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NORTHERN IRELAND OFFICE  
21 OCT 1993  
26  
SIL DIVISION

FROM Q J THOMAS, DUS(L)  
20 October 1993  
DUSL/MR/42647

PUS(L)

- cc PS/Mr Fell
- Mr Bell
- Mr Watkins
- Mr Williams
- Mr Brooker
- Mrs Collins
- Mr Cooke
- Mr Maccabe
- Mr Quinn
- Mr Beeton
- Ms Lodge
- Mr Archer RID/FCO
- HMA Dublin
- Mr Hallett via SIL
- Mr Caine

F: PD: Framework  
Jct

**AMENDMENTS OF ARTICLES 2 AND 3 - JOINT FRAMEWORK DOCUMENT**

Many thanks for your minute of 20 October.

2. I see of course the merit of saying that the British Government "respects" the integrity and validity of the Irish Government's position...

3. The possible problem arises in respect of the parallel text concerning what the Irish Government understands and accepts/respects. Part of the trick we are trying to take is to get as forward an acknowledgement as possible from the Irish Government that the constitutional issue turns on the consent of a majority with the people of Northern Ireland.

4. Mr Watkins, in his helpful minute of 20 October suggests another approach which would imply saying:

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

(i) it holds that [Ireland is indivisible and] there should one day be established [by consent] a sovereign united Ireland"

Do we prefer in each case to "understand and accept the integrity" or to "understand and respect the integrity and validity"? We can perhaps consider this in slower time, together with Mr Bell's interesting and helpful analysis and his own proposal for a more modest, but probably more realistic, formulation which involves each Government stating its own view but without at this stage according each other mutual understanding acceptance or respect. Like you, I see the merit (on expedience) of warmer language about the Union, as Mr Bell has canvassed.

5. While I have the floor, as it were, perhaps I could say, in response to another of Mr Watkins' observations that I think the word "all" might be deleted from paragraph 3(vi).

6. I also like Mr Watkins' proposed addition to 3(ii).

7. More generally I am very happy to accept, or be guided by, Mr Watkins' indulgent interpretation of my tactical segacity.

8. I attach a further version of the passage for internal working purposes.

[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][respects] the integrity [and validity] of the British Government's position which is that:

(i) it supports the Union of Northern Ireland and Great Britain and 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.

Northern Ireland (and provided that at the same time the full and free consent of a majority of the people of the Republic of Ireland is given);

(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

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3. The British Government understands and [accepts] [respects] 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 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 [and provided that at the same time the full and free consent of a majority of the people of the Republic of Ireland is given];

(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

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British Government 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.

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.

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