

Country/entity	Ireland United Kingdom Northern Ireland
Region	Europe and Eurasia
Agreement name	Proposals for a Comprehensive Agreement
Date	8 Dec 2004
Agreement status	Agreement with subsequent status
Interim arrangement	Yes
Agreement/conflict level	Interstate/intrastate conflict(s)

Northern Ireland Conflict (1968 - 1998)

Commonly referred to as 'the Troubles', the most recent conflict over the territory of Northern Ireland can be framed as beginning in 1968 and ending with the Belfast Agreement (also known as the Good Friday Agreement) in 1998. While the genesis of the conflict was closely related to pressures for the state to reform with relation to discrimination against the (minority) Catholic population, the core issue of the conflict as it proceeded was the constitutional status of Northern Ireland, which was contested between the unionist/loyalist (mostly Protestant) majority, who wanted the territory to remain as part of the United Kingdom, and the nationalist/republican (mostly Catholic) minority, whose goal was to unite the six provincial counties with the Republic of Ireland. The thirty years prior to the Belfast or Good Friday Agreement were marked by inter-communal violence, active paramilitary groups, and the deployment of the British army in the province. Mediation by international actors, and dialogue between the British and Irish governments, and between the IRA and its representatives and the British Government eventually resulted in a ceasefire respected by the majority of combatants. Talks led to the Belfast or Good Friday Agreement which established a power-sharing system of governance between nationalist and unionist communities.

Close

Northern Ireland Conflict (1968 - 1998)

Stage	Implementation/renegotiation
Conflict nature	Government/territory
Peace process	Northern Ireland peace process
Parties	UK government, Irish Government

Third parties	-
Description	Presented by the British and Irish Governments in December 2004. These proposals had been agreed to by the political parties in Northern Ireland, however, since differences remained over the process to be used to verify the decommissioning of paramilitary weapons, final agreement was not reached and the Comprehensive Agreement was not implemented. However, it contained British-Irish agreement on how the issue should be dealt with, and set the basis for later agreements. The proposal and governmental appendicse have been coded as the agreement. A number of statements were appended by the parties which indicated their levels of support but have not been coded.

Agreement document	UK_IE_041208_Proposals for a Comprehensive Agreement.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.



State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision

Page 10, ANNEX B: Proposals by the British and Irish Governments for changes in Strands Two and Three institutions following the review, 1.

Executive role in preparation for NSMC and BIC meetings. The amendment to the Northern Ireland Act 1998 on a ministerial Code, described in the British Government's Strand One proposals, would bear on Executive proceedings relating to the North-South Ministerial Council and British-Irish Council.

Page 10, ANNEX B: Proposals by the British and Irish Governments for changes in Strands Two and Three institutions following the review, 2.

The Code would provide that draft NSMC and BIC decision papers would be circulated to all Executive members within a period (to be decided by the Executive) in advance of a scheduled NSMC or BIC meeting. Any member of the Executive would have the right to seek an Executive discussion on such a paper. Notwithstanding the lead Minister's executive authority in his/her area of responsibility as defined in the Agreement, where the Code

provided that certain matters should be considered/agreed in the Executive Committee (see paragraphs 3 to 5 of the British Government's Strand One proposals), this would apply to any draft NSMC/BIC decision papers falling within those agreed provisions.

Page 10, ANNEX B: Proposals by the British and Irish Governments for changes in Strands Two and Three institutions following the review, 3.

Attendance at NSMC and BIC. Amendments to the 1998 Act would provide for a minister with lead departmental interest in an issue under consideration at an NSMC/BIC meeting to be entitled to attend (with a power for a minister so entitled, by consent, to arrange for another minister attending to discharge his/her responsibilities), and a power for the FM/DFM to adjudicate where a Minister's lead departmental interest was disputed. There would also be a statutory obligation on FM/DFM to nominate for attendance at NSMC/BIC a replacement for a lead Minister if that Minister was not proposing to attend the meeting in question, and had not arranged for a replacement Minister to discharge his/her responsibilities. There would be a statutory power for the FM/DFM to require such relevant information from the lead department as would be necessary for the NSMC/BIC meeting in question. Finally, reflecting the existing requirement for representation of the Executive on a cross-community basis at meetings of the NSMC/BIC, there would be a statutory obligation on the FM/DFM to nominate the other Minister whose presence is necessary to fulfil that requirement.

Page 10-11, ANNEX B: Proposals by the British and Irish Governments for changes in Strands Two and Three institutions following the review, 4.

NSMC/BIC agendas. The relevant legislation would be amended as necessary to make clear that where a matter on the agenda for a meeting of the NSMC or BIC was one outside the responsibilities of a Minister due to attend, because it was outside his or her departmental responsibilities and not covered by a transfer of authority from another Minister, it would be subject to a decision of the Assembly.

Page 11, ANNEX B: Proposals by the British and Irish Governments for changes in Strands Two and Three institutions following the review, 5.

Review. The Northern Ireland Executive and Irish Government, under the auspices of the NSMC, would appoint a Review Group to examine objectively (1) the efficiency and value for money of existing implementation bodies and (2) the case for additional bodies and areas of co-operation within the NSMC where mutual benefit would be derived. The Group would also input into the work commissioned by the NSMC in June 2002 on the identification of a suitable substitute for the proposed Lights Agency of the Foyle, Carlingford and Irish Lights Commission. The Group would report with recommendations to the NSMC. Any changes to the existing arrangements would require the specific endorsement of the Assembly and Oireachtas. In the meantime, the NSMC

**Political
institutions (new or
reformed)**

Governance→Political institutions (new or reformed)→General references

Page 2, Political Institutions, 5.

The Governments and the parties have been anxious to see the earliest possible ending of the suspension of the Northern Ireland Institutions. In addition, based on the extensive discussions in the Review, the Governments have made an assessment of what changes to the operation of certain aspects of the Agreement would be broadly acceptable to the parties. Based on this assessment, the British Government will lift suspension in February 2005 once legislation has been introduced in the British Parliament to amend a number of aspects of the Northern Ireland Act 1998 and related legislation. This legislation will also provide for the removal of the power of suspension. This will enable the institutional changes outlined in the attached annex to come into effect before the formation of the new Executive.

Page 2, Political Institutions, 6.

To allow the parties to prepare adequately for the re-establishment of the political institutions, the British Government will also introduce legislation in December to allow the formation of a shadow Assembly. This shadow period will take effect on the completion of IRA decommissioning, at the beginning of January. Prior to this shadow period, following the IICD statement that the decommissioning process has commenced, it is envisaged that names of candidates for First and Deputy First Minister will be made public by the appropriate parties.

Page 6, ANNEX B, Proposals by the British Government for changes in Strand One institutions following the review, Introduction, 1.

...The Pledge of Office requires Ministers to act in accordance with Executive and Assembly decisions. In the case of the NSMC and BIC, this is an explicit statutory duty, as is the report to the Assembly which Ministers must make after such meetings; The current ministerial code requires Ministers to bring to the Executive for consideration and agreement certain matters (including those cutting across ministerial responsibilities, requiring agreement on prioritisation or adoption of a common position, or having implications for the Programme for Government); Committees of the Assembly have a right to summon and question Ministers on any aspect of their responsibilities. It was also the practice in the former Executive that Ministers brought for consideration there all proposals for public consultation on significant issues, primary and secondary legislation, significant policy proposals and announcements and decisions which were likely to be controversial. Ministers also circulated all papers which it was proposed to table at NSMC/BIC meetings in advance to other Ministers to enable any matter of concern to be brought to an Executive meeting for consideration.

Page 8, ANNEX B: Proposals, 6.

Assembly referrals for Executive review. An amendment to the 1998 Act would provide for referrals from the Assembly to the Executive of important ministerial decisions. Thirty members of the Assembly might initiate such a referral, within seven days of a ministerial decision or notification of the decision where appropriate. Before he could pass the referral to the Executive, the Presiding Officer, following consultation with the parties in the Assembly, would be required to certify that it concerned an issue of public importance. The Executive would consider the issue within seven days. A second referral could not be made by the Assembly in respect of the same matter. Only matters covered by the Ministerial Code, as set out above, would require a collective decision by the Executive.

Page 8, ANNEX B: Proposals, 7.

Reflecting the Pledge of Office, the 1998 Act would be amended to require a Minister to act in accordance with any relevant decisions of the Executive and/or Assembly.

Elections	No specific mention.
Electoral commission	No specific mention.
Political parties reform	No specific mention.
Civil society	<p>Page 11, ANNEX B: Proposals by the British and Irish Governments for changes in Strands Two and Three institutions following the review, 8.</p> <p>Independent Consultative Forum. The Northern Ireland Executive would support the establishment of an independent North/South consultative forum appointed by the two Administrations and representative of civil society.</p>
Traditional/religious leaders	No specific mention.
Public administration	No specific mention.
Constitution	<p>Governance→Constitution→Constitution affirmation/renewal</p> <p>Page 3, 3.</p> <p>The Governments have made clear consistently that they remain committed to the fundamentals of the Agreement reached in 1998, including the need for consent to constitutional change, for absolute commitment to exclusively peaceful and democratic means, for stable inclusive partnership government, for a balanced institutional accommodation of the key relationships within Northern Ireland, between North and South and between these islands and for equality and human rights to be at the heart of the new dispensation in Northern Ireland. None of the parties in the review of the operation of the Agreement conducted this year have dissented from these fundamental elements.</p>

Power sharing

Political power sharing

Power sharing→Political power sharing→General
Sub-state level
Page 1, 2.

Together with the fulfilment of the commitments of the two Governments relating to the full implementation of the Agreement, all of these issues have been addressed satisfactorily. There is now a basis on which we can look forward to the early restoration of the Assembly, with the prospect of stable and inclusive power-sharing government in Northern Ireland and the full operation of the North-South and East-West arrangements. The enabling steps to achieve these objectives are outlined in the annexed timetable.

Power sharing→Political power sharing→Executive coalition
Sub-state level

Page 7, Annex B: Proposals, 3.

A statutory ministerial Code. An amendment to the Northern Ireland Act 1998 would require there to be a ministerial Code, and place a duty upon Ministers (including junior Ministers), notwithstanding their executive authority in their areas of responsibility as defined in the Agreement, to act in accordance with the provisions on ministerial accountability of the Code. The Code would reflect a requirement for safeguards to ensure that all sections of the community could participate and work together successfully in the operation of these institutions and that all sections of the community were protected. There would be arrangements to ensure that, where a decision of the Executive could not be achieved by consensus and a vote was required, any three members of the Executive could require it to be taken on a cross-community basis.

Page 7, Annex B: Proposals, 4.

The 1998 Act would be amended to require inclusion in the Code of agreed provisions in relation to ministerial accountability. Consistent with paragraphs 19 and 20 of the Agreement, this would provide for the Executive to be the forum for:

- (i) the discussion of, and agreement on, issues which cut across the responsibilities of two or more Ministers, including in particular those that are the responsibility of the Minister of Finance and Personnel.
- (ii) prioritising executive proposals;
- (iii) prioritising legislative proposals;
- (iv) recommending a common position where necessary ⁸⁸ – for instance, on matters which concern the response of the Northern Ireland administration to external relationships;
- (v) agreement each year on (and review as necessary of) a programme incorporating an agreed budget linked to policies and programmes (Programme for Government);
- (vi) discussion of and agreement on any issue which is significant or controversial and is clearly outside the scope of the agreed Programme for Government or which the First Minister and Deputy First Minister agree should be brought to the Executive.

Page 7, ANNEX B: Proposals, 5.

The new Code would be discussed by the parties and agreed by the Executive when formed. The First Minister and Deputy First Minister would propose the Code to the Assembly. It would have effect once endorsed by cross-community support there. Any amendments to the Code would require cross-community support in the Assembly.

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Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general Page 1, 3.
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Bill of rights/similar No specific mention.

Treaty incorporation No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures	No specific mention.
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Other	No specific mention.
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Rights institutions

NHRI	No specific mention.
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Regional or international human rights institutions	No specific mention.
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Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws
Page 2, Political Institutions, 5.

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Page 9, ANNEX B: Proposals, 13.

Repeal of the Northern Ireland Act 2000. In accordance with the Government's earlier commitments in the context of acts of completion, it would propose to Parliament the repeal of the 2000 Act, which provides for suspension.

Justice sector reform→Criminal justice and emergency law→Criminal Justice System reform

Page 2, Policing and Justice, 7.

There have been extensive discussions about prospects for extending support across all sections of the community for the new policing arrangements in Northern Ireland. On the basis of these discussions, including on the key related issue of the devolution of justice and policing, we have a strong expectation that this process of decision making by Sinn Féin will be undertaken quickly. If required, the British Government will make appropriate arrangements to facilitate Sinn Féin membership of the new Policing Board once this decision making process has concluded. The Governments expect that Sinn Féin will be in a position to join the Policing Board no later than the date on which the Bill enabling devolution of policing and justice is enacted.

Page 2, Policing and Justice, 8.

The prospects for the devolution of responsibility for policing and justice will be influenced by the effective implementation of all the developments listed in this document. Against that background, the British Government will initiate discussions with the parties on the modalities of devolution as soon as the IICD has confirmed the completion of IRA decommissioning, with the aim of agreement by the time the Executive is established. On that basis the British Government will commit to introducing into Parliament by the summer of 2005 the legislation necessary to permit devolution to take place. Such legislation will come into force as soon as possible, once sufficient confidence exists across the community, as expressed in a cross-community vote in the Assembly, proposed by the First Minister and Deputy First Minister. The British Government will work to promote the necessary confidence to allow such a vote to take place within two years.

State of emergency provisions Page 2, Political Institutions, 5.
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Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

**Pastoralist/
nomadism rights** No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

**Water or riparian
rights or access** No specific mention.

Security sector

**Security
Guarantees** No specific mention.

Ceasefire No specific mention.

Police Page 2, Policing and Justice, 7.
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Page 2-3, Policing and Justice, 8.
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Armed forces No specific mention.

DDR

Security sector→DDR→Demilitarisation provisions

Page 1, 1.

Following intensive discussions at Leeds Castle and subsequently involving all the parties represented in the Northern Ireland Assembly, a basis for agreement has now been reached on the key issues identified by the Prime Minister, the Taoiseach and the parties at Lancaster House in June. These include the need to bring all forms of paramilitary activity to an end; the need to decommission all paramilitary weapons; the need for a clear commitment on all sides to the stability of the political institutions; and for the achievement of support for policing from all sides of the community.

Page 1, Paramilitary activity and decommissioning, 4.

We are confident that steps will now be taken to provide for an immediate, full and permanent cessation of all paramilitary activity by the IRA. As regards IRA weapons, the Independent International Commission on Decommissioning will issue a report later today which sets out the way forward in terms of a definitive programme to ensure that the process is completed by the end of December 2004. These developments are momentous. The prospect of a new era of lasting peace and stability, involving the ending of all paramilitary activity and other illegal activity, requires all sides to respond positively. For their part, the Governments are determined to ensure that this unprecedented opportunity for peace is secured and sustained. This major step forward by the IRA underlines the need for rapid progress in regard to the decommissioning of all paramilitary weapons from all sources. We urge all parties and relevant groups to use their influence now to address the question of arms in the possession of loyalist paramilitaries.

Page 2, Political Institutions, 6.

To allow the parties to prepare adequately for the re-establishment of the political institutions, the British Government will also introduce legislation in December to allow the formation of a shadow Assembly. This shadow period will take effect on the completion of IRA decommissioning, at the beginning of January. Prior to this shadow period, following the IICD statement that the decommissioning process has commenced, it is envisaged that names of candidates for First and Deputy First Minister will be made public by the appropriate parties.

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Intelligence services

No specific mention.

**Parastatal/rebel
and opposition
group forces**

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**Withdrawal of
foreign forces**

No specific mention.

Corruption

No specific mention.

**Crime/organised
crime**

No specific mention.

Drugs No specific mention.

Terrorism No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon No specific mention.

Courts No specific mention.

Mechanism No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism	[Summary: ANNEX A provides for a timetable of implementation for the agreement.]
Related cases	No specific mention.
Source	Irish Dept of Foreign Affairs
