

RESTRICTED

FROM:

E C Hallett
British Embassy, Dublin

DATE:

26 June 1996

cc:

Mr Thomas - B
Mr Bell - B
Mr Leach - B
Mr Watkins - B
Mr Beeton - B
Mr Hill - B
Mr MacCabe - B
Mr Stephens - B
Ms Harrison - B
Mr Lamont, RID - B
HMA



Mr Whysall - B
CPL

CONSTITUTIONAL ISSUES

1. In paragraph 4 of your minute of 24 June to Mr Bell, you suggest that RID might investigate the UUP assertion that the Irish territorial claim in Articles 2 and 3 is in violation of international law and OSCE principles.

2. We have looked into this question a number of times before and consulted FCO Legal Advisers. Their views may be summarised as follows:

The Irish territorial claim has no validity in UK domestic law or in international law. The maintenance of a territorial claim by one state over another is not, however, in itself contrary to international law as long as the claim is pursued exclusively by peaceful means. Neither is a territorial claim contrary to OSCE principles. Principle I of the Helsinki Final Act provides for the possibility of changes of frontier by peaceful means and by agreement. References in other Principles to the "territorial integrity" of states and the "inviolability of frontiers" relate to any attempt to change frontiers by force.

(Signed)
E C Hallett

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