



Treaty Series No. 70 (1999)

Agreement

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

Independent Commission for the Location of Victims' Remains

Dublin, 27 April 1999

[The Agreement entered into force on 28 May 1999]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
November 1999*

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRELAND ESTABLISHING THE INDEPENDENT COMMISSION FOR THE LOCATION OF VICTIMS' REMAINS

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

Recalling the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland done at Belfast on 10th April 1998¹ and the Multi-Party Agreement reached at Belfast on 10th April 1998;

Reaffirming their total commitment to the principle of non-violence and to a new beginning in relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands;

Remembering the victims of violence and the suffering of the families of those victims;

Recognizing that the location of the remains of the victims of violence is essential to reconciliation and a new beginning in relationships;

Have agreed as follows:

ARTICLE 1

The Independent Commission for the Location of Victims' Remains (hereinafter "the Commission") is hereby established.

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

1. The objective of the Commission is to facilitate the location of the remains of victims of violence.
2. The Commission shall have the following functions:
 - (a) to receive information relating to the location of remains of such victims;
 - (b) to disclose the above information for the purpose of facilitating the location of remains to which the information relates;
 - (c) to report on its activities to both Governments no later than one year after its establishment and annually thereafter.

In addition, the Commission may, subject to the provisions of Article 7 below, provide or arrange for the provision of such information as it considers appropriate to the families of victims of violence.

3. For the purposes of this Agreement:
 - (a) "victims of violence" means persons killed before 10th April 1998 as the result of acts committed on behalf of, or in connection with, an unlawful organization;

¹Ireland No. 1 (1999) Cm 4292.

(b) “unlawful organization” means:

- (i) an organization proscribed for the purposes of the Act of Parliament of the United Kingdom entitled the Northern Ireland (Emergency Provisions) Act 1996; or
- (ii) an unlawful organization within the meaning of the Act of the Oireachtas entitled the Offences against the State Act 1939 in respect of which a suppression order has been made under that Act.

ARTICLE 4

1. The Commission shall have not less than two members. The members shall be appointed jointly by the two Governments who may also appoint additional members from time to time. The two Governments may jointly appoint one of the members as Chairperson. The members of the Commission shall serve on terms and conditions to be determined by the two Governments.

2. The Commission may appoint such staff as may be required to assist it in the discharge of its functions on such terms and conditions as the Commission may, subject to the approval of both Governments, determine.

ARTICLE 5

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 orders made in accordance with the relevant legislation of the United Kingdom and of Ireland.

ARTICLE 6

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

ARTICLE 7

Members and staff of the Commission, any persons carrying out work for or giving advice to the Commission and any agents of the Commission shall be bound not to disclose any information obtained in the course of the performance of their functions except in accordance with the provisions of the relevant legislation of the United Kingdom and of Ireland.

ARTICLE 8

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 two Governments, appoint auditors who shall audit the accounts of the Commission. The reports of the auditors shall be submitted to both Governments.

ARTICLE 9

This Agreement shall enter into force on the date on which the two Governments exchange notifications of their acceptance of it.

ARTICLE 10

The Agreement shall continue in force until terminated by mutual agreement of the two Governments and shall thereafter 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.

In witness whereof, the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Done in two originals at Dublin on the 27th day of April 1999.

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

MARJORIE MOWLAM

For the Government of Ireland

JOHN O'DONOGHUE



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