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DS

June, 1994.

Cllr. J.G. McMichael,
Lisburn Borough Council,
21A Market Place,
Lisburn BT28 1AN,
Co. Antrim.

Dear Mr. McMichael,

Thank you for your letter of 30 May. I have repeatedly made it clear that the Irish Government's position is, as set out in the Downing Street Declaration, that 'it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland'. In my Oxford Union speech, in my Spotlight interview on 2 June, and in countless other public statements over the past 6 months, I have emphasised that neither the Government nor the people of the Republic want any hand, act or part in coercion of the majority of the people of Northern Ireland into a united Ireland against their will. The Irish Government do not seek to achieve a united Ireland by force or by strength, but only by freely given agreement and consent. This is not simply my view. Successive Irish Governments since 1985 have been firmly committed in international law to the principle that Irish unity could come about only with the consent of a majority of the people of Northern Ireland.

In view of that clear and unequivocal statement of position, and the certainty provided in the Declaration about the only way in which constitutional change can take place, with the consent of the people of the North, there is no vestige of justification for the Loyalist campaign of violence North or South, any more than

there is a vestige of justification for continued IRA violence. Neither the Irish nor the British Governments will permit paramilitary organisations, Loyalist or Republican, to bolster their negotiating case by violence and will not be influenced or deflected by paramilitary activity, no matter where it is carried out, from the search for peace with justice.

In response to your specific questions:

Q.1. Does your Government seek a role in the governance of NI?

A. The Irish Government have no powers of Government over Northern Ireland, nor do we seek constitutional change except by consent, obtained through the democratic process. We do not seek to impose constitutional change by stealth or coercion, whether it be a united Ireland, or joint sovereignty or joint authority.

The Anglo-Irish Agreement between the British and Irish Governments, while setting down clear rules for any constitutional change, which can only occur by consent, established an intergovernmental conference that enables the Irish Government to put forward views and proposals on matters relating to Northern Ireland, and both Governments to work together for the accommodation of the rights and identities of the two traditions, and for peace, stability and cooperation throughout the island of Ireland. While the conference is also a framework 'within which the Irish Government may put forward views and proposals on the modalities of bringing about devolution in Northern Ireland, in so far as they relate to the interests of the minority community', the Irish Government will not interfere with any arrangements for the internal government of Northern Ireland that have wide cross-community support and that are part of a wider agreement that addresses all the relationships involved. The full scope of consultation is set out in the text of the Agreement (Art. 4).

However, the Agreement also makes it clear that there is no derogation of sovereignty, and that each Government retains

responsibility for decisions within its own jurisdiction. Since 1988, the Irish Government have made it clear that we are prepared to negotiate a new agreement, which would command broad consent, and which would transcend or supersede the Anglo-Irish Agreement. But such an agreement can only be negotiated, with the main constitutional parties at the table.

Q.2. Does your Government have a selfish strategic or economic interest in the territory of NI?

A. The Irish Government's overriding interest is in peace in Northern Ireland, and negotiating a comprehensive agreement between the two traditions in Ireland as envisaged in the Joint Declaration. The Joint Declaration formally expresses my view that it would be wrong to attempt to impose a united Ireland, in the absence of the freely given consent of a majority of the people of Northern Ireland. I have therefore accepted that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland. On that basis, like the British Government, the Irish Government have no selfish reasons that would lead them to seek to override that consent or to dispense with it.

Indeed, it is the agreed aim of both Governments set out in the Declaration, (para. 2), 'to foster agreement and reconciliation, leading to a new political framework founded on consent and encompassing arrangements within Northern Ireland for the whole island and between these islands'. This is without prejudice to our belief that in the rapidly changing conditions of today's world the achievement of a united Ireland by agreement and consent would provide the best and most lasting solution, politically, economically, and culturally, which would be in the long-term interests of the people of both traditions on this island. The Joint Declaration recognises in language, taken from wording actually chosen by Loyalist organisations, 'the right to pursue democratically national and political aspirations' and 'the right to seek constitutional change by peaceful and legitimate means'. By decision of the Supreme Court in 1990,

Articles 2 and 3 of the Irish Constitution have been declared fully compatible with the obligations of the Irish Government under international law, both under the United Nations Charter and the CSCE Final Act, to treat the principle of consent as an imperative.

Q.3. Does your Government seek to encourage expression of the democratic wish of the greater number of the people of Northern Ireland, to this end would it support a referendum on the 1985 Anglo-Irish Agreement as suggested in art. 8 & 9 of the joint declaration?

A. Respect for the democratic wish of a greater number of the people of Northern Ireland reaffirmed by the British Prime Minister relates to the issue of whether they prefer to support the Union or a sovereign united Ireland. The holding of a referendum on any other subject is a matter for the British Government to decide. We would be prepared to support, if it is necessary and widely desired, a referendum in both parts of Ireland, 'on any measure of agreement on future relationships in Ireland'. I should say, however that there is nothing in the Joint Declaration that commits either Government explicitly or implicitly to holding a referendum on the Anglo-Irish Agreement, which is an international agreement properly concluded between two sovereign Governments in the exercise of their respective democratic mandates, and which does not involve any constitutional change.

Q.4. Does your Government accept, and support, the possibility that the democratic wish of the greater number of the people of Northern Ireland may be for Northern Ireland to remain within the United Kingdom, with no role for the government of the Republic in the governance of NI as suggested in art 5, 6 & 7 of the joint declaration? And would you support the earliest test of this opinion without preconditions?

A. The Irish Government freely accept, and I have stated on a number of occasions, that Irish unity can be achieved only by those who favour this outcome persuading those who do not,

peacefully and without coercion, and furthermore that realistically a united Ireland by agreement is unlikely to come about for some considerable period of time. Nevertheless, the Irish Government have a moral duty towards the Nationalist community in Northern Ireland, because of experience in the past, to ensure that the principles of equal citizenship, equality of treatment and parity of esteem are translated into practice. As Northern Ireland is a deeply divided community, its political structures and external relationships cannot be based exclusively on the majority principle. The Unionist and the Nationalist identities must both be reflected and protected. At a wider level, we wish to cooperate closely with Northern Ireland for our mutual benefit, as members of the European Union, on practical matters, given that the island of Ireland is now part of a Single Market, with both parts sharing many interests in common.

Q.5. Would your Government, upon the acceptance of a constitutional settlement by the greater number of the people of NI, affirm willingness to ask the people of the Republic to alter articles 2 & 3 of the Republic's constitution?

A. I have confirmed solemnly in the Joint Declaration that 'in the event of an overall settlement, the Irish Government will, as part of a balanced constitutional accommodation, put forward and support proposals for change in the Irish Constitution which would fully reflect the principle of consent in Northern Ireland'.

Q.6. Do you accept that neither Government has a veto on the political development of Northern Ireland supported by the greater number of the people and that such development could be promoted outside the remit or framework of the Anglo-Irish government sponsored process - for example a process established by the N.I. parties themselves?

A. Consistent with the parameters of the Joint Declaration, no group, organisation, or Government has a veto on political progress in Northern Ireland, that would have cross-community support as well as the support of a majority of the people of

Northern Ireland. We have also accepted that a new agreement may transcend the Anglo-Irish Agreement. Indeed, we would welcome any agreement involving the Northern Ireland parties that addressed all the relationships concerned, within Northern Ireland, between North and South, and between Ireland, both parts, and Britain.

In addition to responding to your questions, I would like to add some further remarks. I am glad that it is clear from your letter that you have studied the Joint Declaration closely, and especially paragraphs 5 to 8, in which I address at some length, not only the interests of Nationalists, but the fears and concerns of the Unionist population at some length.

In it, I stress the importance of creating a new era of trust and reconciliation between the two main traditions, and in which I promise to address in the course of political dialogue any genuine concerns that Northern Unionist may have. In the Joint Declaration, I ask the people of Northern Ireland to look on the people of the Republic as friends, who want to develop the best possible relationship with them, in which trust and new understanding can flourish and grow. The Irish Government therefore should not be regarded as an enemy of the Unionist people, any more than the British Government should be regarded as an enemy of the Nationalist people.

Every elected representative of goodwill in Ireland should use their influence to achieve peace and a permanent cessation of violence at this favourable juncture. No cause can be advanced by violence. In my Oxford Union speech (last week) I referred to 'the failure of armed struggle over 25 years to advance by one whit the cause of a united Ireland'. I equally believe that the Loyalist campaign of violence has, if anything, served to weaken the cause of the Union not to strengthen it. Just as the IRA campaign makes a mockery of the ideal of 'uniting Protestant, Catholic and Dissenter under the common name of Irishman', so equally does the Loyalist campaign make a mockery of 'the British way of life' and the ideal of 'civil and religious liberty'.

Both communities are losing out badly, and indeed to a lesser extent so are Ireland and Britain as a whole, from continued violence. Everyone can gain from peace, and the vast majority of the people in both parts of this island want it.

Anything that will happen in future must be done on the basis of partnership both within the North, within Ireland as a whole, and between Ireland and Britain, under any agreed constitutional arrangements. Simple majoritarianism, or the domination of one community or tradition by another, will not work. Equal citizenship is therefore essential. Northern Ireland is a deeply divided society, where both communities relate to a wider framework, whether it be British or Irish. The right to British and to Irish citizenship cherished by both communities must continue to be guaranteed indefinitely. Any proposed solution, if it is to succeed, must take account of that reality. The Unionist community should also recognize that it was part of the basis of partition, enshrined in the Government of Ireland Act 1920, that the creation of a separate Northern Parliament and the continuing constitutional links between the North and Britain would be paralleled by strong North-South institutions, in order to facilitate cooperation and joint action. If that was the position in 1920, it is surely even more applicable to the increasingly integrated and interdependent, but also competitive, world of today.

I enclose for your information a copy of my Oxford Union speech, which covers in more detail my attitude to the questions that you raise as well as some other issues.

Yours sincerely,

Taoiseach.