

Constitutional Issues.

It is particularly difficult to cleanly divide constitutional issues between the strands: we will accordingly be presenting a single paper on constitutional issues in Strand 1 and 2.

The constitutional status of Northern Ireland and the principle of consent.

Northern Ireland is part of the United Kingdom, and is so because that is the choice of a clear majority of its citizens. Recognition of those facts, and of the fundamental principle that it is for the people of Northern Ireland to decide their own future - is the essential cornerstone for a successful outcome to this process.

We welcome the support for the principle of consent set out by both governments in the Downing Street Declaration and other subsequent documents. The embodiment of that principle in the constitutions of both jurisdictions would do much to remove the basis for distrust and provide a sure foundation for the development of positive relationships on all sides.

The relevance of on-going constitutional change in the UK

Devolution by its nature permits different arrangements in different areas to take account of local needs. Nevertheless in devising a satisfactory scheme of devolution for Northern Ireland it will be necessary to have regard to the emerging schemes for devolution in Scotland and Wales.

The entrenchment of arrangements and protections.

It will be necessary to ensure the effective entrenchment of those features included in new arrangements which are perceived as being particularly necessary for the protection of rights or of the needs and concerns of particular groups.

The protection of human rights.

The clear, effective and entrenched protection of human rights is an essential element in any new arrangements. The incorporation of the European Convention on Human Rights in UK domestic law as proposed by the present British government would be a very important step in that direction. A similar incorporation by the Irish government would be another positive step, creating an unbreakable framework of shared protection of fundamental rights.

The Irish Constitution

Articles 2 and 3 of the Irish Constitution are unclear and unsatisfactory and take no account of the wishes of the people of Northern Ireland. They should be amended so as to clearly embrace the principle of consent. Other aspects of the Irish constitution should be examined with a view to bringing about a constitution which more appropriately reflects the realities and diversities of modern Ireland.

The alignment of the two constitutions.

Given the importance of removing doubt and establishing new arrangements on a firm foundation it would be valuable to incorporate the principle of consent in the same terms in the Irish Constitution and in an appropriately entrenched form of British legislation.