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PREAMBLE

1. We, the participants in the multi-party negotiations, believe that the agreement we have negotiated between us 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 died, or who have been bereaved or injured. 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.
5. We acknowledge the substantial differences between our continuing, and equally legitimate, political aspirations, and ~~we recognise that no change in or development of the arrangements now agreed is excluded, if it is pursued and achieved~~ through exclusively democratic and peaceful means. At the same time, we pledge that we will, in good faith, work to ensure that success of each and every one of the arrangements to be established under this agreement.
6. Accordingly, in a spirit of concord, we strongly commend this agreement to the people of Ireland, North and South, for their approval.

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(29 March 1998)

**1. CONSTITUTIONAL CHANGE**

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

- (i) recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland;
- (ii) recognise that it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish; accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland;
- (iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;
- (iv) affirm, that, if in the future, the people of the island of Ireland exercise their right of self-determination on the basis set out in sections (i) and (ii) above, to bring about a united Ireland, it will be a binding obligation on both Governments to introduce and support in 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

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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.]

1.2. 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. Their proposals are at Annex [X].

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**DRAFT ANNEX [X]**

**DRAFT AMENDMENTS TO THE IRISH CONSTITUTION**

**Article 2**

It is the entitlement and birthright of every person born on the island of Ireland, which includes its islands and seas, to be thereby part, as of right, of the Irish nation, which is also the entitlement of all other persons qualified in accordance with law to be citizens of Ireland. The Irish nation further cherishes its special affinity with people of Irish background and origin living abroad, who share in its cultural identity and heritage.

**Article 3.1**

It is the firm will of the Irish nation to unite all of 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 only be brought about by peaceful means with the consent of a majority of the people, democratically expressed, in both of the jurisdictions in the island. Pending that situation, the laws enacted by the Parliament established by this Constitution shall have the same area and extent of application as the laws of Saorstat Eireann.

**Article 3.2**

Institutions, in which executive power is shared between the two jurisdictions on the island, may be established by their respective responsible authorities for stated purposes with authority to exercise functions in respect of all or any part of the island.

**Article 29.4.4**

The State may ratify the British-Irish Agreement of [date].

Art.29 [Provision may be made by law for the circumstances in which the Oireachtas can exercise extraterritorial jurisdiction].

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**DRAFT CLAUSES/SCHEDULES FOR INCORPORATION IN BRITISH LEGISLATION**

1-(1) it is hereby declared that Northern Ireland 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.

**SCHEDULE 1**

**POLLS FOR THE PURPOSE OF SECTION 1**

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

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

3. The Secretary of State shall not make an order under paragraph 1 earlier than 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.]

*Section 75 of the Government of Ireland Act 1920 would also be repealed.*

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### 2. DEMOCRATIC INSTITUTIONS IN NORTHERN IRELAND

- 2.1 A 90-seat Assembly with five members elected by PR/STV from each of the 18 parliamentary constituencies.
- 2.2 Devolution of executive and legislative functions covering the responsibilities of the six Northern Ireland departments, in accordance with principles set out in paragraph 2.12 below.

#### Safeguards

- 2.3 Safeguards to ensure 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:
- (i) allocation of chairs, Assembly Secretaries and committee membership in proportion to party strengths;
  - (ii) the 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;
  - (iii) 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;
  - (iv) arrangements to ensure key decisions are taken on a cross-community basis. For example through a weighted majority of members voting.
  - (v) key decisions requiring cross-community support to 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, (X%);
  - (vi) an agreed Code of Practice to be drawn up by the Assembly itself as part of its Standing Orders specifying the respective roles of the Assembly, Assembly Secretaries, its Committees, and Committee Chairs;
  - (vii) 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 investigate individual complaints against public bodies.

#### Operation of Assembly

- 2.4 Committees for each of the main executive functions of the Northern Ireland Administration. Membership, Chairs and Assembly Secretaries to be allocated proportionally, using the d'Hondt procedure, with the Assembly Secretary accountable for the executive function to the Committee.
- 2.5 The relevant Chairman, under the Code of Practice, would have access on behalf of the Committee to departmental papers.
- 2.6 A Liaison committee bringing together the Assembly Secretaries of the departmental committees. The Chair either to be selected by the members of the Committee or fall automatically to the first Assembly Secretary to be selected through the d'Hondt procedure. Other non-departmental committees (eg Audit Committee, EU Committee, Justice and Home Affairs Committee) at Assembly's discretion, with members, Chairs and Assembly Secretaries appointed according to procedure in paragraph 2.4 above.
- 2.7 Parties and individuals could decline to take up posts. Duties of postholders to be defined in the Code of Practice, as well as sanctions, which might include removal from office if postholder, in failing to meet his responsibilities, loses the confidence of the Assembly, voting on a cross-

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community basis. Parties can also remove postholders if they lose confidence in them. Casual vacancies to be filled by a member of the same party.

### Executive authority

- 2.8 Executive authority to be administered by the relevant Assembly Secretary (eg Assembly Secretary for Agriculture) acting as head of department, subject to:
- (i) agreed arrangements for policy oversight and delegated authority, allowing the Secretary to carry out his functions within policy guidelines agreed with the Committee;
  - (ii) abiding by the ECHR, existing anti-discrimination provisions and any Bill of Rights for Northern Ireland supplementing it;
  - (iii) a statutory obligation, monitored by an Equality Commission, on all public bodies to promote equality of opportunity in specified areas and parity of esteem;
  - (iv) in cases of dispute between the relevant Assembly Secretary and committee, the Assembly as a whole to have the power of decision, exercisable only on a cross-community basis. In practice, where an Assembly Secretary is operating within understandings reached in the Liaison Committee, it is likely that Assembly approval would be secured.
- 2.9. Funding for Assembly's responsibilities to be determined primarily on basis of existing comparability and block arrangements.
- 2.10. Liaison Committee to table an agreed budget, linking resources with objectives, policy and legislative proposals, in advance of each financial year. For approval by Assembly, after scrutiny in departmental Committees, on a cross-community basis. In-year changes by the same procedure.

### Legislation

- 2.11. Assembly to pass primary legislation for Northern Ireland in devolved areas, subject to:
- (i) 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;
  - (ii) decisions by simple majority of members voting except when decisions on a cross-community basis required;
  - (iii) detailed scrutiny and approval in the relevant departmental committee;
  - (iv) mechanisms, based on arrangements proposed for the Scottish Parliament, to ensure suitable co-ordination, and avoid disputes, between the Assembly and the Westminster Parliament;
  - (v) option of Assembly seeking inclusion of Northern Ireland provisions in UK-wide legislation in Westminster Parliament especially on devolved issues where parity normally maintained (eg social security, company law).
- 2.12. Assembly able to legislate in reserved area with the approval of the Secretary of State and subject to Parliamentary control.
- 2.13. Disputes over legislative competence to be decided by the Courts.

### Relations with other institutions

- 2.14. Arrangements to represent the Assembly as a whole, at Summit level and in dealings with other institutions, to be agreed. Otherwise, representation to be by the Assembly Secretary of the relevant departmental committee.

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- 2.15 Terms to be agreed between appropriate Assembly representatives and UK government to ensure effective co-ordination and input by Assembly Secretaries to national policy-making, including on EU issues.
- 2.16 Role of Secretary of State:
- (i) to remain responsible for NIO matters not devolved to Assembly, subject to regular consultation with Assembly and Assembly Secretaries;
  - (ii) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters;
  - (iii) to represent Northern Ireland interests in the United Kingdom Cabinet;
  - (iv) to have the right to attend the Assembly at their invitation;
- 2.17 Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) to:
- (i) legislate for non-devolved issues, other than where Assembly legislates with approval of Secretary of State and subject to control of Parliament;
  - (ii) reserve powers to legislate to ensure United Kingdom's international obligations are met in respect of Northern Ireland;
  - (iii) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State.

**3. BRITISH-IRISH COUNCIL (FORMERLY INTERGOVERNMENTAL COUNCIL)**

- 3.1. A British-Irish Council - BIC - to 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.
- 3.2. Membership of the BIC to 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.
- 3.3. The BIC to 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.
- 3.4. Representatives of members to operate in accordance with whatever procedures for democratic authority and accountability are in force in their respective elected institutions.
- 3.5. BIC to consider, and to 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: [transport links; environmental issues; cultural issues; minority languages; approaches to EU issues].

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- 3.6. Open to BIC to agree common policies or common actions. Individual members may opt not to participate in such common policies and common action.
- 3.7. The BIC normally to operate by consensus. In relation to decisions on common policies or common actions, including means of their implementation, to operate by agreement of all members participating in such policies or actions.
- 3.8. The members of the BIC, on a basis to be agreed between them, to provide such financial support as it may require.
- 3.9. A secretariat for the BIC to be provided by the British and Irish Governments in co-ordination with officials of each of the other members.
- 3.10. In addition to the structures provided for under this agreement, 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 not to require the prior approval of the BIC as a whole and to operate independently of it.
- 3.11. An inter-parliamentary forum of the BIC to be established, building on and extending the existing British-Irish Interparliamentary Body. The forum would consist of representatives of the elected institutions of the members, who would come together to discuss matters of mutual interest. Participants in the forum would not be members of the administrations participating in the BIC.

**4. NORTH/SOUTH MINISTERIAL COUNCIL**

- 4.1 In the context of the establishment of the British-Irish Council to deal with the totality of relationships, a North/South Ministerial Council to be established under a new British-Irish Agreement, to bring together those with executive responsibilities in Northern Ireland and the Irish Government operating under agreed mandates of the Northern Ireland Assembly and the Oireachtas respectively, and accountable to them. The Council to enable those with executive responsibility on each side, acting within those respective mandates, to develop consultation and co-operation within the island of Ireland - including, where agreed, implementation of mutually beneficial actions on an all-island basis - on matters of mutual interest within the competence of the administrations, North and South.

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4.2 Northern Ireland to be represented by [ ], the Irish Government by the Taoiseach and relevant Ministers. Participation in the Council to be one of the responsibilities attaching to relevant posts in the two Administrations. The Council to meet in different formats:

- (i) in plenary format twice a year, with Northern Ireland represented by [ ] and the Irish Government led by the Taoiseach;
- (ii) in specific sectoral format, on agreed issues, on a regular basis with each side represented by [ ];
- (iii) in other formats, as necessary and agreed, to resolve constitutional or cross-sectoral issues (including in relation to the EU).

4.3 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.

4.4 All Council agreements to be by unanimity. Each side may make agreements in the Council within the delegated authority of those in attendance, subject to the relevant agreed mandates of the Northern Ireland Assembly and Oireachtas respectively, and any arrangements in place for co-ordination of executive decisions within each jurisdiction. Each side to remain accountable to the Assembly and the Oireachtas respectively, whose explicit approval, through whatever arrangements are in place on either side, would be required for decisions beyond the delegated authority of those attending.

4.5 Within the Council both sides would be able to:

- (i) exchange information and discuss with each other matters of mutual interest;
  - (ii) consult with each other on all such matters with a view to co-operating with each other where that would be in mutual interest;
- and in accordance with paragraph 4.4 above,
- (iii) agree to co-operate in specified areas or take a common approach to policy, with implementation by each administration through its own system, working through

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the normal democratically accountable machinery;

- (iv) agree to pursue other action, in specified meaningful areas, at an all-island or cross-border level, through suitable implementation bodies and mechanisms, to be established as set out below.

- 4.6 A list of specific areas for the North-South Council to deal with initially is in Annex X.
- 4.7 At the inception of the operation of the British-Irish Agreement or as soon as feasible thereafter, implementation bodies and mechanisms in the designated areas listed at Annex Y to be established with appropriate legislation and procedures for accountability. These bodies to implement relevant arrangements of the Council, as set out in paragraph 4.5(iv) above. Further such implementation bodies and mechanisms may be established in other areas, by agreement of the Council through the procedures in paragraph 4.4 above.
- 4.8 These arrangements to be capable of development, by agreement between each side within the Council and after the endorsement of the Northern Ireland Assembly and the Oireachtas, subject to the limitation of the extent of the competencies and responsibilities of the two administrations.
- 4.9 Failure to reach agreement on designated matters to be considered by one of the plenary sessions. By agreement between the two sides experts could be appointed to consider particular issue and report.
- 4.10. The necessary costs of the Council and implementation bodies and mechanisms to be funded by the two Administrations as a necessary public function.
- 4.11. This expenditure to be audited jointly by the Comptroller and 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.
- 4.12. The Council to be supported by a Secretariat, staffed by members of the Northern Ireland Civil Service and the Irish Civil Service. The Secretariat to service the meetings and functions of the Council and to take on other such tasks as both sides may agree.
- 4.13. Each side within the Council to consult on the European Union dimension of matters within the designated areas, and consider agreed approaches towards proposals in these areas under consideration

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in the EU framework, with arrangements to ensure that the views of the Council can be taken into account by each sovereign Government in determining its approach in appropriate EU meetings.

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**[DRAFT 30/3/98]**

**Annex [ ]**

## **POTENTIAL AREAS FOR CO-OPERATION**

### **Agriculture**

- research, training and advisory services
- development of the bloodstock industry
- animal and plant health
- rural development
- approaches to the Common Agricultural Policy

### **Education and Training**

- education for students with special needs
- education for mutual understanding
- teacher qualifications
- school competitions
- exchanges of teaching staff

### **Health**

- general hospital services
- major accident/emergency planning
- clinical waste disposal
- food safety
- voluntary, community and childcare issues

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**Industrial and Trade Matters**

- indigenous industries and the small business sector
- management development services to industry
- trading standards
- industrial and commercially based research
- university and industry-based centres of research excellence
- public purchasing
- university and industry-based centres of research excellence

**Marine and Waterways**

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

**Social Welfare**

- welfare fraud

**Energy**

- energy projects

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**POTENTIAL AREAS FOR JOINT ACTION (USING EXISTING MACHINERY)**

**The Environment**

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

**Culture, Heritage and the Arts**

- heritage protection and restoration
- cultural promotion abroad
- the Irish language

**Health**

- disease registries
- post-graduate medical teaching and training
- public health and health promotion
- clinical trials

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**Industrial and Trade Matters**

- North/South trade
- promotion and marketing of food, manufactured goods and services

**Marine and Waterways**

- aquaculture
- marine matters
- drainage

**Sport**

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

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**POTENTIAL AREAS FOR JOINT ACTION (POSSIBLE NEW BODIES)**

Subject to the separate discussion on the role and remit of the North/South Ministerial Council and in particular lines of accountability, the following might be established as new bodies:

- an **Environmental Protection Board** covering co-operation on environmental protection, pollution, 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 Co-ordination Agency** covering work on the North/South INTERREG programme, the Special Programme for Peace and Reconciliation and LEADER II (or its successor).
- a **Transport Planning Board** covering the co-ordination and development of the major transport services in Ireland, including the planning of road networks.
- a **Rivers Management and Development Agency** covering the joint development and management of inland waterways.
- a **Tourism Board** covering promotion, marketing and research for the island as a whole.

(British Draft 29 March 1998)

**5. BRITISH-IRISH INTERGOVERNMENTAL CONFERENCE  
(FORMERLY STANDING INTER-GOVERNMENTAL MACHINERY)**

- 5.1. New British-Irish Agreement to establish standing British-Irish Intergovernmental Conference, to subsume both the Anglo-Irish Intergovernmental Council and the Intergovernmental Conference established under the 1985 Agreement.

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- 5.2. The Conference to bring together the British and Irish Governments and to promote bilateral co-operation at all levels on all matters of mutual interest within the competence of both Governments.
- 5.3. The Conference to meet as required at Summit level (Prime Minister and Taoiseach). Otherwise, Governments to be represented by appropriate Ministers. Advisers, including police and security advisers, to attend as appropriate.
- 5.4. All decisions to be by agreement between both Governments. The Governments to make determined efforts to resolve disagreements between them. No derogation from sovereignty of either Government.
- 5.5. 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.
- 5.6. Co-operation within the framework of the Conference to include facilitation of co-operation in security matters. The Conference also to 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 to intensify co-operation between the two Governments on the all-island or cross border aspects of these matters.
- 5.7. Relevant members of the Northern Ireland administration to be involved in meetings of the Conference to discuss non-devolved Northern Ireland matters. [The Northern Ireland administration to be given advance notice of what is to be discussed at such meetings of the Conference, and to be invited to express views to both Governments in advance. At the invitations of the Governments, to make presentations to the Conference. Open to the two Governments, in consultation with the Northern Ireland administration, to propose ways in which the latter's involvement could over time be enhanced.]
- 5.8. Conference to 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.
- 5.9. Conference to 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, and to contribute as appropriate to any review of the overall political agreement arising from the multi-party negotiations.

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**6. RIGHTS, SAFEGUARDS AND EQUALITY OF OPPORTUNITY**

Human Rights

6.1 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 live wherever one chooses without hindrance;
- 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

6.2 The British Government to complete incorporation into Northern Ireland law of the European Convention on Human Rights, 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.

6.3 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.

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6.4 The new Northern Ireland Human Rights Commission (see paragraph 5 below) to 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:

- 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

6.5 A new Northern Ireland Human Rights Commission to 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.

6.6 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 to advise on, validate and monitor the statutory obligation and to investigate complaints of default.

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

### Comparable Steps by the Irish Government

6.8 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

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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;
- introduce equal status legislation.

A Joint Committee

6.9 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 joint committee to 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.

Economic, Social and Cultural Issues

6.10 The British Government to pursue broad policies for sustained economic growth and stability in Northern Ireland, and to reduce social exclusion.

6.11 In the light of reactions to public consultation currently under way, the British Government to 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;

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- developing the advantages and resources of rural areas; and
  - rejuvenating major urban centres;
- (ii) a new economic development strategy for Northern Ireland, for consideration in due course by a 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; and
  - 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;
  - 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.

[6.12. All participants to recognise the importance of respect for minority languages. **British Government to provide further text.**]

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

**7. BUILDING A PEACEFUL SOCIETY**

Decommissioning of illegal arms

- 7.1 All participants to reaffirm their commitment to the total decommissioning of all paramilitary arms and their intent to continue to work constructively with the Independent Commission on Decommissioning to achieve this.

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- 7.2 All participants 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 [ ] in the context of the implementation of the overall settlement.
- 7.3 Independent Commission to monitor, review and verify progress on decommissioning of illegal arms, with reports to both Governments at regular intervals.
- 7.4 Both Governments to take all necessary steps to facilitate the decommissioning process.

Security issues

- 7.5 British Government to make progress towards its desired objective of as early a return as possible to normal policing arrangements in Northern Ireland, in line with professional security advice on the level of threat and with a published overall strategy dealing with:

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- (i) the reduction of the numbers and role of the Army 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.

7.6 Secretary of State to consult regularly on progress, and the response to continuing paramilitary activity, with the Assembly, and as appropriate, with Irish Government.

Policing and Justice

- 7.7 Participants recognise that policing is a central issue in any society; and that Northern Ireland's history of deep political divisions have made it highly emotive, with great hurt suffered and sacrifice made by many individuals. They consider that a unique opportunity is offered by the prospect of this Agreement 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 the community in Northern Ireland. They consider this opportunity should underpin the development of a police service, recruited proportionately across the entire community, policing fairly, impartially, efficiently and effectively, in constructive and inclusive partnerships with the community at all levels, delivering a service based on principles of protection of human rights, and of professional integrity, and unambiguously accepted and actively supported by the entire community. [In the absence of threats which require otherwise, this service should be routinely unarmed]. Measures needed to move towards this to be considered and recommendations made by a Royal Commission.
- 7.8 Royal Commission to be established, with international representation amongst its membership, to make recommendations for future policing arrangements in Northern Ireland.
- 7.9 Commission to consult widely and report no later than Autumn 1999.
- 7.10 Commission to make recommendations within the agreed framework of principles, reflected in the Terms of Reference set out at Annex [ ].
- 7.11 Commission's recommendations to be discussed with the political parties, and as appropriate with the Irish Government; and the devolution of responsibilities in the area of policing to be considered in the light of them.

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- 7.12 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 in consultation with the political parties and others and report to the Secretary of State no later than Autumn 1999. Terms of Reference attached at Annex [ ].
- 7.13 Implementation of the outcome of the review on criminal justice to be discussed with the political parties and other interests including, as appropriate through the Inter-Governmental Conference, with the Irish Government.
- 7.14 The British Government to remain ready in principle, after consultations with the political parties, and as appropriate with the Irish Government, to devolve responsibility for policing and justice issues, once the level of terrorist threat is such that support of the armed services is no longer necessary.

Prisoners

- 7.15 Both Governments to 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 to protect the rights of individual prisoners under national and international law.
- 7.16 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 to be kept under review.
- 7.17 Both Governments to complete the 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.
- 7.18 The Governments to introduce the appropriate legislation to give effect to these arrangements by [-].
- 7.19 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

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