

Consulting with the Public Ahead of Referendums

Written Submission to the Working Group on
Unification Referendums on the Island of Ireland

Jamie Pow¹

Lecturer in Political Science
Queen's University Belfast
j.pow@qub.ac.uk

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¹ This submission is made in my professional capacity as a lecturer at Queen's University Belfast. The views represented in this paper do not reflect those of the University.

1. Summary

Citizens' assemblies have been used as a democratic tool for public consultation in a variety of contexts around the world. This short paper sets out some background information on citizens' assemblies, summarises their recent use in Northern Ireland, and discusses their potential role ahead of any unification referendums on the island of Ireland.

- In both the Republic of Ireland and the United Kingdom, citizens' assemblies have been held on difficult and/or constitutional issues.
- In the Republic of Ireland they have played a formal role in advance of several recent referendums.
- Empirical evidence shows that citizens' assemblies can function well in the particular context of Northern Ireland, where they attract high levels of public support from across the political spectrum.
- Ahead of any referendum on a united Ireland, the role of citizens' assemblies (and similar devices) should be considered with respect to the timing of any such referendum, the nature of the proposition put before voters, and the provision of trusted information to voters.

2. Background to Citizens' Assemblies

- 2.1 Citizens' assemblies, a form of [deliberative mini-public](#), can be used to supplement representative and direct forms of democracy. They are described as 'democratic innovations', but their basic features echo some of the earliest forms of democratic decision-making, notably in Ancient Greece.² More recently, citizens' assemblies (and other variants of mini-public) have been used to inform decision-making on difficult and/or constitutional issues.
- 2.2 There are [two main design features](#) of a citizens' assembly. First, its members, typically at least one hundred, are randomly selected from the broader population. The random (or stratified) sampling method, combined with a reasonably large sample size, is designed to generate a membership that is representative of the wider population. In other words, the members of the citizens' assembly would broadly mirror the population in terms of gender, age, community background, political ideology, and so on. Second, citizens' assembly members are tasked with deliberating on an issue or set of issues over an extended period of time (usually multiple weekends). That is, they would be provided with evidence and arguments on different sides of the issue(s). They would have the opportunity to ask questions of those presenting evidence and arguments, to individually reflect on the issue(s) at stake, and to consider the evidence and arguments in facilitated small group discussions.
- 2.3 Based on these two design features, the goal of citizens' assemblies is to provide a good estimate of 'considered' public opinion: what the whole public would decide if everyone had the opportunity to learn about the topic(s) and engage in structured deliberation. The outcome is usually a recommendation (or multiple recommendations), reached by secret ballot. Elected decision-makers may choose in advance to implement the citizens' assembly outcome, treating it as effectively binding. More likely, a citizens' assembly outcome would be considered by elected decision-makers alongside other relevant

² See: Smith, Graham. *Democratic Innovations: Designing Institutions for Citizen Participation*. Cambridge: Cambridge University Press, 2009.

inputs; they may then choose to implement it in part, in full, or to call a referendum in which all voters have the opportunity to decide whether or not the recommendation(s) should be implemented.

- 2.4 In the Canadian province of British Columbia, a [citizens' assembly](#) was held on the issue of electoral reform in 2004. The legislation underpinning the citizens' assembly required a popular referendum to be held in the event that the citizens' assembly recommended a change to the electoral system; this public vote took place in 2005. In the Republic of Ireland, the [Constitutional Convention](#) established in 2012 comprised 66 randomly-selected citizens and 33 elected representatives (including four from Northern Ireland), plus an appointed chairperson. The government issued formal responses each report produced by the Convention, but referendums were held on only three of the Convention's recommendations between 2015 and 2018. The subsequent [Citizens' Assembly](#), initially set up in 2016 to consider five issues, comprised 99 randomly-selected citizens plus a chairperson. The government issued formal responses to its five reports; one recommendation (on abortion) was put to voters in a referendum in 2018. The work of a [second Citizens' Assembly](#) on gender equality is ongoing.
- 2.5 In the UK, two citizens' assemblies have been commissioned by parliamentary committees. In 2018 the Housing, Communities and Local Government and the Health and Social Care Select Committees organised a citizens' assembly to inform their joint inquiry into the long-term funding of [adult social care](#). The ongoing [Climate Assembly UK](#) was set up by six Select Committees of the House of Commons to understand people's attitudes towards tackling climate change. Initiatives have also been organised by the [Scottish](#) and [Welsh](#) governments on broad issues, with [multiple citizens' assemblies](#) on climate change held at the local level across the UK. Referendums have not been held on any citizens' assembly recommendations in the UK.
- 2.6 Further citizens' assemblies have been held in the UK as part of academic research projects. In 2015 pilot citizens' assemblies were held in the North and South of England to explore the topic of [devolution](#). In 2017 a citizens' assembly on [Brexit](#) considered preferences for the UK's future relationship with the European Union (on trade and migration policy). In 2018 and 2019 there were [suggestions](#) that a citizens' assembly could help unlock gridlock in Parliament over the UK's withdrawal from the EU, but such suggestions became politicised; they were seen by some as an attempt [obstruct](#) the 2016 referendum result.

3. Citizens' Assemblies in Northern Ireland

- 3.1 In late 2018 a pilot [Citizens' Assembly for Northern Ireland](#) was held as part of a civil society initiative. The project was led by [Involve](#) and was funded by a consortium of charities. Over two weekends 75 citizens, broadly representative of the Northern Ireland population, assembled at a hotel in central Belfast to consider the future of social care for the elderly in Northern Ireland. They produced 27 recommendations, summarised in a [report](#).
- 3.2 [Evaluations of the process by the participants](#) were resoundingly positive. 92% of those who took part agreed that their fellow participants respected what they had to say, even when their opinions differed. By the end of the process, 63% of participants perceived fellow members of the citizens' assembly to be willing to change their minds during the group discussions. 97% agreed that citizens' assemblies should be used more often to inform politicians in decision-making.

- 3.3 Other citizens' assembly-style exercises have been held in Northern Ireland for the purposes of academic research. In [February 2018](#) a mini-public was held to investigate citizens' attitudes towards different forms of Brexit. In March 2019 a further mini-public was held on Northern Ireland's constitutional future, focusing on people's attitudes towards different configurations of a united Ireland, and how these compared to their level of support for the status quo.
- 3.4 As with the Citizens' Assembly for Northern Ireland, which considered the salient but less polarising issue of social care for the elderly, participants' discussions of these constitutional topics were marked by a respectful atmosphere and constructive engagement. Feedback suggests that participants valued two aspects in particular: (i) becoming informed about the issues through expert presentations and (ii) discussing the issues with people holding perspectives different to their own. Many observed that these features – impartial information and constructive dialogue – were generally missing from broader public debate on these issues.³
- 3.5 Apart from these civil society and academic initiatives, no government-sponsored citizens' assembly has yet been held in Northern Ireland. However, the [New Decade, New Approach](#) cross-party agreement of January 2020 makes a commitment to holding at least one citizens' assembly each year to consider issues identified by the Executive. Recommendations will be formally made to the Northern Ireland Executive via the [Compact Civic Advisory Panel](#). It will be important to monitor public attitudes to these initiatives once they get underway – and, indeed, how the Executive and Assembly engage with them.
- 3.6 Public opinion is generally supportive of the use of citizens' assemblies. In a [study by John Garry](#) in 2015, 65% of people in Northern Ireland said a citizens' assembly would be a good or very good idea as a way of addressing contentious political issues. 61% of members of the Northern Ireland Assembly, surveyed at the same time, said they thought citizens' assemblies should make recommendations to be considered by politicians. [Other empirical research](#) finds broadly favourable public attitudes towards the use of citizens' assemblies among people with different community backgrounds and ethno-national positions, with particularly favourable attitudes among those who identify as neither nationalist nor unionist.

4. Citizens' Assemblies and Unification Referendums on the Island of Ireland

- 4.1 Despite precedents on these islands and generally favourable attitudes towards the use of citizens' assemblies in Northern Ireland, it is not a straightforward task to specify what role they should play in the specific context of unification referendums. That said, their potential role should be carefully considered as part of any agreed process.
- 4.2 In his [background report](#) that provided the starting point for the Working Group, Alan Whysall notes that it is not clear how the Secretary of State for Northern Ireland should assess public opinion in the context of his or her duty to call a referendum on a united Ireland. Alongside standard public opinion polls and election outcomes, a citizens' assembly (or multiple citizens' assemblies) could help assess how *likely* it is that majority support for a united Ireland exists at

³ These observations are based on the analysis of a combination of transcript material from group discussions, participant surveys and follow-up interviews.

particular moment in the general population (or, more narrowly, among likely voters). Opinion polls and election results may suggest that it is *possible* that a united Ireland would be supported by a majority of those voting in a referendum, but a citizens' assembly could provide greater insight into the nature of citizens' preferences, particularly among those without strong views on the matter. Other devices, such as [deliberative polling](#), could also serve this purpose, perhaps in a less conspicuous fashion.

- 4.3 As well as offering an insight on the nature of public opinion towards a united Ireland, citizens' assemblies could be held on the precise issue of the timing of any referendum. For example, if the Secretary of State considers it unclear whether or not the criteria stated in the Belfast/Good Friday Agreement have been met, a citizens' assembly could be tasked with helping to decide whether or not these criteria for calling a referendum have been satisfied, detached from partisan considerations. Again, deliberative polling could also be used.
- 4.4 Alan Whysall's [report](#) notes that it is not clear what form a united Ireland would take, such as whether Northern Ireland would retain devolution or be integrated within a unitary state. The UK's 2016 referendum illustrates the difficulties of holding a referendum on broad principles without specifying in advance the nature of the alternative option to the status quo *ex ante*. The Irish government may choose to outline in some detail what a united Ireland would involve, perhaps echoing the Scottish government's publication of a [White Paper](#) ahead of the 2014 referendum on independence. A citizens' assembly could provide a vehicle for meaningful public consultation in any such exercise, identifying people's considered preferences and priorities across the island. However, recruiting participants from a unionist background in Northern Ireland is likely to be challenging, not least given the [public dismissal](#) of a hypothetical all-island citizens' assembly by unionist politicians. Strong incentives would be required to avoid (or at least mitigate) under-recruitment of citizens from a particular group, perhaps coupled with stratification for ethno-national ideology or community background in the sampling design.
- 4.5 In many referendums on constitutional change, citizens' assemblies have provided voters with a specific recommendation, endorsing one option over another. It is possible, but perhaps unlikely, that a government-sponsored citizens' assembly would be tasked with weighing up the arguments for and against Northern Ireland leaving the UK to join a united Ireland and producing an official recommendation ahead of a unification referendum. An unofficial citizens' assembly could still be organised for this purpose by civil society organisations. A more plausible role for an official citizens' assembly (or a smaller form of mini-public) could draw upon the [Citizens' Initiative Review](#) (CIR) process in Oregon, where a panel of randomly selected citizens considers and summarises the arguments for and against each ballot measure put to voters in the state. The goal would not be to provide voters with a specific recommendation, but rather a summary of the key arguments for *each* option from a trusted source, in addition to any standard campaign material that voters receive advocating for one side or another.
- 4.6 These suggestions are not intended to be definitive or exhaustive. Citizens' assemblies remain relatively novel tools that have the potential to make a positive contribution to democratic decision-making under certain conditions. Emerging findings from empirical research and real-world practice, not least in Northern Ireland, should be monitored to better understand the way(s) in which citizens' assemblies (and similar devices) may most effectively play a role in the context of unification referendums on the island of Ireland.