

STORMONT HOUSE AGREEMENT

Finance and Welfare

The participants agree:

1. Early measures are needed to address the longer term structural financial difficulties in the Northern Ireland budget.
2. In particular there is a need for measures to improve the efficiency of the civil service and wider public sector and reduce administrative costs.
3. The Government has developed a comprehensive financial support package to help the Executive deliver across its priorities. The total value of the Government package represents additional spending power of almost £2 billion. Details of the financial package are in a financial annex attached to this agreement.

2015-16 budget and welfare

4. A final balanced budget for 2015-16 needs to be agreed in January.
5. The Executive will adopt in January 2015 a comprehensive programme of Public Sector Reform and Restructuring which will encompass a wide range of strategies, including measures to address structural differences in relation to the cost of managing a divided society, reduce pay bill costs, such as a reduction in the size of the NICS and the wider public sector, and the extension of shared services. An independent strategic review of public sector reform conducted by OECD will report by the end of 2015.
6. Legislation will be brought before the Assembly in January 2015 to give effect to welfare changes alongside further work to develop and implement flexibilities and top-ups from the block grant as part of a package of measures to address local need.
7. Implementation of these welfare changes will begin to take place in the financial year 2015-16 and implementation will be complete by 2016-17.
8. In view of the progress made in the talks, legislation will be introduced as soon as Parliament returns to enable the devolution of corporation tax in April 2017. Progress of legislation will proceed in parallel with the implementation of key measures to deliver sustainable Executive finances. More detail is included in the financial annex.

Medium and longer term reform

9. Executive departments should also be commissioned to undertake work looking at medium and long term reform measures with the support of DFP and report back by March 2015.
10. These plans will include delivery plans and implementation timetables that allow at least some measures to be delivered in 2015-16 and others as soon as possible thereafter.

11. Executive departments should also consider how best to realise the value of their capital assets through reform or restructuring to realise income and longer term savings.

12. There should be an independent audit of departmental spending to identify how divisions in society impact on the delivery of goods, facilities and services, and to then consider how best to reconfigure service delivery in a manner consistent with a shared future.

13. Revenue raising measures may be considered if cost reductions cannot be achieved quickly enough or if there is a decision to run an enhanced provision of public services.

Additional Fiscal Devolution

14. The Executive is examining a range of taxes, in furtherance of the Economic Pact signed by the Prime Minister, First Minister and deputy First Minister, to consider whether devolution could result in any clear economic or social benefit for Northern Ireland. In the light of this work the Government will consider additional fiscal devolution for Northern Ireland, including Aggregates Levy, Stamp Duty Land Tax and Landfill Tax.

Flags, Identity, Culture and Tradition

The participants agree:

15. A Commission on Flags, Identity, Culture and Tradition will be established by June 2015 as the basis for further addressing these issues, to report within 18 months of its being established. The Commission shall consist of fifteen members, seven of which will be nominees appointed by the leaders of the parties in the Executive. These will comprise two members for each of the two largest parties and one for each of the three next-largest parties in the Northern Ireland Executive, all as measured by their number of seats in the Northern Ireland Assembly. The remaining eight members of the Commission will be drawn from outside of government. The report and recommendations will be agreed by a majority of the overall Commission, including at least five of the seven members appointed by party leaders. Its remit will focus on flags and emblems and, as required, broader issues of identity, culture and tradition, and seek to identify maximum consensus on their application. In its work, it will be guided by the principles of the existing Agreements including parity of esteem. As the Commission's work may touch on expressions of sovereignty and identity, it may consult the UK and Irish Governments.

Parades

16. Based on the considerable level of agreement in the Party Leader Talks, earlier this year, the UK Government proposes that –

17. Powers to take responsibility for parades and related protests should, in principle, be devolved to the NI Assembly.

18. The Office of Legislative Counsel, working in conjunction with OFMDFM, shall provide a range of options on how the remaining key issues which include the Code of Conduct, criteria and accountability could be addressed in legislation. OFMDFM shall bring forward proposals to the Executive by June 2015.

19. The legislation will focus on the rights and responsibilities of those involved in, or affected by, parades and related protests, with proper regard for fundamental rights protected by the ECHR. The aim will be to balance the competing rights of those involved, but also to recognise the responsibilities they owe to others. The system will have regard to the following:

- a) Regulation of parades and related protests should be based on the following approach: i) respect for the rule of law; ii) respect for those who parade; iii) respect for those who protest; and iv) respect for those who live and work in areas in which parades and protests take place;
- b) Encouraging and facilitating direct, meaningful and sustained local dialogue should be at the heart of any new regulatory system for parades and protests;
- c) Transparency, proportionality, openness and fairness; and
- d) Independent adjudication will remain a necessary part of the regulatory process, but should be a last resort.

20. There will be a full public consultation on any agreed legislation.

The Past

The participants agree:

21. As part of the transition to long-term peace and stability the participants agree that an approach to dealing with the past is necessary which respects the following principles:

promoting reconciliation;

upholding the rule of law;

acknowledging and addressing the suffering of victims and survivors;

facilitating the pursuit of justice and information recovery;

is human rights compliant; and

is balanced, proportionate, transparent, fair and equitable.

Consistent with those principles, the participants have agreed as follows:

22. The Executive will, by 2016, establish an Oral History Archive to provide a central place for people from all backgrounds (and from throughout the UK and Ireland) to share experiences and narratives related to the Troubles. As well as collecting new material, this archive will attempt to draw together and work with existing oral history projects.

23. The sharing of experiences will be entirely voluntary and consideration will be given to protecting contributors, and the body itself, from defamation claims. The Archive will bring forward proposals on the circumstances and timing of contributions being made public.

24. The Archive will be independent and free from political interference.
25. A research project will be established as part of the Archive, led by academics to produce a factual historical timeline and statistical analysis of the Troubles, to report within 12 months.
26. The Executive will take steps to ensure that Victims and Survivors have access to high quality services, respecting the principles of choice and need. The needs of victims who do not live in Northern Ireland should also be recognised.
27. The Commission for Victims and Survivors' recommendation for a comprehensive Mental Trauma Service will be implemented. This will operate within the NHS but will work closely with the Victims and Survivors Service (VSS), and other organisations and groups who work directly with victims and survivors.
28. Further work will be undertaken to seek an acceptable way forward on the proposal for a pension for severely physically injured victims in Northern Ireland.
29. Victims and survivors will be given access to advocate-counsellor assistance if they wish.

Historical Investigations Unit

30. Legislation will establish a new independent body to take forward investigations into outstanding Troubles-related deaths; the Historical Investigations Unit (HIU). The body will take forward outstanding cases from the HET process, and the legacy work of the Police Ombudsman for Northern Ireland (PONI). A report will be produced in each case.
31. Processes dealing with the past should be victim-centred. Legacy inquests will continue as a separate process to the HIU. Recent domestic and European judgments have demonstrated that the legacy inquest process is not providing access to a sufficiently effective investigation within an acceptable timeframe. In light of this, the Executive will take appropriate steps to improve the way the legacy inquest function is conducted to comply with ECHR Article 2 requirements.
32. Appropriate governance arrangements will be put in place to ensure the operational independence of the two different elements of the work of the HIU.
33. The HIU will have dedicated family support staff who will involve the next of kin from the beginning and provide them with expert advice and other necessary support throughout the process.
34. The HIU will consider all cases in respect of which HET and PONI have not completed their work, including HET cases which have already been identified as requiring re-examination. Families may apply to have other cases considered for criminal investigation by the HIU if there is new evidence, which was not previously before the HET, which is relevant to the identification and eventual prosecution of the perpetrator.
35. As with existing criminal investigations, the decision to prosecute is a matter for the DPP and the HIU may consult his office on evidentiary issues in advance of submitting a file.

36. When cases are transferred from HET and PONI, all relevant case files held by those existing bodies will be passed to the new body. In respect of its criminal investigations, the HIU will have full policing powers. In respect of the cases from PONI, the HIU will have equivalent powers to that body.

37. The UK Government makes clear that it will make full disclosure to the HIU. In order to ensure that no individuals are put at risk, and that the Government's duty to keep people safe and secure is upheld, Westminster legislation will provide for equivalent measures to those that currently apply to existing bodies so as to prevent any damaging onward disclosure of information by the HIU.

38. HIU will be overseen by the Northern Ireland Policing Board.

39. The necessary arrangements will be put in place to ensure the HIU has the full co-operation of all relevant Irish authorities, including disclosure of information and documentation. This will include arrangements for co-operation between criminal investigation agencies in both jurisdictions and arrangements for obtaining evidence for use in court proceedings. Where additional legislation is required, it will be brought forward by the Irish Government.

40. In order to ensure expeditious investigations, the HIU should aim to complete its work within five years of its establishment.

Independent Commission on Information Retrieval (ICIR)

41. A new body, which will respect the sovereign integrity of each jurisdiction, will be established by the UK and Irish Governments, called the Independent Commission on Information Retrieval (ICIR), building on the precedent provided by the Independent Commission on the Location of Victims' Remains. The objective of the ICIR will be to enable victims and survivors to seek and privately receive information about the (Troubles-related) deaths of their next of kin.

42. Individuals from both the UK and Ireland will be able to seek information from the ICIR.

43. Once established, the body will run for no longer than 5 years.

44. The ICIR will be led by five members: an independent chairperson who may be of international standing and will be appointed by the UK and Irish Governments, in consultation with OFMDFM, together with two nominees appointed by the First and deputy First Minister, one each appointed by the UK Government and the Irish Government.

45. The ICIR's remit will cover both jurisdictions and will have the same functions in each. It will be entirely separate from the justice system. The ICIR will also be free to seek information from other jurisdictions, and both governments undertake to support such requests.

46. The ICIR will not disclose information provided to it to law enforcement or intelligence agencies and this information will be inadmissible in criminal and civil proceedings. These facts will be made clear to those seeking to access information through the body.

47. The ICIR will be given the immunities and privileges of an international body and would not be subject to judicial review, Freedom of Information, Data Protection and National Archives legislation, in either jurisdiction.

48. Legislation will be taken forward by the UK Government, the Irish Government and the Assembly to implement the above decision on inadmissibility.

49. The ICIR will not disclose the identities of people who provide information. No individual who provides information to the body will be immune from prosecution for any crime committed should the required evidential test be satisfied by other means.

50. The ICIR will be held accountable to the principles of independence, rigour, fairness and balance, transparency and proportionality.

Implementation and Reconciliation

51. An Implementation and Reconciliation Group (IRG) will be established to oversee themes, archives and information recovery. After 5 years a report on themes will be commissioned by the IRG from independent academic experts. Any potential evidence base for patterns and themes should be referred to the IRG from any of the legacy mechanisms, who may comment on the level of co-operation received, for the IRG's analysis and assessment. This process should be conducted with sensitivity and rigorous intellectual integrity, devoid of any political interference.

52. Promoting reconciliation will underlie all of the work of the IRG. It will encourage and support other initiatives that contribute to reconciliation, better understanding of the past and reducing sectarianism.

53. In the context of the work of the IRG, the UK and Irish Governments will consider statements of acknowledgement and would expect others to do the same.

54. The Body will be eleven strong. Publicly elected representatives will not be eligible for appointment. The chair shall be a person of independent and international standing and will be nominated by the First Minister and deputy First Minister. The other appointments will be nominated as follows: DUP - 3 nominees, Sinn Fein – 2 nominees, SDLP – 1 nominee, UUP – 1 nominee, and Alliance Party – 1 nominee and one nominee each from the UK and Irish Governments.

55. The UK and Irish Governments recognise that there are outstanding investigations and allegations into Troubles-related incidents, including a number of cross-border incidents. They commit to co-operation with all bodies involved to enable their effective operation, recognising their distinctive functions, and to bring forward legislation where necessary.

Institutional Reform

The participants agree:

56. The number of Assembly members should be reduced to five members per constituency, or such other reduction as may be agreed, in time for the 2021 Assembly election, and the Assembly will legislate accordingly.

57. The threshold for Petitions of Concern should remain at 30 members.

58. Changes will be made to the operation of the Petition of Concern mechanism through a protocol agreed between the parties.

59. Arrangements will be put in place by the Assembly by March 2015 to enable those parties which would be entitled to ministerial positions in the Executive, but choose not to take them up, to be recognised as an official opposition and to facilitate their work. These measures will include:

a) Provision for financial and research assistance (from within existing Assembly budgets keeping these changes cost neutral); and

b) Designated speaking rights including the opportunity to ask questions and table business sufficient to permit the parties to discharge their opposition duties.

60. A reduction in the number of departments from twelve to nine should be made in time for the 2016 Assembly election, with the new allocation of departmental functions to be agreed by the parties.

61. After the Assembly meets following an election and before the FM/DFM are selected and the d'Hondt process runs, representatives of the parties who are entitled to take up places in the Executive and who confirm their intention to do so will meet to resolve the draft Programme for Government. Changes to Westminster legislation (as soon as time permits) could extend the time available from seven days to fourteen days. The draft Programme would, once the Executive was formed be passed to the Assembly for approval.

62. To promote greater efficiency in the conduct and discharge of Executive business, the following practice shall be observed in line with the Northern Ireland Act 1998:

a) Agenda circulated one day in advance of an Executive meeting;

b) Inclusion of papers as substantive agenda items no later than the third meeting following initial circulation;

c) Areas for resolution to be recorded in the list of "Executive papers in circulation" against those papers still outstanding after the third meeting;

d) Any three Ministers should have the facility to request a meeting of the Executive and the First and deputy First Minister would normally convene within three days (subject to the timing of the next scheduled Executive meeting);

e) Any Minister would be entitled to have a matter put on the agenda under 'Any other Business';

f) Any three Ministers would be entitled to put a matter on the substantive agenda for discussion and decision; and

g) A protocol shall be developed to this effect.

63. Where a Minister intends to make a statement to the Assembly they should also make clear at the start of the statement whether the statement reflects an agreed Executive position.

64. A new process will be brought forward for a more transparent and robust system for Members' salaries and expenses.

65. The maximum consultation requirement on policy will be reduced from twelve weeks to eight.

66. The UK Government also stands ready to consider potential further areas of devolution and changes to intergovernmental machinery, which are under discussion elsewhere in the UK and likely to command broad support among parties in Northern Ireland.

Outstanding Commitments

The participants agree:

67. It is important that civic voices are heard and civic views are considered in relation to key social, cultural and economic issues. A new engagement model could be achieved, by June 2015, through the establishment of a compact civic advisory panel which would meet regularly to consider key social, cultural and economic issues and to advise the NI Executive. The Chair would be appointed by the OFMDFM. Every effort would be made to minimise the administrative costs of such a body.

68. The UK Government and the Irish Government, recalling commitments from previous Agreements, and recognising the importance of understanding, tolerance and respect in relation to linguistic diversity, endorse the need for respect for and recognition of the Irish language in Northern Ireland, consistent with the Council of Europe Charter on Regional or Minority Languages.

69. Noting that there is not at present consensus on a Bill of Rights, the parties commit to serving the people of Northern Ireland equally, and to act in accordance with the obligations on government to promote equality and respect and to prevent discrimination; to promote a culture of tolerance, mutual respect and mutual understanding at every level of society, including initiatives to facilitate and encourage shared and integrated education and housing, social inclusion, and in particular community development and the advancement of women in public life; and to promote the interests of the whole community towards the goals of reconciliation and economic renewal.

70. On the St Andrews Agreement Review, the NSMC (meeting in Institutional format) will agree before the end of February 2015 a report on new sectoral priorities for North/South cooperation, identified during Ministerial discussions since November 2013. A report on new sectoral priorities will be a standing item for future meetings of the NSMC meeting in Institutional format.

71. In early 2015, a meeting of relevant Ministers from North and South will take place in the North West to consider strategic approaches to the development of the region as envisaged in the North West Gateway Initiative. Further meetings may also take place.

72. The Northern Ireland Executive will ensure full implementation of the Together: Building a United Community strategy, and beyond that will commit to a continuing effort to eradicate sectarianism in all its forms.

Review and Monitoring

73. The participants in the talks are very conscious that the integrity and credibility of this agreement is dependent on its effective and expeditious implementation. Accordingly, progress in implementing the provisions of this Agreement must be actively reviewed and monitored.

74. Review meetings will include the Northern Ireland Executive party leaders as well as the UK Government and Irish Government, reflecting the three stranded approach. Such meetings will be supported by the Northern Ireland Civil Service and, as appropriate, officials of the UK and Irish Governments.

75. There will be quarterly meetings, convened by the UK Government and Irish Government, with the first meeting before the end of January 2015 at which an implementation timetable will be agreed. Six-monthly updates on progress on the implementation of the Agreement will be published.