

Country/ entity	Ireland United Kingdom Northern Ireland
Region	Europe and Eurasia Europe and Eurasia Europe and Eurasia
Agreement name	Mitchell Report
Date	22 Jan 1996
Agreement status	Unilateral document
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict ( Northern Ireland Conflict (1968 - 1998) )
Stage	Pre-negotiation/process
Conflict nature	Government/territory
Peace process	Northern Ireland peace process
Parties	George J. Mitchell; John de Chastelain; Harri Holkeri
Third parties	-
Description	Report of the International Body established by the two governments in the Joint Communiqué to provide an independent assessment of the decommissioning issue. The purpose of the six principles recommended in the report was to overcome the dispute whether decommission should take place before or after all-party negotiations. The international body recommends that the decommissioning of arms take place during all-party negotiations, to allow 'the peace process to move forward.' It was formulated after shuttle diplomacy between all the parties, and undertaking submissions and consultations with civil society.

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Agreement  
document

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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.

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## Gender

Women, girls and gender	No specific mention.
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Men and boys	No specific mention.
LGBTI	No specific mention.
Family	Page 3, II. DISCUSSION, 16. We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten. But if the focus remains on the past, the past will become the future, and that is something no one can desire.

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## 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 No specific mention.

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## Governance

Political institutions (new or reformed) No specific mention.

Elections Page 9, VII. FURTHER CONFIDENCE-BUILDING, 56.  
Several oral and written submissions raised the idea of an elected body. We note the reference in paragraph three of the Communiqué to 'whether and how an elected body could play a part'. Elections held in accordance with democratic principles express and reflect the popular will. If it were broadly acceptable, with an appropriate mandate, and within the three-strand structure, an elective process could contribute to the building of confidence.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 2, I. INTRODUCTION, 6.  
In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and telephone calls from members of the public and met with many others. We thank all for their submissions. Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving. All the submissions have been carefully reviewed and considered.

Traditional/religious leaders Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE, 21.  
We join the Governments, religious leaders and many others in condemning 'punishment' killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.

Page 5, IV. COMMITMENT TO DECOMMISSIONING, 26.  
After careful consideration, on the basis of intensive discussions with the Governments, the political parties, religious leaders, the security forces, and many others, we have concluded that the paramilitary organisations will not decommission any arms prior to all-party negotiations. That was the unanimous and emphatically expressed view of the representatives of the political parties close to paramilitary organisations on both sides. It was also the view of the vast majority of the organisations and individuals who made oral and written submissions. It is not that they are all opposed to prior decommissioning. To the contrary, many favour it. But they are convinced that it will not happen. That is the reality with which all concerned must deal.

Public administration No specific mention.

Constitution No specific mention.

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## **Power sharing**

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

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## Human rights and equality

Human rights/RoL general No specific mention.

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.

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## Rights related issues

Citizenship No specific mention.

Democracy Page 2, II. DISCUSSION, 9.  
We considered our task in the light of our responsibility to all of the people of Northern Ireland; the need for the people to be reassured that their democratic and moral expectations can be realised; and in the spirit of serious efforts made by the British and Irish Governments to advance the peace process.

Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NONVIOLENCE, 19.

To reach an agreed political settlement and to take the gun out of Irish politics, there must be commitment and adherence to fundamental principles of democracy and non-violence. Participants in all-party negotiations should affirm their commitment to such principles.

Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NONVIOLENCE, 20.

Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

a. To democratic and exclusively peaceful means of resolving political issues;...

e. To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree;

Page 6, IV. COMMITMENT TO DECOMMISSIONING, 32.

Clearly, new approaches must be explored to overcome this impasse. That is the purpose of the six principles we recommend. They invoke a comprehensive commitment to democracy and non-violence that is intended to reassure all parties to the negotiations.

Page 9, VII. FURTHER CONFIDENCE-BUILDING, 52.

Support for the use of violence is incompatible with participation in the democratic process...

Detention procedures No specific mention.

Media and communication No specific mention.

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

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## Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

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## Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Reform to specific laws  
Page 9, VII. FURTHER CONFIDENCE-BUILDING, 53.  
Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.

State of emergency provisions Page 9, VII. FURTHER CONFIDENCE-BUILDING, 53.  
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Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

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## Socio-economic reconstruction

Development or socio-economic reconstruction      Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development  
Page 10, VII. FURTHER CONFIDENCE-BUILDING, 57.  
Finally, the importance of further progress in the social and economic development of Northern Ireland and its communities was emphasised time and again in our meetings, in the context of building confidence and establishing a lasting peace.

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.

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## 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.

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## Security sector

Security Guarantees Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE, 21.  
We join the Governments, religious leaders and many others in condemning 'punishment' killings and beatings. They contribute to the fear that those who have used violence to pursue political objectives in the past will do so again in the future. Such actions have no place in a lawful society.

Ceasefire Security sector→Ceasefire→Ceasefire provision  
Page 5, IV. COMMITMENT TO DECOMMISSIONING, 28.  
In the competing view we were told that decommissioning of arms prior to all-party negotiations was not requested before the announcement of the ceasefires, and that had it been, there would have been no ceasefires; that those who entered into ceasefires did so in the belief they would lead immediately to all-party negotiations; and that the request for prior decommissioning, seriously pursued for the first time months after the ceasefires were declared, is merely a tactic to delay or deny such negotiations. In this view, the ceasefires having been maintained for nearly a year and a half, all-party negotiations should begin immediately with no further requirements.

Police Page 8, VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING, 47.  
The commission would record information required to monitor the process effectively. The commission should have available to it the relevant data of the Garda Siochana and the Royal Ulster Constabulary. It would report periodically to relevant parties on progress achieved in the decommissioning process. The decommissioning process should not expose individuals to prosecution.

Page 9, VII. FURTHER CONFIDENCE-BUILDING, 55.  
We share the hope, expressed by many on all sides, that policing in Northern Ireland can be normalised as soon as the security situation permits. A review of the situation with respect to legally registered weapons and the use of plastic bullets, and continued progress toward more balanced representation in the police force would contribute to the building of trust.

Armed  
forces

No specific mention.

DDR

Security sector→DDR→Demilitarisation provisions

[Summary: Introduction of the agreement repeats provisions from the 28 November, 1995, the British and Irish Governments issued a Communique which announced the launching in Northern Ireland of a 'twin track' process to make progress in parallel on the decommissioning issue and on all-party negotiations.]

Page 3, II. DISCUSSION, 11.

Notwithstanding reprehensible 'punishment' killings and beatings, the sustained observance of the ceasefires should not be devalued. It is a significant factor which must be given due weight in assessing the commitment of the paramilitaries to 'work constructively to achieve' full and verifiable decommissioning.

Page 3, II. DISCUSSION, 14.

In paragraph five of the Communique we were asked 'to provide an independent assessment of the decommissioning issue'. It is a serious issue. It is also a symptom of a larger problem: the absence of trust. Common to many of our meetings were arguments, steeped in history, as to why the other side cannot be trusted. As a consequence, even well-intentioned acts are often viewed with suspicion and hostility.

Page 4, II. DISCUSSION, 17.

Everyone with whom we spoke agrees in principle with the need to decommission. There are differences on the timing and context - indeed, those differences led to the creation of this Body - but they should not obscure the nearly universal support which exists for the total and verifiable disarmament of all paramilitary organisations. That must continue to be a principal objective.

Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE, 20.

Accordingly, we recommend that the parties to such negotiations affirm their total and absolute commitment:

- a. To democratic and exclusively peaceful means of resolving political issues;
- b. To the total disarmament of all paramilitary organisations;
- c. To agree that such disarmament must be verifiable to the satisfaction of an independent commission;
- d. To renounce for themselves, and to oppose any effort by others, to use force, or threaten to use force, to influence the course or the outcome of all-party negotiations;
- e. To agree to abide by the terms of any agreement reached in all-party negotiations and to resort to democratic and exclusively peaceful methods in trying to alter any aspect of that outcome with which they may disagree; and,
- f. To urge that 'punishment' killings and beatings stop and to take effective steps to prevent such actions.

Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE, 22.

Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, threaten to use force, to influence the negotiations, or to change any aspect of the outcome of negotiations with which they disagree. Given the history of Northern Ireland,

Intelligence services No specific mention.

Parastatal/  
rebel and  
opposition  
group  
forces

Page 3, II. DISCUSSION, 11.

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Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE, 22.

Those who demand decommissioning prior to all-party negotiations do so out of concern that the paramilitaries will use force, threaten to use force, to influence the negotiations, or to change any aspect of the outcome of negotiations with which they disagree. Given the history of Northern Ireland, this is not an unreasonable concern. The principles we recommend address those concerns directly.

Page 4, III. RECOMMENDATIONS: PRINCIPLES OF DEMOCRACY AND NON-VIOLENCE, 23.

These commitments, when made and honoured, would remove the threat of force before, during and after all-party negotiations. They would focus all concerned on what is ultimately essential if the gun is to be taken out of Irish politics: an agreed political settlement and the total and verifiable disarmament of all paramilitary organisations. That should encourage the belief that the peace process will truly be an exercise in democracy, not one influenced by the threat of violence.

Page 5, IV. COMMITMENT TO DECOMMISSIONING, 26.

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Page 8, VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING, 49.

Groups in possession of illegal armaments should be free to organise their participation in the decommissioning process as they judge appropriate, e.g. groups may designate particular individuals to deposit armaments on their behalf. The decommissioning process should be mutual.

Page 8, VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING, 50

Decommissioning would take place on the basis of the mutual commitment

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.

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## Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper  
Page 8, VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING, 47.  
...The decommissioning process should not expose individuals to prosecution.

Page 8, VI. RECOMMENDATIONS: GUIDELINES ON THE MODALITIES OF DECOMMISSIONING, 48.

Individuals involved in the decommissioning process should not be prosecuted for the possession of those armaments; amnesties should be established in law in both jurisdictions. Armaments made available for decommissioning, whether directly or indirectly, should be exempt under law from forensic examination, and information obtained as a result of the decommissioning process should be inadmissible as evidence in courts of law in either jurisdiction.

Courts No specific mention.

Mechanism	No specific mention.
Prisoner release	Page 9, VII. FURTHER CONFIDENCE-BUILDING, 53. Continued action by the Governments on prisoners would bolster trust. So would early implementation of the proposed review of emergency legislation, consistent with the evolving security situation.
Vetting	No specific mention.
Victims	Page 2, I. INTRODUCTION, 6. In the course of our meetings we heard orally and in writing from dozens of government officials, political leaders, church officials and representatives of other organisations and institutions. We received hundreds of letters and telephone calls from members of the public and met with many others. We thank all for their submissions. Contributions from those who suffered losses during the time of troubles but are strongly committed to the peace process were especially moving. All the submissions have been carefully reviewed and considered.  Page 9, VII. FURTHER CONFIDENCE-BUILDING, 52. Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.
Missing persons	Page 9, VII. FURTHER CONFIDENCE-BUILDING, 52. Support for the use of violence is incompatible with participation in the democratic process. The early termination of paramilitary activities, including surveillance and targeting, would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. So, too, would the provision of information on the status of missing persons, and the return of those who have been forced to leave their communities under threat.
Reparations	No specific mention.



Reconciliation Page 3, II. DISCUSSION, 16.

We have asked ourselves how those who have suffered during the many years of internal strife can accept the fact that the establishment of a lasting peace will call for reconciliation with those they hold responsible for their loss and pain. Surely the continued suffering and bereavement of individuals and of families should never be forgotten. But if the focus remains on the past, the past will become the future, and that is something no one can desire.

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## 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      No specific mention.

Related  
cases      No specific mention.

Source      Irish DFA

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