

Citizenship Referendum: Interpretative Declaration by the Irish and British Governments regarding the British Irish Agreement

20 April 2004

Both Governments have discussed the proposed amendment to Article 9 of the Constitution of Ireland in the context of the British Irish Agreement of April 1998. In this regard, both Governments have agreed the attached Interpretative Declaration.

DECLARATION OF THE PARTIES TO THE AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Whereas an agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland was done at Belfast on the 10th April 1998;

Whereas the two Governments have considered Article 4(1)(b) of that Agreement and the amendments to the Constitution of Ireland set out in Annex B to the Section entitled Constitutional Issues of the Multi-Party Agreement and the current effects and consequences of Article 2 of the Constitution and the acquisition of rights to citizenship of children of parents without a sufficient connection with the island of Ireland;

The two Governments hereby give the following legal interpretation:

That it was not their intention in making the said Agreement that it should impose on either Government any obligation to confer nationality or citizenship on persons born in any part of the island of Ireland whose parents do not have sufficient connection with the island of Ireland;

And therefore the two Governments declare that the proposal to amend Article 9 of the Constitution of Ireland so as to provide that a person born in the island of Ireland, which includes its islands and seas, who does not have, at the time of his or her birth, at least one parent who is an Irish citizen or is entitled to be an Irish citizen, is not entitled to Irish citizenship or nationality, unless otherwise prescribed by law, is in accordance with the intention of the two Governments in making the said Agreement and that this proposed change to the Constitution is not a breach of the said Agreement or the continuing obligation of good faith in the implementation of the said Agreement.

The British Government notes that the Irish Government confirms that the rights of all persons referred to in Article 1(vi) of, and Annex 2 to, the said Agreement will be preserved by legislation.