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FROM: D C KIRK
CPL
21 JULY 1989



cc PS/M of S (L&B) - B
PS/Dr Mawhinney (L&B) - B
PS/PUS (L&B) - B
Mr Burns - B
① PS/Sir K Bloomfield - B
Mr Thomas - B
Mr Miles - B
Mr Spence - B
Mr Wood (L&B) - B
Mr Blackwell - B
Mr J McConnell - B
Mr Masefield - B
Mr Daniell - B

② B/F 11/8/89 ✓

PS/SECRETARY OF STATE (L&B) - B

MR HUME'S 'DOUBLE REFERENDUM' PROPOSAL

You told me that the Secretary of State would like some advice on Mr Hume's ideas about a double referendum, to be held north and south of the border, in the context of an internal political settlement in Northern Ireland.

The Proposal

2. Mr Hume has described his proposal a number of times: Annex A lists some of his comments. The proposal appears to be that a referendum should be held on the same day in Northern Ireland and in the Republic of Ireland to enable each electorate to express its support (or otherwise) for new internal political arrangements for Northern Ireland (and for the accompanying arrangements for relationships between Northern Ireland and the Republic of Ireland), which have been agreed by both traditions. Because the referendums will be about arrangements already agreed by the SDLP and the Unionist parties, and because those parties would not have agreed unless sure of popular support (including, in the case of the SDLP, the support of the Irish Government), Mr Hume takes it for granted that the two referendums would approve the arrangements. He appears to assume that the approval in each referendum would be overwhelming, and that the question of whether one would be looking for a simple majority or some higher hurdle, would not arise.

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3. The essence of the proposal is that popular approval throughout the island of Ireland (delivered through the two referendums) would guarantee to all the participants in the new arrangements in Northern Ireland that those new arrangements would be supported: it is also in Mr Hume's mind that the referendum in the South would guarantee to Unionists in the North that the Government of the Republic of Ireland would respect the new arrangements. Mr Hume's trump-card (and it is possibly this point that first led him to develop this proposal) is that Sinn Fein would find it ideologically impossible to resist the legitimacy of a constitutional arrangement that had been approved by the whole of the people of Ireland voting together (in these two referendums) for the first time since 1918.

Attitude of Others

4. There has been some public comment from others about the proposal, but not a great deal. In an article in the News Letter on 5 April Mr Molyneaux said "As for a joint referendum, it would be seen as another sizable step towards some sort of all-Ireland set up". Mr Paisley appears to have spoken only in terms of a referendum in the North. Dr Alderdice told the Secretary of State in a meeting on 14 February this year that Mr Hume seemed to regard his proposal for an all-Ireland referendum to be in some way a concession to the unionists which they ought to welcome, whereas in fact the reverse was the case.

5. At his second meeting in the 'Mawhinney Round' with the Minister (19 April), Mr Hume said that the Irish Government agreed with his double referendum idea and that they accepted the implication that it would mean virtually a new constitution for the Republic. When asked whether this meant that the Irish saw implications in this for Articles 2 and 3, Mr Hume said of course they did.

Comment

6. Mr Hume's proposal assumes that there would first be

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agreement between the NI parties and the Republic's Government on the arrangements for governing NI, involving new structures in NI and modifications to the existing Anglo-Irish Agreement (or a new Agreement 'transcending' the old), and probably changes to the Irish Constitution. Such agreement would of course itself represent a major step forward, certainly if it could be made to stick. It would add significantly to the attractiveness of such an agreement, if the 'package' could be validated by majorities, the larger the better, north and south of the border. It could be seen as legitimizing in a final way the current status of NI, and pulling the rug from under Sinn Fein and PIRA (but it would not rule out the possibility of future unification by consent).

7. There is thus a good deal to be said in favour of the proposal - but it is a proposal that only comes into play when we begin to have an agreement between the parties in NI that could be put to such a referendum. Self-evidently, the two referendums cannot be held unless there is something first to put to the electorate. The most immediate question, therefore, is whether the parties can be brought sufficiently close together to make progress towards agreement: it is possible that the process of negotiation between the parties would be eased by the knowledge that referendums were available at the end of the process - but it would probably be unhelpful for the SDLP to make advance agreement to referendums a precondition for such negotiations.

8. It is of course a novel concept; we would have to think carefully about the implications of apparently giving the people of the Republic a veto on decisions about the government of the UK; but it could be that the citizens of NI would have a 'veto' on constitutional change in the South. Much depends on the details of the 'package' and the 'question' or 'questions' being asked - they might not be precisely the same questions on each side of the border, but, as it were, complementary. Hume appears to assume that the two referendums would not be resorted to unless the parties to the political agreement are already certain the referendums will support them. Logically, therefore, the possible implications of a negative vote do not really arise. Unionists,

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however, are quite likely to detect the scent of a red herring, and to concentrate on the perceived question of a Southern veto on Northern politics rather than on the essence of the two referendums proposal. This does, however, say more about the Unionists than it does about the proposal: if the parties are willing to get involved in a serious negotiating process then the two referendums idea should not appear threatening, and there is a reasonable chance that it will appear constructive: but if the Unionists feel nervous about getting involved in negotiations, then it is only to be expected that they will look with sourness on the idea. Even if there are lots of 'ifs' and 'buts' the difficulties we might encounter in addressing these problems are not reasons for rejecting the idea. The double referendum could be a major element in a permanent settlement.

Our Stance

9. A little further gentle probing of this idea, on appropriate occasions with Mr Hume, may be helpful. However, the key issue is to get to the stage of the agreement which the referendums would validate. We do not want unionists to reject the idea out of hand; but neither is it by itself a 'solution'. We could not sensibly at this stage adopt the idea as our own and we should, I suggest, be wary about making any public reference to it, although if asked, we could acknowledge the desirability of a political agreement being widely endorsed and indicate that any constructive suggestions are worth pursuing.

SIGNED

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Constitutional and Political Division

OAB 6591

21 July 1989

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ANNEX A

SDLP STATEMENTS ON 'DOUBLE REFERENDUM' PROPOSAL

Austin Currie
SDLP

A referendum conducted North and South, would give any new internal arrangements an authority that would undermine the republicans' own position. (26.4.88)
(SDLP meeting with SofS)

John Hume
SDLP

"Any outcome of [talks] must have the agreement of both [traditions] and in order to assure them of that, before they go to the table, they should devise a mechanism to ensure that the people on each side have a means of expressing their views on whatever agreement is reached."
(13.1.89)
(Irish Times
Frank Millar
Interview)

John Hume
SDLP

"...before.... the unionists go to that table, to sort out that relationship for themselves... they should get an agreement from Dublin that any agreement reached would have to be endorsed in a joint referendum by a majority in the North and the South and if either side says no, then it's not on... that means in practice... that the unionist people are reassured that their stamp has to be on any method whereby we share this piece of earth...".
(4.4.89)
(Radio Ulster
Talkback
programme)

John Hume
SDLP

"Whatever that agreement was... it has to have the endorsement of a majority in the North and a majority in the South and so endorsed I would accept it as I would hope any democate would....". (4.4.89)
(Radio Ulster
Talkback
programme)

John Hume
SDLP

If we reach agreement on institutions, which are endorsed in the way I have said, I believe that is the basis for really building a new future for all of us".
(4.4.89)
(Radio Ulster
Talkback
programme)

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John Hume
SDLP

Irish Government agreed with his double
referendum idea and accepted the
implications therein for their own
constitution. (19.4.89)
(Mawhinney Round)

John Hume
SDLP

"Before the conference starts we should get
an agreement that any agreement reached
would have to be endorsed North and South
in the one day by a majority on each side,
and if either majority said no - it
wouldn't happen". (8.5.89)
(Irish News)

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