

NATIONAL ARCHIVES**IRELAND**

Reference Code: 2005/7/627

Title: Draft statement concerning the Irish Government's position in relation to the status of Northern Ireland, acknowledging that the position of Northern Ireland within the UK cannot be changed except by decision of the majority of people in Northern Ireland. The statement was made pursuant to the Supreme Court judgement in the Kevin Boland case concerning the validity of the Sunningdale Agreement under the Irish Constitution.

Creation Date(s): [March, 1974]

Level of description: Item

Extent and medium: 2 pages

Creator(s): Department of the Taoiseach

Access Conditions: Open

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Status of Northern Ireland.

On the basis of the Supreme Court judgment in the Boland case, I want to make clear the Government's position in relation to the status of Northern Ireland.

Under the law, the de jure position is that set out in our Constitution articles 2 and 3. This cannot be changed except by the Irish people voting in a referendum.

As the Supreme Court indicated in their recent decision, the de facto position is that Northern Ireland is within the United Kingdom.

By its declaration set out in section 5 of the Sunningdale Communiqué the Irish Government accepts that Northern Ireland's de facto position within the United Kingdom cannot be changed except by decision of the majority of the people of Northern Ireland.

The Supreme Court have decided that there is nothing in this statement which conflicts with articles 2 and 3 of the Constitution. [It is an expression of how the aspiration towards unity may be achieved.]

The Government have agreed to incorporate this statement (which as the Court declared, is not in the form of an agreement) in a formal agreement to be signed at the formal stage of the Conference and registered at the United Nations.

The statement is in accordance with the resolve of all the democratic parties in the Republic, as expressed in the recent Dáil debate on the subject, that the unity of Ireland is to be achieved only by peaceful means and with the consent of a

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majority of the people of Northern Ireland.

Thus the Government and the democratic parties of the Republic accept, ^{for practical purposes} the right of the people of Northern Ireland to determine their ^{own constitutional} future.