

UCL – Constitution Unit

Working Group on Unification Referendums on the island of Ireland

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1. Introduction

This is a preliminary submission in regard to the Report of Alan Whysall: *A Northern Ireland Border Poll* dated March 2019 ('the Report').

The *Call for Evidence* stated that the Report 'provides useful background to the matters within the project's remit, but is not definitive of the Working Group's thinking.'

However, and unfortunately, I cannot agree that the background as set out in the Report is sufficiently up to date nor accurate to form a safe starting point for anyone seeking to respond to the *Call for Evidence*, or for the Working Group in its deliberations.

Some of the problem is that the Report was apparently prepared in the first months of 2019 and so has in important aspects been overtaken by events. However, also there are, in my respectful view, unfortunate misunderstandings and infelicities of expression in the Report.

This submission goes on to identify what appear to be the major problems with the Report.

2. Overtaken by Events

Firstly, to set out the aspects where the Report is now seriously 'out of date':

1. The prospects of a *no deal Brexit* (Section 1, 4th para) have now at least receded;
2. The references to some opinion polls (Section 1, 6th para) are now out of date – referring, as they do, to polls taken in the autumn of 2018;
3. There are also references to the *most recent poll* (Section 1, 5th, 7th & 9th paras) though it is not clear on the face of the document what poll is meant;
4. The *political impasse* (page 7, 1st bullet) has now been resolved and the Assembly is sitting;
5. In regard to alleged *little dissent . . . from the 50%+1 consent formulation* (page 8, 5th para) please now read, consider and refer to *A Shared Home*

Place by Seamus Mallon with Andy Pollak (published in May 2019) - Chapter 13 in particular 'Parallel Consent, Generosity and Other Ideas';

6. Arguments for a *post-negotiation referendum* (page 10, 3rd para) have of course now been overtaken by the decisive result of the UK general election in December 2019;
7. In Section 4 (ii) it is asserted that 'the overall climate is likely to be conditioned by various factors beyond the immediate reunification debate'.
But those cited have been overtaken by events *viz* –
 - As already stated, the prospects of a hard Brexit have now receded and in particular, there is now no prospect of any 'hard border' on the island of Ireland;
 - The government is now no longer dependent on Northern Ireland votes at Westminster;
 - Devolved government has now been restored to Northern Ireland.
8. The Executive has now been restored, dedicated to addressing 'pressing issues of economics and society in Northern Ireland', so the argument in the 2nd, 3rd and 4th paras of Section 4 (iii) fall away;
9. The differences between the UK and Irish government on Brexit have at least diminished, so the argument in the last para on page 16 is now weak;
10. Similarly, in the same place, the argument based on the government's parliamentary dependence on the DUP obviously now falls away.

3. Imprecision of language in the Report

Here are some examples of problematic usage in the Report:

1. In the first line of Section 1 the first para 'Unionists' appear. In the third line it is 'unionism' but we are back to 'Unionist' in the final sentence of this para. Capital 'U' surely connotes those who are either card carrying members or consistent voters for the DUP or UUP and other parties with similar tenets?
2. The small 'u' would include also those who continue to favour the inclusion of Northern Ireland in the United Kingdom but who may not be active or passive supporters of the said parties and indeed may disdain those parties.
3. Furthermore, in Northern Ireland it is commonplace to denote as 'loyalist' those within the overall unionist community who have a more trenchant view – at least on issues of identity such as parades and flags. By implication, if one refers to 'Unionists' (or 'unionists') one is intending to differentiate from 'loyalists'.
4. The project will perish on the rock of terminology if these problems are not addressed so no apology is tendered for raising what in other circumstances could be regarded as obtuse nit-picking.

5. The second para of section 1 commences ‘Nationalists have looked forward to a poll.’ ‘Nationalists’ is tendentious in this context. In Northern Ireland there is general acceptance of a distinction between nationalists (encompassing SDLP and others of similar affinity prepared to sit in the UK parliament) and republicans (encompassing Sinn Fein and others of similar affinity not prepared to sit in the UK parliament). Does the Report’s author intend in this context to draw such distinction?
6. The data given in the 5th, 6th and 7th paras of section 1 in regard to opinions in the event of Brexit may now be well out of date, given that on the one hand Brexit is now certain but on the other hand, on the island of Ireland, Brexit is to be of the ‘soft’ variety.
7. The 7th para of section 1 is also mistaken in its reference to ‘the relatively narrow centre ground usually shown by Northern Ireland election results’. Consistently over the most recent three elections there has been an electoral ‘surge’ in favour of the ‘centre ground’ Alliance Party, in particular. That must now be acknowledged and its potential considered for upsetting the long established ‘two communities’ approach to dealing with Northern Ireland.
8. In the 9th para of section 1 what is the terminological reason for introducing ‘Catholics’? It is a false dichotomy to set on one side republicans and nationalists as ‘Catholics’ and on the other side unionists and loyalists as ‘Protestants’.

4. Conclusion

For these various reasons it is submitted that the Report should be withdrawn and the matters and arguments reconsidered in the light of all recent developments.

The Report should then be re-written, with, I respectfully hope, more attention to language.

The revised Report should then be re-issued with a new ‘Call for Evidence’.

The Project should not proceed further, until all these steps have been duly taken.