

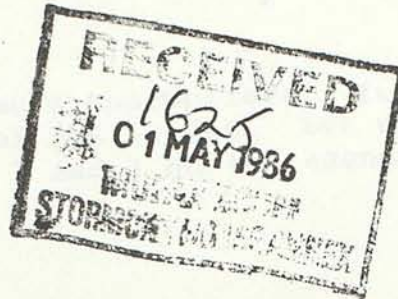
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C O N F I D E N T I A L

Mr. Bell



c.c. PS/PUS (L&B) - M <sup>2A1315</sup>  
 PS/Mr. Bloomfield - M ✓  
 Mr. Brennan  
 Mr. A. Stephens - M  
 Mr. Elliott - M  
 Mr. Gilliland - M  
 Mr. Spence - M  
 Miss Elliott  
 Mr. S. Hewitt - M  
 Mr. McConnell - M

ARTICLES 2 AND 3 OF THE IRISH CONSTITUTIONS

Thank you for your note of 14 April which I have read with interest. I am sure that it is helpful to explore questions of this kind in depth to enable us to assess the viability of the various policy options.

Since your note, things have moved on. The Secretary of State has broached repeal of Articles 2 and 3 with Mr. Lillis. And the latter has delivered the Taoiseach's emphatically negative response. This does not necessarily mean that we have to take no for a permanent answer. But my own view would be that it would be counter-productive to press for this year's referendum to extend to Articles 2 and 3 as well as to divorce. There is no prospect of the Irish Government being able to do all the work necessary in preparing the ground of public opinion (even if they could be brought to the point of being willing to try) in the time available. And to lean on them to do so would risk putting in jeopardy the (to my mind) quite remarkable patience and understanding that the Irish have shown in recent months.

Having said that, we should not lose sight of the idea of repeal (or amendment). Articles 2 and 3 are anathema to Unionists, quite apart from being inherently unsatisfactory because of their lack of clarity to all but the most expert Irish constitutional analysts. Action over Articles 2 and 3 would undoubtedly be helpful to us, and we should be ready to raise the matter again if the internal political situation in the Republic offers any realistic prospect of an Irish Government being in a position to hold a referendum and getting the right result. That is most likely to be after the next Irish election - particularly if the Progressive Democrats prove to be an electoral force and take support from Fianna Fail.

It may therefore be that we should get our own thinking in order so that, given a favourable combination of political events in the Republic, we are ready to resurrect the matter and have thought through our own response to any Irish move. I agree with you that we might find the occasion to have some discussion among colleagues about the matter, though I doubt whether PUS's Steering Group is the right forum (that should restrict itself to IC business). I think that Mr. Brennan's Political Development

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Group might be more appropriate. It may be that, after a long gap, a meeting of PDG is due. Let us see whether it is possible to put Articles 2 and 3 on the agenda.

*V. Peterson*

D. CHESTERTON

1 May 1986

(Dictated by Mr. Chesterton and signed in his absence)