

The Sunningdale communique embodies only one declaration about what the status of Northern Ireland currently is. This is the British Government's declaration in article 5 that -

"The present status of Northern Ireland is that it is part of the United Kingdom."

The Irish declaration does not make any statement about the current status of Northern Ireland, but it does not rebut the British declaration. Accordingly, when the formal Agreement is registered at the United Nations, the only registered declaration on current status will be the British one, which is not rebutted.

The Irish declaration is that -

"there could be no change in the status of Northern Ireland until a majority of the people of Northern Ireland desired a change in that status."

This is a clear declaration of Government policy, as the Irish Government's defence to the Boland case makes plain.

The judgment of the Court delivered by Mr Justice Murnaghan sheds new light on the question which has been raised whether that status which cannot be changed except with the consent of a majority of the people of Northern Ireland is the status asserted in the British declaration and the Constitution Act, or whether on the other hand it is the status claimed by Articles 2 and 3 of the Irish Constitution. Here the report of the judgment reads:

"Despite what had been submitted on behalf of the plaintiff, Mr Justice Murnaghan said that he read that portion of paragraph 5 as relating to the existing de facto status of Northern Ireland", which is, of course, that it is part of the United Kingdom.

Accordingly the practical position is that, as a matter of policy, the Irish Government has decided, and will solemnly declare for the purposes of registration at the United Nations, that the de facto position of Northern Ireland (that it is part of the United Kingdom) cannot be changed unless a majority of the people of Northern Ireland desire such a change.