

CONFIDENTIAL

FROM Q J THOMAS, DUS(L)
18 October 1993
DUSL/MR/42536

MR WATKINS

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

AMENDMENT OF ARTICLES 2 AND 3: JOINT FRAMEWORK DOCUMENT

I have read with interest the exchanges about this stimulated by Ms Lodge's minute of 4 October.

2. I share the view expressed in your minutes of 8 and 13 October that the Irish Government will find it difficult to go so far as to accept that Northern Ireland is part of the UK, and that one objective is to get them to acknowledge, in a more forward and less ambiguous way than in the 1985 Agreement, that a united Ireland could be achieved only with the consent of a majority of the people of Northern Ireland.

3. At the end of the last meeting of the Liaison Group I canvassed the idea of "some kind of mutual recognition formula" (paragraph 29 of Mr Quinn's note of the meeting). The Irish side showed some interest in this.

4. Against that background I have sketched out the attached. It may be useful ammunition for us to draw on at the

CONFIDENTIAL

next meeting of the Liaison Group. But much depends on what, if anything, the Irish side produces. We need them to define their own position, including, if they are able to, their wish list for "constitutional balance". We have no need to move unless and until they show more of their hand.

5. Nonetheless I suspect that in the last resort it may be difficult to find satisfactory propositions to which both Governments can assent, and that a possible compromise will lie in each government accepting in appropriate language the other's statement of its own position. At the heart of all this must be, as you suggest, the recognition that the fulcrum is the consent of a majority of the people of Northern Ireland, in whichever direction that is exercised.

[SIGNED]

Q J THOMAS
18 October 1993
OAB 6447

CONFIDENTIAL

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,

CONFIDENTIAL

1. The 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 their 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.

CONFIDENTIAL

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

(i) it holds that [Ireland is indivisible and] there should one day be established 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 their 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.

CONFIDENTIAL

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.