

26 March

**AGREEMENT
BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM
AND THE
GOVERNMENT OF EIRE
----- 1998**

The government of the United Kingdom and the government of Eire:

Recalling the acts of union, between Scotland and England of 1706-7, and between Ireland and Great Britain of 1800, as laying the constitutional foundation of the United Kingdom;

Recognizing that the articles of agreement for a treaty between Great Britain and Ireland of 6 December 1921, consequent upon the Government of Ireland Act 1920, allowed Northern Ireland to consent to remain within the United Kingdom, while the Irish Free State evolved to become the sovereign, independent, democratic republic of Eire;

Reaffirming the agreement of 3 December 1925, which settled the border, and was incorporated in British and Irish law;

Reiterating the sovereign equality of the United Kingdom and Eire;

Acknowledging that the two states are members of the European Union, committed to lasting good-neighbourliness and cooperation;

Reaffirming the total and absolute commitment to the six principles of democracy and non-violence, presented on 22 January 1996 by the international body chaired by Senator George Mitchell;

Welcoming the decision of the multi-party negotiations to set up a devolved assembly in Northern Ireland founded on pluralist democracy;

Have agreed as follows:

A. STATUS OF NORTHERN IRELAND

ARTICLE 1

The government of the United Kingdom and the government of Eire:

1. agree that Northern Ireland could:

(a) cease to be part of the United Kingdom only if a majority of the people of Northern Ireland, voting in a poll under the Northern Ireland Constitution Act 1973, consented; and

(b) be ceded to Eire only if the people of Eire consented in a referendum, pursuant to article 2, to amend article 3 of their constitution;

2. agree that the poll specified in paragraph 1(a) shall take place within 12 months of the effective date of this treaty;

3. reaffirm that if the conditions of consent set out in paragraph 1 have been met, they will introduce and support in the respective parliaments legislation to give effect to that wish.

ALTERNATIVE DRAFT

The government of the United Kingdom and the government of Eire:

1. do not agree upon the status of Northern Ireland;
2. affirm that they will endeavour in good faith and a spirit of cooperation to reach a rapid and equitable solution on the basis of international law;
3. declare that, if no such agreement is achieved within six months from the effective date of this treaty, the question of the territorial sovereignty of Northern Ireland will be referred to the International Court of Justice at The Hague under article 36(1) of the statute of the court for judicial settlement.

B. THE BRITISH-IRISH INTERGOVERNMENTAL COUNCIL

ARTICLE 2

1. There is hereby established a British-Irish Intergovernmental Council (hereinafter 'Council'), to address the totality of relationships within these islands. It will absorb the council set up after the London meeting of the two heads of government on 6 November 1981.

2. The founding members of the Council are the representatives of the government of the United Kingdom and the government of Eire. They will invite, when established in United Kingdom law, the regional administrations of Northern Ireland, Scotland and Wales, and any other administrations they may select to nominate representatives. There shall be formal equality between members, though provision will be made for the size of delegations of representatives, officials and others.

3. The object of the Council is to address matters of common concern to any two or more of its members and to make recommendations as to how such matters shall be resolved by means of practical cooperation.

4. The government of the United Kingdom and the government of Eire will agree rules of procedure within six months. The Council will operate on a basis of consensus. The Council will be as open as possible in the conduct of its business.

ARTICLE 3

1. The Council shall convene as a summit twice a year, in Belfast, Edinburgh, Cardiff, London, Dublin or any other agreed venue. The summits will review the work of the Council, and set strategic goals for economic, social, political and cultural cooperation. Provision will be made for standing orders. Agendas and minutes will be publicly available, initially on the internet, and members will meet in public unless, on a restricted range of topics, they vote to meet in private.

2. There may be an independent chairman of international stature. Alternatively, the chair will revolve between members on a six-monthly basis.
3. There is no derogation from the sovereignty of either the United Kingdom or Eire, and the government of each retains responsibility for the decisions and administration within its own jurisdiction.
4. The work of the Council will complement activity within the European Union, including the advisory Committee of the Regions governed by article 263 of the European Community treaty.
5. Any two or more members may meet, between summits, at representative and officials levels.
6. The Council shall address at an early stage laws on citizenship, in particular the harmonization of dual nationality in both parts of Ireland, with reference to the common travel area with Great Britain and citizenship of the European Union.

ARTICLE 4

There shall be a small permanent British-Irish secretariat to service the work of the Council. This secretariat will absorb the Anglo-Irish secretariat in Belfast. The British-Irish secretariat will be financed jointly by the government of the United Kingdom and the government of Eire. It will be located in Dublin or London, though officials may rotate between the two capitals and other venues. The permanent secretariat shall be recruited on the basis of geographical representation of its members.

CROSS-BORDER COOPERATION IN IRELAND

ARTICLE 5

An important aspect of the work of the Council will be the continuing development, in the context of the European Union, of relations across the land frontier between the two states. The Northern Ireland Assembly (hereinafter 'Assembly') and government of Eire shall transact all such business through the Council.

ARTICLE 6

Pursuant to article 2(3), there shall be established a north-south ministerial council. This council will comprise equal numbers, of ministers and of officials, from the two jurisdictions. Meetings may be initiated by either side.

ARTICLE 7

The object of the ministerial council is to address matters of common concern and to make recommendations as to how such matters shall be resolved by means of practical cooperation. All decisions of the north-south ministerial council shall be by agreement. Each side will consult, cooperate and take decisions on matters of mutual interest within the mandate of, and accountable to, the Assembly and the Oireachtas respectively.

ARTICLE 8

In accord with the mandate given pursuant to article 7, the north-south ministerial council shall recommend the means whereby cooperation on matters of mutual interest shall take effect. Such means shall include the establishment by agreement of new bodies either of a private law or international character. Such agreements shall in all cases be subject to the approval required by law in the respective jurisdictions.

D. RIGHTS

ARTICLE 9

The government of the United Kingdom will bring the Human Rights Act 1998 into force in Northern Ireland as soon as possible after enactment. The government of Eire will incorporate and bring into force in its law the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms.

ARTICLE 10

The government of the United Kingdom will incorporate the 1966 international covenants, on economic, social and cultural rights, and on civil and political rights, through a bill of rights, into Northern Ireland law. The government of Eire will also do so in its own jurisdiction.

ARTICLE 11

The government of the United Kingdom will incorporate the 1995 Framework Convention for the Protection of National Minorities into Northern Ireland law. The government of Eire will ratify the said convention, and also incorporate it into its domestic law.

E. THE INTERGOVERNMENTAL CONFERENCE

ARTICLE 12

1. The Intergovernmental Conference (hereinafter 'Conference'), established in 1985 within the framework of the Anglo-Irish intergovernmental council, will continue to exist under the terms of this treaty.
2. the members of the Conference, for the purposes of article 13 below, will be the government of the United Kingdom and the government of Eire. On any other matter to do with Northern Ireland, outside the powers devolved by the United Kingdom, the two governments will be joined by representatives of the Assembly.
3. The Conference will meet as and when required. Meetings may be called by any member. The Conference will be serviced by the Council secretariat provided for in article 4 above.

ARTICLE 13

1. The government of the United Kingdom and the government of Eire may meet to review the implementation of the national minorities framework convention provided for in article 11 above.
2. In accord with article 3 of the convention, every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such.
3. The government of the United Kingdom and the government of Eire undertake to legislate, if that should prove necessary, to implement any aspect of the framework convention in their jurisdictions.
4. Further to article 18 of the framework convention, the government of the United Kingdom and the government of Eire will work closely with the Council of Europe to develop minority rights.

F. FINAL CLAUSES

ARTICLE 14

This treaty shall enter into force on the date on which the government of the United Kingdom and the government of Eire exchange notifications of their acceptance of it.

ARTICLE 15

At the end of ^{five}~~three~~ years from the signing of this treaty, or earlier if ^{agreed}~~requested~~ by the government of the United Kingdom or the government of Eire, the working of the Council and other institutions shall be reviewed by the ^{parties to this agreement}~~two governments~~ to see whether any changes in the scope and nature of their activities are desirable.

ARTICLE 16

Any dispute concerning the application or interpretation of any provision in this treaty may be referred by the government of the United Kingdom and/or the government of Eire to the International Court of Justice under article 36(1) of the statute for decision.