

**Dermot Nally
Papers**

UCDA P254/67

26/11/93
P254/67CONSTITUTIONAL ISSUES

1. The Prime Minister and the Taoiseach, on behalf of their Governments, agreed to the following Statement on constitutional issues relevant to the process of inclusive dialogue involving them and the main constitutional parties in Northern Ireland.

2. The Prime Minister, on behalf of the British Government, made the following statement:

- (a) The British Government reaffirms that Northern Ireland's present status as part of the United Kingdom will not change without the consent of a majority of its people.
- (b) The British Government affirms that:
- (i) while its fundamental interest in Northern Ireland is to uphold by all legitimate means the democratic wishes of its people as to their constitutional status, it has no selfish strategic or economic interest that would lead it to seek to retain Northern Ireland within the United Kingdom against the wishes of the greater number of its people;
 - (ii) its overriding concern is to see peace, stability and reconciliation established by agreement among all the people who inhabit the island; and
 - (iii) it will continue to work with the Irish Government and the constitutional parties in Northern Ireland to achieve such an agreement, which should embrace the totality of relationships, and lead to the establishment of arrangements and institutions which reflect the principles of equality of opportunity,

equity of treatment and parity of esteem, and hence attract the support and assent of all their people.

(c) At the same time, the British Government:

- x (i) acknowledges that the people living in Ireland, North and South, should be free separately, without coercion or violence, to determine whether a united Ireland should be established;

- x (ii) accepts and acknowledges accordingly that if, but only if, a majority in each part of Ireland freely expressed the wish that there should be a united Ireland then, in accordance with normal democratic principles, this should come about;

- (iii) confirms, in particular, 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) confirms its wish to see agreement reached on arrangements, structures or institutions to which all the people living in Ireland, North and South, could separately give assent and support;

- (v) confirms that such arrangements, structures or institutions may, to the extent that they may be empowered to do so by new political institutions in Northern Ireland, the Westminster Parliament, or the Dail as

appropriate, take the form of agreed structures for the island as a whole;

- (vi) acknowledges, accordingly, a binding obligation to work to implement without impediment any measure of agreement on future relationships in the island of Ireland, whether of this character or any other, which the people living in the North and South may separately themselves freely determine and consent to;

and accordingly hereby agrees that it is for the people of the island of Ireland, North and South separately, themselves to exercise such rights of self-determination on the basis of freely and concurrently given consent, North and South.

- (d) The British Government acknowledges that a substantial minority of the people of Northern Ireland wish for a united Ireland; accepts that they have the right to pursue that aspiration from a basis of parity of esteem, by peaceful and democratic means and without impediment; but believes that relations on the island of Ireland, and between the two islands, need to be enhanced by a change in the Irish Constitution whereby the claim of right to Northern Ireland is no longer exerted, and the principle is reflected (as enunciated in the Joint Statement of 29 October 1993) that any political settlement must depend on consent freely given in the absence of force or intimidation.

- (e) The British Government, without prejudice to the foregoing, would welcome the achievement by the people of the island of Ireland, North and South, of agreement on how they may live in concord, harmony and

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partnership, showing respect for their diverse traditions and fully recognising the special links and the unique relationship which exist between the people of Britain and Ireland. The British Government will seek, consistently with the foregoing, to assist and enable such a process over a period of dialogue and co-operation based on full respect for the rights and identities of both traditions in Ireland.

3. On behalf of the Irish Government, the Taoiseach made the following statement:

- (a) The Taoiseach, on behalf of the Irish Government, considers that the lessons of Irish history, and especially of Northern Ireland, show that stability and well-being will not be found under any new political system which is refused allegiance or rejected on grounds of identity by a significant minority of those governed by it. He accepts, on behalf of the Irish Government, that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised following the agreement and consent of a majority of the people of Northern Ireland and must, consistent with justice and equity, respect the democratic dignity and the civil rights and religious liberties of both communities. These would be reflected in any future political and constitutional arrangements emerging from a new and more broadly based agreement. The Taoiseach confirmed that, in the event of such an agreement being achieved, the Irish Government will put forward proposals for a change in the Irish Constitution whereby the claim of right to Northern Ireland is no longer exerted, and the principle is

reflected that any political settlement must depend on consent freely given in the absence of force or intimidation, and will seek the necessary support for implementing such changes.

- (b) Despite the affirmation by both Governments in the Anglo-Irish Agreement that any change in the status of Northern Ireland would only come about with the consent of a majority of its people, the Taoiseach recognises the genuine difficulties and barriers to building relationships of trust either within or beyond Northern Ireland, from which both traditions suffer. He will work to create a new era of trust, in which suspicions of the motives or actions of others is removed on the part of either community. He considers that the future of the island depends on the nature of the relationship between the two main traditions that inhabit it. Every effort must be made to build a new sense of trust between those communities. In recognition of the fears of the Unionist community, and as a token of his willingness to make a personal contribution to the building up of that necessary trust, the Taoiseach will examine with his colleagues any elements in the democratic life and organisation of the Irish State that can be represented to the Irish Government in the course of political dialogue as a real and substantial threat to their way of life and ethos, or that can be represented as not being fully consistent with a modern democratic and pluralist society. Such an examination would of course have due regard to the desire to preserve the inherited values that are largely shared throughout the island or that belong to the cultural and historical roots of the people of

this island in all their diversity. The Taoiseach hopes that over time a meeting of hearts and minds will develop, which will bring all the people of Ireland together, and will work towards that objective. In any event he pledges that as a result of the efforts that will be made to build a mutual confidence no Northern Unionist should ever have to fear in future that this ideal will be pursued either by threat or coercion. He reaffirms that no agreement can be reached in respect of any change in the present status of Northern Ireland without the freely expressed consent of a majority of its people.

- (c) The Taoiseach recognises the uncertainties and misgivings which dominate so much of Northern Unionist attitudes towards the rest of Ireland. He believes that we stand at a stage of our history when the genuine feelings of all traditions in the North must be recognised and acknowledged. He appeals to both traditions at this time to grasp the opportunity for a fresh start and a new beginning, which could hold such promise for all our lives and the generations to come. He asks the people of Northern Ireland to look on the people of the Republic as friends, who share their grief and shame over all the suffering of the last quarter of a century, and who want to develop the best possible relationship with them, a relationship in which trust and new understanding can flourish and grow. The Taoiseach also acknowledges the presence in the Constitution of the Republic, specifically Articles 2 and 3, of elements which are deeply resented by Northern Unionists, but which at the same time reflect hopes and ideals which lie deep in the hearts of many Irishmen and women North and South.

But as we move towards a new era of understanding in which new relationships of trust may grow and bring peace to the island of Ireland, the Taoiseach believes that the time has come to consider together how best the hopes and identities of all can be expressed in more balanced ways, which no longer engender division and the lack of trust to which he has referred.

- (d) The Taoiseach recognises the need to engage in dialogue, which would address with honesty and integrity the fears of all traditions. But that dialogue, both within the North and between the people and their representatives of both parts of Ireland, must be entered into with an acknowledgement that the future security and welfare of the people of this island will depend on an open, frank and balanced approach to all the problems which for too long have caused division.

4. Against this background the Prime Minister and Taoiseach confirmed their wish to work through the Talks process to reach agreement on the creation of institutions and structures which, while respecting the diversity of the people of Ireland, would enable them to work together in all areas of common interest. They believed this would help over a period to build the trust necessary to end past divisions, leading to an agreed and peaceful future. Such structures would, of course, include institutional recognition of the special links that exist between the people of Britain and Ireland as part of the totality of relationships, while taking account of developing relationships with the rest of Europe. } C.

5. The Prime Minister and the Taoiseach reiterated that all those claiming a serious interest in advancing the cause of peace in Ireland should renounce for good the use of, and support for, violence. If and when such a renunciation of violence had been made and sufficiently demonstrated, new doors could open and both Governments would wish to respond imaginatively to the new situation which would arise. The Prime Minister and the Taoiseach confirmed that if the IRA were to end violence for good then - after a sufficient interval to ensure the permanence of their intent - Sinn Fein could enter the political arena as a democratic party and join the dialogue on the way ahead.