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17 October 1997

## CONSTITUTIONAL ISSUES

### A paper by the British Government

1. This paper is submitted in respect of strand one and strand two of the multi-party negotiations.
2. The British Government's views on the constitutional issues which arise in respect of Northern Ireland are set out in the Joint Declaration of December 1993 and in a more fully developed form in paragraphs 14 to 21 of *A new Framework for Agreement*. The British Government stands by all the commitments and proposals set out there. It commends that passage to the attention of other participants and believes it could provide the basis for achieving a balanced accommodation of the differing positions of the two main traditions on this important nexus of issues.
3. Against that background, the essence of the British Government's position is reflected in its commitment to uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. Currently, Northern Ireland is (as is recognised in international law, and reaffirmed in section one of the Northern Ireland Constitution Act 1973) a part of the United Kingdom, that being the present wish of a majority of its inhabitants.
4. The British Government further believes that any new arrangements arising from the multi-party negotiations will need to reflect the principle of consent in all its aspects, namely: that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of people there; that if a majority of people in Northern Ireland wished for a sovereign, united Ireland that would be given effect; that the consent of the governed is an essential ingredient

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for stability in any political arrangement; and that the aim of the negotiations is to achieve a new and lasting agreement which commands the consent of both Unionists and nationalists.

5. Consistent with that, the British Government agrees that it is for the people of the island of Ireland alone, by agreement between the two parts respectively, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland if that is their wish; and reiterates its commitment that if in future a majority of the people of Northern Ireland wish for and formally consent to the establishment of a united Ireland, it would introduce the necessary legislation to give effect to that wish, or equally to any measure of agreement on future relationships in Ireland which the people living in Ireland may themselves freely so determine.
6. The British Government is prepared to reflect this approach, based on continuing willingness to accept the will of a majority of the people of Northern Ireland on these constitutional issues, in British constitutional legislation, either by amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation, and appropriate new provisions entrenched by Agreement.
7. The British Government welcomes the commitment of the Irish Government, as part an agreed settlement, to introduce and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland and demonstrably be such that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, while maintaining the existing birthright of everyone born in either jurisdiction in Ireland to be part, as of right, of the Irish Nation.
8. The British Government believes that these changes would enable a new Agreement to be ratified which would include recognition by both Governments of

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the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status.

9. Pending any change in the constitutional status of Northern Ireland the British Government will exercise its jurisdiction with rigorous impartiality on behalf of all the people of Northern Ireland in their diversity; with emphasis on full respect for, and equality of, civil, political, social and cultural rights and freedom from discrimination for all citizens, on parity of esteem, and on just and equal treatment for the identity, ethos and aspirations of both communities; and in a way which does not prejudice the freedom of the people of Northern Ireland to determine, by peaceful and democratic means, its future constitutional status.

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