

## C O N F I D E N T I A L

FROM: C G MACCABE  
 POLITICAL AFFAIRS DIVISION  
 20 June 1996

cc Mr Bell - B  
 Mr Leach - B  
 Mr Watkins - B  
 Mr Beeton - B  
 Mrs Brown - B  
 Mr Hill (B&L) - B  
 Mr Stephens - B  
 Mr Whysall - B  
 Mr Lamont, RID - B  
 HMA, Dublin - B

Mr Thomas - B

CONSTITUTIONAL ISSUES PAPER: DRAFT

Having kept my head below the parapet until Mr Bell had an opportunity to reply to your minute of 3 June, I must now come out as one of those who, like Mr Bell, sees a crucial distinction between a "territorial claim of right to Northern Ireland" and a "territorial claim of right to jurisdiction over Northern Ireland".

2. While I doubt that Professor Bew's observation about NIO officials included me, this is only because I have never discussed the matter with him. If I had I am afraid I too would have failed in my duty to the Secretary of State (as specified in your minute) by advancing a judgement contrary to his. With, if I may say so, typical elegance and conviction, Mr Bell's minute of 18 June makes the case for the alternative interpretation of paragraph 21 of Frameworks; and I could not come close to putting it better. I would simply add that in the current (and foreseeable) political climate, in which most Unionists feel the tide is running against them, and many Nationalists that they are nearing the crest of a wave, anything short of an absolute renunciation of the claim to Northern Ireland, and its replacement by an aspiration, will provide the former with no reassurance. In fact, in such circumstances I am sure ambiguity actually does a lot more harm than good.

[signed CGM]

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