



Ireland No. 1 (2016)

Agreement

between the Government of the United Kingdom of Great Britain and
Northern Ireland and the Government of Ireland establishing the
Independent Reporting Commission

Dublin, 13 September 2016

[The Agreement is not in force]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 2016*

Cm 9334



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**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF IRELAND ESTABLISHING THE INDEPENDENT
REPORTING COMMISSION**

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland:

Recalling the agreement reached in multi-party negotiations and annexed to the Agreement signed by both Governments on 10 April 1998 (the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Belfast on 10 April 1998);

Recalling subsequent agreements, including the St. Andrew's Agreement, the Hillsborough Agreement devolving policing and justice powers, the Stormont House Agreement and the agreement reached on 17 November 2015, "A Fresh Start, The Stormont Agreement and Implementation Plan";

Reiterating their commitment to work collectively to achieve a society free of paramilitarism, including within the context of the Northern Ireland Executive's Strategy to End Paramilitarism (hereafter referred to as "the Executive's Strategy"), by tackling all paramilitary activity and associated criminality and supporting the rule of law, the PSNI and the criminal justice system;

Having decided to establish an independent international commission to report on progress towards ending paramilitary activity connected with Northern Ireland and to report on and inform the implementation of the Executive's Strategy;

HAVE AGREED as follows:

ARTICLE 1

The Independent Reporting Commission (hereafter referred to as "the Commission") is hereby established by the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland (hereafter "the Government of Ireland and the Government of the United Kingdom") in accordance with this Agreement.

ARTICLE 2

- (1) The Commission shall be independent in the performance of its functions.
- (2) The Commission shall have the legal capacity of a body corporate.

ARTICLE 3

The objective of the Commission is to carry out the functions as described in Article 4 of this Agreement with a view to promoting progress towards ending paramilitary activity connected with Northern Ireland, and supporting long term peace and stability in society and stable and inclusive devolved Government in Northern Ireland.

ARTICLE 4

- (1) In relation to the remaining threat of paramilitary activity, in particular from those paramilitary groups declared to be on ceasefire, the Commission shall:
 - (a) report on progress towards ending continuing paramilitary activity connected with Northern Ireland; and
 - (b) report on the implementation of the relevant measures of the Government of Ireland, the Government of the United Kingdom, and the Northern Ireland Executive, including the Executive's Strategy.
- (2) The Commission shall report annually to the Government of Ireland, the Government of the United Kingdom and the Northern Ireland Executive. The Government of Ireland and the Government of the United Kingdom may also jointly request reports on such further occasions as required. The Government of Ireland and the Government of the United Kingdom shall publish the reports of the Commission.
- (3) The Commission, in its reports, may make recommendations to the Northern Ireland Executive in order to inform future Programme for Government priorities and commitments through to 2021.

ARTICLE 5

In carrying out its functions as described in Article 4 of this Agreement the Commission shall consult:

- (a) the Government of Ireland and relevant law enforcement agencies;
- (b) the Government of the United Kingdom and relevant law enforcement agencies; and
- (c) in Northern Ireland, the Northern Ireland Executive, the Police Service of Northern Ireland, statutory agencies, local councils, communities and civic society organisations.

ARTICLE 6

The members of the Commission, who shall include in their number persons of international standing, shall be appointed and serve on terms and conditions decided by the Government of Ireland and the Government of the United Kingdom, as follows:

- (a) one member shall be nominated by the Government of Ireland;
- (b) one member shall be nominated by the Government of the United Kingdom;
- (c) two members shall be nominated by the Northern Ireland Executive.

ARTICLE 7

- (1) The Commission, its members, staff, property and premises, and any agents of, or persons carrying out work for or giving advice to, the Commission shall have such privileges, immunities and inviolabilities as may be conferred or provided by the relevant legislation of Ireland and of the United Kingdom.
- (2) That legislation shall, in particular, provide for immunity from suit and legal process, and the inviolability of the Commission archive, but may provide for the Commission to waive such immunities.

ARTICLE 8

Such moneys, premises, facilities and services as may be necessary for the proper functioning of the Commission shall be provided by the Government of Ireland and the Government of the United Kingdom on a basis to be determined by them.

ARTICLE 9

(1) No information shall be disclosed by, or on behalf of, the Commission in fulfilment of its functions under Article 4 except by decision of the Commission.

(2) Members of the Commission, staff of the Commission, persons carrying out work for or giving advice to the Commission and agents of the Commission shall, in accordance with the relevant legislation of Ireland and of the United Kingdom, be bound not to disclose any information obtained in the course of the performance of their functions under Article 4 as such members, persons or agents unless such disclosure is authorised by the Commission. Communication of such information to each other shall not be considered disclosure for the purposes of this Article.

(3) The Commission shall not do anything in carrying out its functions which might;

- (a) put at risk the safety or life of any person;
- (b) prejudice the national security interests of Ireland or of the United Kingdom;
- (c) have a prejudicial effect on any proceedings which have, or are likely to be, commenced in a court of law; or
- (d) have a prejudicial effect on the prevention, investigation, detection or prosecution of crime.

(4) Legislation in Ireland and in the United Kingdom may set out arrangements under which the Government of Ireland or the Government of the United Kingdom, respectively, may assist the Commission in meeting its obligations set out in Article 9(3).

ARTICLE 10

The Commission shall keep proper accounts and proper records of all moneys received or expended by it and shall, at the joint request of the Government of Ireland and the Government of the United Kingdom, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted to both the Government of Ireland and the Government of the United Kingdom.

ARTICLE 11

This Agreement shall enter into force on the date on which the Government of Ireland and the Government of the United Kingdom exchange notifications of completion of any procedures required by their law for entry into force of the Agreement.

ARTICLE 12

This Agreement shall continue in force until terminated by mutual agreement of the Government of Ireland and the Government of the United Kingdom and thereafter shall cease to have effect save in so far as and to the extent necessary for meeting any liabilities or disposing in an orderly manner of any remaining assets of the Commission and for the destruction by the Commission of all information received by it in connection with the performance of its functions under Article 4 of this Agreement and any records it holds relating to such information.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

DONE at Dublin in two originals on the thirteenth day of September 2016.

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland:**

JAMES BROKENSHERE

For the Government of Ireland:

CHARLES FLANAGAN

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