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Constitutional Change

While we have not seen any text the suggested new article 2 of the Irish Constitution read to us appears satisfactory. The essence of this article is deletion of the definition of the national territory and its replacement with a definition of the "nation" which states that membership of the Irish nation is the entitlement of all persons in the island of Ireland. The first part of the proposed new clause 3, however, is unacceptable. It apparently will state that creating a single state on the island is a "national objective". This will perpetuate the "constitutional imperative" and may render the Dublin government incapable of entering into any relationship with Northern Ireland unless it can be shown that the relationship is a means of achieving the objective. We will need to be sure that Dublin is sincere in any co-operative arrangements.

The second part of new article 3, limiting the effect of Dail legislation to the 26 counties also appears acceptable.

The "balance" Dublin seeks is that the consent principle be reflected in British legislation. We regard section 1 of the 1973 Act as doing that. The Irish, however, regard that as being merely a negative statement, particularly as there is no obligation on HMG to hold a referendum, and they want a more positive expression. This need could be met by an undertaking by HMG that, if the people of Northern Ireland, in some formal way, indicated that they want

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constitutional change, then HMG would in hold a referendum and, if the change was approved by a sufficient majority, implement that change.

We would like 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.

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