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Irish Draft 5 December 1997

Multi-Party TalksDraft Heads of AgreementIntroduction

1. The agreed outcome of the Talks will include interlocking and mutually supportive arrangements across the three strands, including (i) structures within Northern Ireland; (ii) North/South structures; (iii) East/West structures and arrangements which cater for the totality of relationships between the various peoples of these islands, including relations between the two sovereign Governments; (iv) agreed provisions to address equality, justice and rights issues; and (v) a shared understanding on constitutional issues. There will also need to be agreement on how the outcome is to be democratically validated and implemented.

Institutions

2. There will be new institutions across the three Strands, as follows:

Strand One

- There will be devolved institutions in Northern Ireland.
- These institutions will be established with, and operate on the basis of, cross-community agreement.
- They will include an Assembly with legislative powers and arrangements for carrying out executive and administrative functions.
- The purpose of these institutions will be to enable the assumption of democratic control over, and responsibility for, a wide range of agreed transferred matters.
- These institutions will be composed of representatives of the people of Northern Ireland, elected in a manner to be agreed.
- There will be checks and balances to protect the interests and rights of both communities.
- Appropriate arrangements will be agreed for relations with other institutions, including the British and Irish Governments, Westminster and the European Union.

Strand Two

- There will be an institution or institutions through which co-operation and joint action on the island on matters of mutual concern and interest can be structured.
- One of the purposes of such institutions will be to give expression to, and validate, the sense of identity of Northern nationalists.
- The operation of such institutions, and any future development, will be on the basis of agreement between the two parts of the island.
- These institutions will be composed of representatives of the elected institutions, North and South.
- In their management of the North/South relationship, the representatives of North

Why for
that

no more
don't say
clearly

it is only
by consensus

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and South will remain accountable to the elected institutions in the two jurisdictions and will act in accordance with the arrangements for collective responsibility which may exist within those elected institutions.

Strand Three

- There will be an institution or institutions through which co-operation between the British and Irish Governments will be structured on matters of mutual concern and interest, both generally and in regard to Northern Ireland.
- Representatives of devolved institutions in Northern Ireland will be associated with arrangements for intergovernmental co-operation in regard to Northern Ireland.
- There will be arrangements through the institutions mentioned above for enhanced co-operation within these islands on matters of common concern and interest.
- These arrangements will involve representatives of the two sovereign Governments and of the devolved administrations in Northern Ireland, Scotland and Wales.

Constitutional Issues

3. In fulfilment of commitments already given by the two Governments, there will be balanced change, fully reflecting the principle of consent in all its aspects, both to the Irish Constitution and to British constitutional legislation in relation to the status of Northern Ireland.

Rights, Justice, Equality and Confidence Issues

4. Fundamental human, civil and cultural rights will be the subject of comprehensive, systematic and effective protection.
5. Appropriate arrangements and commitments will be agreed in regard to policing, justice, equality and confidence issues.

Validation

6. There will be arrangements for the democratic endorsement North and South of the agreement reached in these Talks.

Three main differences with UK Draft:

- (1) in UK every thing under Council of Islands
- (2) not clear in Irish Draft that N/S can only operate on basis of unanimity
- (3) Constitutional question bridged.

quore: what happens if, on N/S, some of the N. agree + all of the S. Has it to be unanimity of all representatives of both?

END