absence of threats which require otherwise, 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. 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, as 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

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authority and responsibility exercised at the lowest level possible, 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 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 criminal justice system should be designed 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;
 - deliver justice efficiently and effectively.
5. There will be a parallel wide-ranging review of those aspects 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

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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 to 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

Relevant Principles

Policing structures and arrangements should be 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;
- they are capable of maintaining law and order including responding effectively to crime and to any terrorist threat, and to public order problems, as a police service which cannot do so will fail to win public confidence and acceptance;
- they are capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with authority and responsibility to be exercised at the lowest level consistent with the foregoing principles; and
- 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.

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Terms of Reference

Taking account of these principles 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.

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 training and severance arrangements) 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 function (including proposals on any necessary arrangements for the transition to policing a normal peaceful society);
- that 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:

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- 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 clear arrangements enabling local people, and their political representatives, to articulate concerns about policing (subject to safeguards to ensure police impartiality and freedom from partisan political control) and to establish publicly policing priorities and influence policing policies;
- 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 Síochána 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

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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.

REVIEW OF THE CRIMINAL JUSTICE SYSTEM

Overview and Relevant Principles

The criminal justice system in Northern Ireland exists to uphold the rule of law. It is concerned with crime in all its elements and the process which brings offenders to account, but constitutes only a part of society's response to crime. It involves a number of publicly funded bodies, as well as professions, defendants, witnesses and victims. The criminal justice system should be such as to:

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

Terms of Reference

Taking account of these points, 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:

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- 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 intention will be to 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.
4. The Governments will introduce 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 reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed

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towards availing of employment opportunities, retraining and/or re-skilling, and further education.

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 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,

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subject to parliamentary approval, to the Assembly, which would meet initially in a "shadow" mode. When all arrangements are in place for the new institutions to assume their functions as set out in this agreement, the Governments will ratify the British-Irish Agreement. It is the intention of the Governments that this be achieved by no later than February 1999.

4. In the interim, aspects of the implementation of the agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, of the results of those elections) in the particular case, 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 required amendment of the British-Irish

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Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Northern Ireland 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.

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 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 [executive members of the Northern Ireland Administration], 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 Oireachtas respectively. Participation in the Council to be one of the essential responsibilities attaching to relevant posts in the two Administrations.
3. The Council to meet in different formats:
 - (i) in plenary format twice a year, with Northern Ireland representation [led by the First Secretary and Deputy Secretary] 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 [Assembly Secretary];
 - (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 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 cooperating on matters of mutual interest within the competence of both administrations;
 - (ii) to use best endeavours to reach agreement on the adoption of common policies in the areas listed in Annex A, making determined efforts to overcome any disagreements;
 - (iii) in specified areas set out in Annex B to take decisions on action for implementation separately in each jurisdiction;
 - (iv) in other specified meaningful areas set out in Annex C to take decisions on action at an all-island and cross-border level through implementation bodies to be established as set out in paragraphs 7 and 8 below.

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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. For the areas listed in Annex C, where it is agreed that new implementation bodies are to be established, the two Governments to make all necessary legislative and other preparations to ensure the establishment of these bodies at the inception of the British/Irish Agreement or as soon as feasible thereafter, such that these bodies function effectively as rapidly as possible. The bodies to have a clear operational remit. To implement, on an all-island and cross-border basis, policies agreed in the Council. To report to the Council while remaining subject to normal accountability to the Northern Ireland Assembly and the Oireachtas, through the Council.
8. Any further bodies in addition to those specified in the Annexes, and other developments of these arrangements, to be by agreement in the Council and with the specific endorsement of the Northern Ireland Assembly and the Oireachtas, subject to the extent of the competences and responsibility of the two administrations.
9. 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.

10. The necessary costs of the Council and the funding of implementation bodes to be agreed within the Council, subject to normal procedures in the Oireachtas and the Northern Ireland Assembly. Funds to be provided by the two Administrations on the basis that the Council and the implementation bodies constitute a necessary public function.
11. The Council's expenditure to be audited jointly by the Comptroller and the Auditor-General's Office and by the Northern Ireland Audit Office. Their joint report to be submitted simultaneously to the Oireachtas and to the Assembly.
12. The Council to be supported by a standing joint Secretariat , staffed by members of the Northern Ireland Civil Service and the Irish Civil Service.
13. 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.
14. The Northern Ireland Assembly and the Oireachtas to be encouraged to develop a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of matters of mutual interest and concern.
15. 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 A

List of specified areas where the Council to use best endeavours to reach agreement on the adoption of common policies [para 5 (ii)]

Agriculture

- research, training and advisory services
- development of the bloodstock and greyhound industries
- rural development

Education and Training

- tourism training
- education for students with special needs
- education for mutual understanding
- teacher qualifications and exchanges
- higher and further education
- combating educational disadvantage

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Health

- general hospital services and accident/emergency planning
- food safety

Industrial and Trade Matters

- management development services to industry
- trading standards
- public purchasing
- supervision of credit unions
- occupational health and safety

Marine and Waterways

- inland fisheries
- approaches to the Common Fisheries Policy
- fish health
- fisheries education, research and training

Energy and Transport

- geological survey
- energy projects
- road and rail issues

Environment

- physical planning and development strategy
- road safety

ANNEX B

List of specified areas in which Council is to take decisions on action for implementation separately in each jurisdiction [para 5 (iii)] *[Items in brackets are not agreed.]*

Agriculture

- Animal and plant health
- [Approaches to Common Agricultural Policy]

Education and Youth

- Education and training programmes

Social Welfare/ Community Activity

- entitlements of cross-border workers and fraud control
- support for voluntary community activity

The Environment

- environmental protection, waste management and pollution control
- mapping
- wildlife conservation

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Culture, Heritage and the Arts

- heritage protection and restoration
- cultural promotion abroad

Health

- disease registries, clinical trials and high cost, high technology areas
- post-graduate medical teaching and training
- health promotion strategies

Marine and Waterways

- aquaculture and marine matters [including research?] and drainage

Sport

- promotion and support of joint activities and strategic planning of facilities

Science and Technology

- promotion of scientific and technological research and its application

ANNEX C

List of Implementation Bodies in specified areas in which the Council is to take decisions on action at an all-island and cross-border level (paras 5 (iv) and 7.) *[Items through Inland Waterways Body are agreed; all items thereafter are not agreed.]*

- a **Tourism Body**, covering promotion, marketing, research and product development for the island as a whole;
- an **Environmental Protection Body**, covering co-operation on environmental protection, pollution, water quality and waste management and related matters in cross-border areas, as well as the development of a strategic approach for the island as a whole.
- an **EU Programmes Implementation Body** covering work on the North/South INTERREG programme, the Special Programme for Peace and Reconciliation and LEADER II (or its successor)
- a **Transport Planning Body** covering the co-ordination and development of the major transport services in Ireland, consideration of strategic issues in relation to road and rail networks and ports.
- an **Inland Waterways Body** covering the joint development and management of inland waterways.

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- an **Irish Language Promotion Body**, promoting the use of the Irish Language to include an element of advice and support for Irish-medium education, supplementing and supporting the efforts of the voluntary support and co-ordination agencies in this latter sphere.

- a **Trade Promotion and Indigenous Company Development Body**, supporting the development of indigenous enterprise and companies in the industrial and services sectors, including industrial training and the promotion of exports and of innovation and scientific and technological research and development. *[It would be the objective to retain the facilities which Northern Ireland exporters can avail of through the IDB and the Foreign and Commonwealth Office, acting as agents for the UK Department of Trade and Industry].*

- an **Arts Body**, with functions in regard to promotion of the arts discharged in the Republic by An Chomhairle Ealaíon (The Arts Council) and in Northern Ireland by the Arts Council of Northern Ireland.

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 twice a year at Summit level, with other meetings on sectoral issues comprising appropriate representatives of the relevant members to be convened as necessary.
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 consider, and will promote, consultation and co-operation on matters of common interest falling within the competence of its members. Suitable issues for early discussion in the BIC could include:

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transport links; environmental issues; cultural issues; minority languages; approaches to European Union (EU) issues.

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.

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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 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

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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. The Northern Ireland Administration will be given advance notice of what is to be discussed at such meetings of the Conference, and will be invited to express views to both Governments in advance. Representatives of the Northern Ireland Administration will attend meetings of the Conference as and when appropriate. The two Governments will meet on their own as and when necessary.
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

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review of the overall political agreement arising from the multi-party negotiations.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Human Rights

1. The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:
 - the right of free political thought;
 - the right to freedom and expression of religion;
 - the right to pursue democratically national and political aspirations;
 - the right to seek constitutional change by peaceful and legitimate means;
 - the right to freely choose one's place of residence;
 - the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour; and
 - the right to freedom from sectarian harassment.

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. The British Government has proposed as a particular priority the creation of 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, public consultation, public access to services, monitoring and timetables.
4. The new Northern Ireland Human Rights Commission (see paragraph 5 below) will be invited 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. 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:

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- 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;
- 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 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. The British Government has proposed 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. These improvements will build on existing protections in Westminster legislation in respect of the judiciary, the system of justice and policing.

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Comparable Steps by the Irish Government

8. 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 will 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 to ratify the Council of Europe Framework Convention on National Minorities (already ratified by the UK);
 - implement enhanced employment equality legislation; and
 - introduce equal status legislation.

A Joint Committee

9. 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

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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.

Victims of Violence and Reconciliation

10. The participants believe it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. Sufficient resources, including statutory funding as necessary, should be allocated to victims' treatment and support programmes.
11. The participants recognise and value the work being done by many organisations to develop reconciliation and mutual understanding and respect between 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.

RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY

Economic, Social and Cultural Issues

1. The British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland, and will reduce social exclusion, pending devolution of powers to a new Northern Ireland Assembly.
2. In the light of reactions to 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 new Northern Ireland Assembly, which would go beyond conventional land use and planning issues to include:
 - tackling the problems of a divided society and social cohesion;
 - generating a dynamic region and promoting sustainable developments;
 - protecting and enhancing the environment;
 - deciding on major new development;
 - 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;

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- (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a new Northern Ireland Assembly, which would provide for short and medium term economic planning linked as appropriate to the regional development strategy;
 - (iii) measures on employment equality, including:
 - the extension of anti-discrimination legislation to the supply of goods, facilities and services;
 - the strengthening of other aspects of existing fair employment laws;
 - at the earliest possible time, a review of the national security aspects of the present fair employment legislation;
 - a new more focused Targeting Social Need initiative to combat deprivation defined objectively; and
 - a range of measures aimed at combating unemployment, in particular youth and long-term unemployment, and at progressively eliminating the differential in employment 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, which is part of the cultural wealth of the people of the island of Ireland.

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The British Government will in particular, in relation to the Irish language, pending the transfer of responsibility to a new Northern Ireland Assembly:

- take resolute action to promote the language;
- facilitate 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;
- continue to take into consideration the needs and wishes expressed by users of the language in determining policy;
- impose a statutory duty on the Department of Education for Northern Ireland to encourage and facilitate Irish medium education; and
- explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifis na Gaeilge in Northern Ireland.

The parties will seek to secure agreement that this commitment will be sustained by a new Northern Ireland Assembly.

4. 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

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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. The participants agreed, 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." It is, therefore, an indispensable part of this agreement.
2. The Participants note the progress made by the Independent International Commission on Decommissioning and the Governments in developing schemes which represent a workable basis for achieving the decommissioning of illegally-held arms in the possession of paramilitary groups.
3. All participants reaffirm their commitment to the total disarmament of all paramilitary organisations and their intention to continue to work constructively with the Independent Commission on Decommissioning to achieve this.
4. All participants undertake to work constructively and in good faith with the Independent Commission to achieve the decommissioning of all paramilitary arms within a fixed and limited period of [X years following endorsement in referendums North and South of the overall settlement] in the context of the implementation of the overall settlement.
5. The Independent Commission will monitor, review and verify progress on decommissioning of illegal arms, and will report to both Governments at regular intervals.

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6. Both Governments will take all necessary steps to facilitate the decommissioning process.

[Note from the Independent Chairmen: Remaining to be resolved is the time frame for decommissioning (paragraph 3 above).]

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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;
 - (iv) other appropriate measures consistent with a move to normalisation.
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 on the basis of the document published on 2 April 1998,

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and will review progress with the Irish Government and the political parties as appropriate.

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 have made it highly emotive, with great hurt suffered and sacrifices made by many individuals. They 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 the absence of threats which require otherwise, 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. 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, as 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

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authority and responsibility exercised at the lowest level possible, 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 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 criminal justice system should be designed 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;
 - deliver justice efficiently and effectively.
5. There will be a parallel wide-ranging review of those aspects 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

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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 to 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

Relevant Principles

Policing structures and arrangements should be 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;
- they are capable of maintaining law and order including responding effectively to crime and to any terrorist threat, and to public order problems, as a police service which cannot do so will fail to win public confidence and acceptance;
- they are capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels, and with authority and responsibility to be exercised at the lowest level consistent with the foregoing principles; and
- 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.

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Terms of Reference

Taking account of these principles 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.

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 training and severance arrangements) 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 function (including proposals on any necessary arrangements for the transition to policing a normal peaceful society);
- that 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:

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- 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 clear arrangements enabling local people, and their political representatives, to articulate concerns about policing (subject to safeguards to ensure police impartiality and freedom from partisan political control) and to establish publicly policing priorities and influence policing policies;
- 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 Síochána 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

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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.

REVIEW OF THE CRIMINAL JUSTICE SYSTEM

Overview and Relevant Principles

The criminal justice system in Northern Ireland exists to uphold the rule of law. It is concerned with crime in all its elements and the process which brings offenders to account, but constitutes only a part of society's response to crime. It involves a number of publicly funded bodies, as well as professions, defendants, witnesses and victims. The criminal justice system should be such as to:

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

Terms of Reference

Taking account of these points, 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:

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- 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 intention will be to 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.
4. The Governments will introduce 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 reintegration of prisoners into the community by providing support both prior to and after release, including assistance directed

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towards availing of employment opportunities, retraining and/or re-skilling, and further education.

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 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,

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subject to parliamentary approval, to the Assembly, which would meet initially in a "shadow" mode. When all arrangements are in place for the new institutions to assume their functions as set out in this agreement, the Governments will ratify the British-Irish Agreement. It is the intention of the Governments that this be achieved by no later than February 1999.

4. In the interim, aspects of the implementation of the agreement will be reviewed at meetings of those parties relevant in the particular case (taking into account, once Assembly elections have been held, of the results of those elections) in the particular case, 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 required amendment of the British-Irish

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Agreement or relevant legislation, the process of review will fall to the two Governments in consultation with the parties in the Northern Ireland 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.