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H.M. GOVERNMENT TO WHALL COMON

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Constitutional Change

- There must be a clear and unequivocal withdrawal of the territorial claim by the Irish Republic over Northern Ireland to enable its government to recognise and respect Northern Ireland's place within the United Kingdom. This will require the deletion from article 2 of the definition of the "national territory". This could be replaced by a definition of the "nation" which is capable of including those in Northern Ireland who regard themselves as part of that nation. This would entitle them to Irish passports and to the exercise of the other privileges of citizenship if domiciled in the Irish Republic.
- A revised new article 3 should repeat the limitation of the effect of Dail legislation to the 26 counties so as to exclude any possibility of an exercise of jurisdiction over Northern Ireland.
- It is essential that there is nothing that could be construed as a "constitutional imperative" to seek a united Ireland constraining in any way the policy of a future Irish government with regard to Northern Ireland. Relations must be based on respect and it is quite dishonest to seek to co-operate with a neighbour while at the same time intending to destroy or absorb that neighbour. The Irish government and people must decide which is their true intention and bring their constitution into accord therewith.
- We understand that the "balance" sought by the Irish government is that the consent principle be reflected in British legislation. Section 1 of the Northern Ireland Constitution Act 1973 does that. We understand that the Irish Government, however, regards that as being merely a negative statement, as there is no obligation on HMG to hold a referendum for the purposes of the 1973 Act, and they want a more positive expression. The most that could be done in that regard is to incorporate in the Agreement an undertaking by HMG that, if the people of Northern Ireland, in some formal way, indicate that they want constitutional change, then HMG would hold a referendum and, if the change was approved by a sufficient majority, implement that change.
- There should be an equivalent definition in British legislation of an entitlement to be part of the British nation for all people on the island to accommodate the British minority in the Republic, together with an acknowledgement by the Irish Government of their right to be British, without loss of any entitlement while in the Republic.