

NATIONAL ARCHIVES

IRELAND



Reference Code:	2011/39/1899
Creation Date(s):	2 June 1981
Extent and medium:	3 pages
Creator(s):	Department of Foreign Affairs
Access Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.



IRISH EMBASSY, LONDON.

ula. Collins

To Mr. JAA

(Signature)

17 Grosvenor Place

SW1X 7HR

9/23¹

7/6/11

9/14

2nd June 1981

Dear Assistant Secretary

With reference to your recent letter, which I received on 28th May, regarding the conversation of the Ambassador to the Holy See, with Archbishop Silvestrini, Secretary of the Council for the Public Affairs of the Church, in which the latter brought up the situation in Northern Ireland, we have been given no indication here that the British Government are thinking in terms of re-partition in the North. Nor does it appear to feature in the development of policy in the Labour Party about which we wrote to you recently and about which I hope to see Michael Foot soon.

I would like, however, to make one or two comments, since you kindly invited me to do so. It seems just possible that some members of the British-Irish Association are thinking on these lines and that their speculation may have reached the Vatican, perhaps through conversation with the Apostolic Delegate here. Interestingly, when Dr Ken Whitaker delivered his lecture on The Irish Question Today to the British-Irish Association on 18th May, Mr Keith Kyle of Chatham House, who is a prominent member, asked a question about the attitudes an Irish Government could take to a unilateral redrawing of the border, taking into account the aspiration to unity in Article 3 of the Constitution. Dr Whitaker replied that he was not a lawyer but that it seemed to him that as Article 3 referred to "the reintegration of the national territory", partial reintegration would not create legal constraints. Kyle also raised the question privately with Hugh Swift after the meeting. He (Mr Swift) had been asked the same question by Heinrich Bruun of the Danish Embassy earlier in the day. Bruun based himself

explicitly on Conor Cruise O'Brien's article the previous day in the Observer. Mr Swift gave his opinion that there was no legal implication, as Article 3 dealt with the reintegration of the whole national territory.

But I am inclined to believe that the likliest interpretation of the Vatican's interest derives from Conor O'Brien's article in the Observer of 17th May (and you will, of course, have seen that he has returned to the subject in yesterday's Observer of 31st May). This may also explain why Keith Kyle raised the issue on 18th May at the meeting with Ken Whitaker - it would have been fresh in his mind.

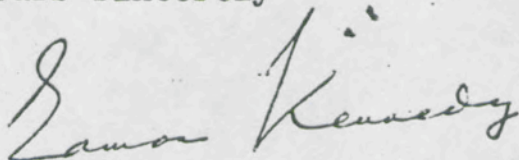
I would like to contribute one further point. It will be borne in mind that par. 1 of the Northern Ireland Constitution Act 1973 reads as follows:

It is hereby declared that Northern Ireland remains part of Her Majesty's dominions and of the United Kingdom, and it is hereby affirmed that in no event will Northern Ireland or any part of it cease to be part of Her Majesty's dominions and of the United Kingdom without the consent of the majority of the people of Northern Ireland voting in a poll held for the purposes of this section in accordance with Schedule 1 to this Act.

The addition of the phrase "or any part of it" is really an important addition to the guarantee. This addition would oblige any British Government which wished to redraw the border to hold a referendum in Northern Ireland which to my mind, makes the approach politically impossible. For a redrawing to have credibility, it would have to include Derry city, and this would be regarded by the Loyalist majority as a form of "Lundyism". Derry is after all, in a border area. I note, in this connection that Ambassador Coffey also referred to the problems which

Belfast would present. All in all, I feel that the British Government is not, at present, thinking on these lines but that Conor O'Brien has raised the issue in an effort to restore some semblance of constructive thinking to his very damaging and negative contributions to Anglo-Irish relations in recent years.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Eamon Kennedy'. The signature is fluid and cursive, with the first name 'Eamon' written in a larger, more prominent script than the last name 'Kennedy'.

Eamon Kennedy
Ambassador

Mr D Neligan
Assistant Secretary
Department of Foreign Affairs
Dublin 2