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FROM Q J THOMAS, DUS(L)  
20 October 1993  
DUSL/MR/42614

MR WILLIAMS

cc PS/PUS(L&B)  
PS/Mr Fell  
Mr Bell  
Mr Watkins  
Mr Brooker  
Mrs Collins  
Mr Cooke  
Mr Maccabe  
Mr Quinn  
Mr Beeton  
Ms Lodge  
Mr Archer RID  
HMA Dublin  
Mr Hallett  
Mr Caine

[SIGNED]

**AMENDMENT OF ARTICLES 2 and 3: JOINT FRAMEWORK DOCUMENT**

Thank you for your minute of 19 October which seems convincing to me.

2. I have amended my illustrative draft as you proposed and it is attached.

3. Meanwhile we wait to see if the Irish side table anything before the meeting. You told me that the Ambassador had mentioned to you that Noel Dorr had said that he had "seen" the Irish paper. Let us hope that this does not belong in the same category as those reports from the middle ages of sightings of the unicorn.

4. If the Irish side do not produce specific proposals (which I suppose need not necessarily be in writing) I doubt if we will be driven to amend our paper to any extent before the IGC. On that basis I would envisage a report to the IGC which recounted when we had tabled our paper, the meetings we had had on it,

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made clear that the Irish side had yet to respond in full and that we awaited further and better particulars with interest. Our paper would be annexed.

5. On the other hand if an Irish paper does emerge we should work hard to get an agreed text. It may be that we will be driven back to the device of a series of parallel statements of British and Irish positions. If that meant that the Irish side had finally broken cover and shown their hand I would count that a considerable advance, paving the way for further work in the Liaison Group. But we may yet do better than that...

[SIGNED]

Q J THOMAS  
20 October 1993  
OAB 6447

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## CONSTITUTIONAL ISSUES

1. Both Governments have a shared understanding of the constitutional issues which they believe reflects a balanced accommodation of the differing positions of the two main traditions. This includes the elements described in the following paragraphs.
2. The Irish Government understands and accepts the integrity and validity of the British Government's position which is that:
  - (i) it affirms that it would be wrong to change Northern Ireland's status as part of the United Kingdom save with the consent of a majority of its people;
  - (ii) it affirms that it has no selfish strategic or economic interest in retaining Northern Ireland within the United Kingdom against the wishes of its people;
  - (iii) it acknowledges that a significant minority of the people of Northern Ireland wish for, either immediately or at some time in the future, a united Ireland and that they have the right to pursue that aspiration from a basis of parity of esteem by peaceful and democratic means and without impediment;
  - (iv) it confirms that if, in the future, a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, it will introduce and support legislation to give effect to that wish;
  - (v) it affirms it will work to ensure efficient,

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effective and even-handed government in Northern Ireland unless and until it may cease to be part of the United Kingdom in the circumstances envisaged above;

(vi) and confirms that, in doing so, it wishes to benefit from the views and proposals which the Irish Government may put forward on aspects of the government of Northern Ireland on the basis that the two governments will make determined efforts to resolve any differences between them.

(iii) It confirms that if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, it will introduce and support legislation to give effect to that wish;

(iv) It acknowledges that at present no such majority exists, and that the wishes of those who seek to maintain Northern Ireland's present status outside a united Ireland deserve respect and should be accorded parity of esteem, both at present and in the eventuality of there being a united Ireland;

(v) It affirms that, pending the establishment of a united Ireland, the British Government, as the legitimate authority, should work to ensure efficient, effective and even-handed administration in Northern Ireland;

(vi) confirms its wish that it should continue to enjoy and exercise a right to offer views and proposals to the British Government on all aspects of the government of Northern Ireland on the basis that the two governments will make determined efforts to resolve any differences between them.

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3. The British Government understands and accepts the integrity and validity of the Irish Government's position which is that:

(i) it holds that there should one day be established by consent a sovereign united Ireland;

(ii) it affirms that this should be achieved only with the full and free consent of a majority of the people of Northern Ireland;

(iii) it confirms that if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, it will introduce and support legislation to give effect to that wish;

(iv) it acknowledges that at present no such majority exists, and that the wishes of those who seek to maintain Northern Ireland's present status outside a united Ireland deserve respect and should be accorded parity of esteem, both at present and in the eventuality of there being a united Ireland;

(v) it affirms that, pending the establishment of a united Ireland, the British Government, as the legitimate authority, should work to ensure efficient, effective and even-handed administration in Northern Ireland;

(vi) confirms its wish that it should continue to enjoy and exercise a right to offer views and proposals to the British Government on all aspects of the Government of Northern Ireland on the basis that the two governments will make determined efforts to resolve any differences between them.

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- 4. Against this background, the Irish Government declares that, if there is an agreed outcome from the process of dialogue established by the statement of 26 March 1991 consistent with these principles, it will put forward proposals for the amendment of Articles 2 and 3 of the Irish Constitution to reflect the understandings in this document and seek the necessary support for their implementation. It envisages that the amendments would provide...
- 5. The British Government similarly declares it will take the necessary steps to initiate and support changes in UK constitutional legislation to reflect the same understanding.

Mr. Gubbins - 2  
 Mr. Ballis - 2  
 Mr. Cairns - 2

Mr Thomas - 2

AMENDMENT OF ARTICLES 2 AND 3 - A JOINT FRAMEWORK DOCUMENT

1. I was grateful for your 18 October minute and the possible revision of the Constitutional Issues section of the Joint Framework Document. Since we seem to be very close in our assessment of what might be achievable in the context of Irish political realities, it is not surprising that I found your suggested text to have a great many attractions. Among these are:

- (a) the contribution which a 'mutual recognition formula' such as this would demonstrably make to the parity of esteem element of any package;
- (b) the tactical advantage of seeking to bring the Irish further forward on the fulcrum points of the NI unit of determination, without requiring them to sacrifice deeply-held conceptions of the Irish nation and Irish unity.

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