



<b>Country/entity</b>	Ireland United Kingdom Northern Ireland
<b>Region</b>	Europe and Eurasia
<b>Agreement name</b>	Mitchell Report
<b>Date</b>	22 Jan 1996
<b>Agreement status</b>	Unilateral document
<b>Interim arrangement</b>	Yes
<b>Agreement/conflict level</b>	Intrastate/intrastate conflict

### **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)

<b>Stage</b>	Pre-negotiation/process
<b>Conflict nature</b>	Government/territory
<b>Peace process</b>	Northern Ireland peace process
<b>Parties</b>	George J. Mitchell; John de Chastelain; Harri Holkeri

**Third parties**

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**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.

## **Gender**

**Women, girls and gender** No specific mention.

**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 Communique 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.

## **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.

## 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.



<b>Business</b>	No specific mention.
<b>Taxation</b>	No specific mention.
<b>Banks</b>	No specific mention.

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**Land, property and environment**

<b>Land reform/rights</b>	No specific mention.
<b>Pastoralist/ nomadism rights</b>	No specific mention.
<b>Cultural heritage</b>	No specific mention.
<b>Environment</b>	No specific mention.
<b>Water or riparian rights or access</b>	No specific mention.

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**Security sector**

<b>Security Guarantees</b>	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.
<b>Ceasefire</b>	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, 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.

**Intelligence  
services**

No specific mention.

**Parastatal/rebel  
and opposition  
group forces**

Page 3, II. DISCUSSION, 11.

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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 and participation of the paramilitary organisations. This offers the parties another opportunity to use the process of decommissioning to build confidence one step at a time during negotiations.

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

**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.

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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.

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**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.

**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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