

1. Unionist wish to have Northern Ireland recognised as a natural democratic entity and consequences of that.
2. Unionist failure in real terms to recognise the nationalist identity. In addition they confuse traditions and jurisdictions. They are not co-terminous. No recognition of nationalist tradition's all Ireland frame of reference.
3. The absence of allegiance to institutions of state by sections of the community - an absence which creates particular problems in the fields of justice and order.

## FUNDAMENTAL OBSTACLES

While there are a number of obstacles in the way of developing proper relations between Northern Ireland and the Irish Republic we have been asked under Agenda Item 6 to deal with **fundamental** aspects of the problem. We see the fundamental obstacles which are not necessarily listed in order of priority:-

1. The present claim by the Irish Republic over Northern Ireland.
2. The inclusion of Northern Ireland by the Irish Republic as part of the "national territory".
3. The claim that the Irish Republic has the right to exercise jurisdiction over and in Northern Ireland.

The achievement of these claims is described by the Supreme Court of the Irish Republic as a "Constitutional Imperative".

4. The failure to recognise the existence of such an entity as "the people of Northern Ireland".
5. The claim that "the people of Northern Ireland" are part of "the Irish nation".

6. The denial to "the people of Northern Ireland" of their right to self-determination.

7. The refusal to recognise that Northern Ireland is in law part of the United Kingdom of Great Britain and Northern Ireland.

8. The undemocratic and unconstitutional nature and existence of the Anglo/Irish Agreement .

9. The absence of effective security/extradition co-operation on the part of the Irish Republic.

Issues to be resolved

1. Articles 2 & 3 and implications thereof.
2. Fear, mistrust and suspicion between the communities within Northern Ireland and between the two parts of Ireland.
3. The perceived necessity for continued involvement of the Irish Government in the internal affairs of Northern Ireland.
4. Lack of accommodation of Nationalist identity in proposed structures in Northern Ireland.
5. The lack of structures for meaningful co-operation on Social and Economic issues between North and South.
6. Lack of confidence by many Nationalists in the Institutions of State.
7. The need for ratification by the two Governments of Common Themes, Principles and Code of Practice.
8. Terrorism by both Republican and Loyalist Paramilitaries.

ISSUES TO BE ADDRESSED IN THE SEARCH FOR AGREEMENT ON A NEW  
RELATIONSHIP

- 1 The Territorial claim (Articles 2 and 3). Unambiguous consensus on constitutional issues.
- 2 The absence of institutional structures for contact and co-operation between the two parts of Ireland. (Kernel of Strand II).
- 3 The need to ensure that the outcome of the talks, taken as a whole - internal arrangements for the government of Northern Ireland, a new North/South relationship, future relations between the two Governments - give appropriate expression to the identities of both main traditions, on a basis of parity of esteem.

1. The fundamental obstacle is continuing disagreement, rooted in the history of Anglo-Irish relations, between the nationalist and unionist traditions in the island of Ireland on what the relationship between them should be.
2. This division is reflected within Northern Ireland, which is deeply polarised between two communities with different identities and allegiances.
3. The attempted settlement of the Government of Ireland Act did not resolve the problem. By creating an area specially dedicated to a unionist majority, it denied the Nationalist aspiration. It cut Northern nationalists off from the rest of Ireland and condemned them to permanent minority status in a state which largely denied their ethos and many of their rights.
4. The resulting violence and instability has been very costly in human and material terms both within Northern Ireland and in the rest of Ireland.
5. There is an absence of agreement on political institutions either within Northern Ireland or between North and South. Arrangements must be found, which both traditions can support, and which will give the nationalist community, as well as the unionist community, satisfactory, secure and durable political, administrative and symbolic expression and protection for their aspirations and identities
6. These institutions should be based on full respect for the fundamental rights of members of both traditions. They must enshrine equal respect for the legitimacy, ethos and aspirations of both.
7. They should also remove barriers and provide for close cooperation and the development of political agreement between both parts of Ireland. They should give practical expression to the aspirations of the nationalist community in both parts of Ireland and to the totality of relationships involved.

- (a) Lack of trust ... largely due to an absence of any normal channels of communication
- (b) Articles 2 & 3 of the Irish Republic's constitution ... the territorial claim.
- (c) The perceived dominant influence of the Roman Catholic church in Irish State affairs ... church/state relations.
- (d) The de facto repudiation of the 1925 (Confirmation of Agreement) Act.
- (e) Predisposition of the Irish Republic to use ambiguous language ... eg. Article 1 of the Anglo-Irish Agreement.
- (f) Terrorism and the Rule of law ... perceived attitudes to traditional terror organisations.
- (g) Perceived ambivalence of the Irish Republic in relation to international agreements.
- (h) The hi-jacking of elements of the Irish Cultural Identity by terrorist organisations ... and, indeed the Irish State.
- (i) Expressed lack of willingness by influential SDLP leaders to identify, even on a de facto basis, with Northern Ireland as a political entity.
- (j) Inability of the Irish Government to sign any agreement reached at this table, due to constraints of the Irish Republic's Constitution.