

SELF-DETERMINATIONAlternative Language

"The British government [reaffirm Northern Ireland's statutory constitutional guarantee;] agree that the people of the island of Ireland, North and South [separately] [respectively] should be free, without coercion or violence, to determine whether a united Ireland should be established; and accordingly agree that it is for the people of the island of Ireland alone, [on this basis,] [on the basis of freely and concurrently given consent, North and South,] to exercise their right of self-determination [to bring about a united Ireland, if that is their wish]."

Note

- i) the constitutional guarantee is better here, but it could go elsewhere, though it should be para 4;
- ii) "separately" could be traded for "respectively" (provided the constitutional guarantee is in the text somewhere);
- iii) the Irish side can be frightened by canvassing expanding the reference to the guarantee with the words in square brackets;
- iv) the last 2 sets of square brackets will make the sentence much closer to JD14.

Provided the constitutional guarantee is elsewhere in the text we could negotiate down to this:

ARTICLES 2 & 3 AND CONSENT

"The British government agree that the people of the island of Ireland, North and South respectively, should be free, without coercion or violence, to determine whether a united Ireland should be established; and accordingly agree that it is for the people of the island of Ireland alone, on the basis of freely and concurrently given consent, North and South, to exercise their right of self-determination to bring about a united Ireland, if that is their wish."

proposals tabled in Dublin mention two candidates: first withdrawing the claim of right to Northern Ireland; second acknowledging the principle of freely given consent. (Our proposed amendment to paragraph 5 also introduced the notion that it would be wrong to seek a united Ireland unless (save on the basis that) a majority of the people of Northern Ireland freely consented.)

2. A contingent commitment to remove the "claim of right" will be difficult for the Irish side, though it would be an enormous prize, even as a contingent commitment. The Irish side (especially its Flannery component) are probably hoping that, even if they are driven to reform Articles 2 and 3, they can retain the claim but gloss it by saying it will be implemented only with consent. Most of the parties in the Dail would accept or advocate replacing the claim with an aspiration. (The Irish non-paper, leaked in the Irish Press, envisages a non-amendment: ie adjusting Articles 2 and 3 to reflect fully the principle of consent as defined in the AIA. The Supreme Court has already found the AIA and Constitution compatible.)

3. The points on Articles 2 and 3 and on consent, which arise in paragraphs 5 and 7, could be brought together in this way: