

APPENDIX:REFERENDUM IN STAGES

This would preserve the basic requirement of no fundamental change in the constitutional position except by consent; and it would put it up to the Government and people in the Republic to see whether they were willing or able to earn such consent. A form of Agreement would provide for the possibility of movement in stages by consent, as for example in the following:-

Phase 1. To last for a period of not less than [10] years from the election of the first Northern Ireland Assembly under a new Constitution.

Within this phase, the constitutional position of Northern Ireland as an integral part of the United Kingdom would remain precisely as it is at present. During it, the Irish Republic would be expected to take any steps necessary to co-operate in the total suppression of violent and illegal organisations. This might include provision for a "common law enforcement area", which already exists in relation to fishery offences (see Foyle Fisheries Act (Northern Ireland) 1952 and the corresponding Act of the Oireachtas). The two Governments would set up some form of joint consultative and voluntarily co-operative machinery.

At the end of the [10] year period, and thus contemporaneously with the [third] General Election under a new Constitution, a Referendum would be held to decide, on a majority of votes cast, whether the people of Northern Ireland wished to move to Phase 2 (see below). If the answer was "Yes", there would be immediate movement into Phase 2. If the answer was "No", movement would be delayed until, at the earliest, a further Referendum after another [10] years OR until the Northern Ireland Assembly, or both its Chambers if bicameral, passed Resolutions that Phase 2 should begin from the date of the next Election.

At this stage, the South would see clearly that anything other than co-operative behaviour or a firm hand with terrorist organisations would remove any possibility of a "Yes" vote at the Referendum.

Phase 2. To last for a period of not less than [10] years from the beginning of the Phase.

Within this phase there would be -

- (a) an element of "condominium" or joint sovereignty;
- (b) a transfer of certain powers to some form of joint all-Ireland body;
- (c) efforts by the Republic to bring social services, and in particular social benefits, up to acceptable levels; and
- (d) preparation of a new Irish Constitution designed to be acceptable to North and South.

At the end of the [10] year period and of Phase 2 - that is to say not sooner than the fifth General Election under a new Constitution - a further Referendum would be held to decide, on a majority of those eligible to vote, whether to move to Phase 3 (see later). If the answer is "Yes", Northern Ireland would move into Phase 3 on promulgation of a new all-Ireland Constitution. If the answer is "No", any further movement would be delayed until a "Yes" result was obtained at a subsequent [10] year Referendum, or until the passing of Resolutions to that effect by a majority of the membership of each House of the Northern Ireland Assembly. At this stage, Northern Ireland voters would be able to consider whether the "terms of entry" - constitutionally, socially and economically - were acceptable or not.

Phase 3. Unification of Ireland on an agreed basis, but with the maintenance, if Northern Ireland wished it, of a regional Parliament.

This scheme is designed to test the South's intentions, and demonstrate the real problems of unity. It would be difficult for them to reject it, while declaring they did not wish to coerce Northern Ireland. It would leave Northern Ireland's destiny in the hands of Northern Ireland people, and would not in practice take them out of the United Kingdom a day earlier than they themselves wished.