

REFERENDUM.

Interim report: Unification Referendums on island of Ireland.

I am pleased to have the opportunity to respond to the interim report and do so as an individual with no formal political or corporate interests. I am resident in NI - born and bred. A brief account of my career is given in the attached Annex A.

Having perused the report I understand its remit and the particular stance taken by the Working Group in compiling its report i.e. examination of the overarching issues which would attach to future referendums on whether Northern Ireland would stay in the United Kingdom or become part of a united Ireland and how best these might be designed and conducted. Its focus is on technical and procedural issues. The inevitable impact of political vagaries, while acknowledged, are not addressed.

I am mindful of these factors and endeavor to direct my comments accordingly and seek to confine these to factors in which I might claim to have some professional or life experience.

COMMENTS ON THE INTERIM REPORT: UNIFICATION REFERENDUMS ON ISLAND OF IRELAND.

The Working Group - Chapter 1.

1. The rigour with which this investigation has been pursued is admiral and clearly evident in its content and presentation.
2. It is entirely fitting that the three key principles identified in paragraph 5, namely:-
 - (a) - *the Belfast/ Good Friday Agreement 1998 provides the framework for decision making on Northern Ireland's constitutional future.*
 - (b) - *Processes of decision making on this issue must be neutral.*
 - (c) - *Progress on such major issues as this are best made when those from both traditions, and none, are, as far as possible, include in the decision making process.*should underpin the work of the Group or any additional related work.

Political and Historical Context (Chapter2)

Paragraphs 6 to 8 in this chapter give a useful, concise, account of the factors over recent decades pertinent to any prospective 'border pole'. The UK's decision to leave the EU has undoubtedly added to the political flux referred to in the Report. In the medium to short term it may prove seminal in the re calibration of traditional loyalties - particularly in the ranks to 'unionism'.

Such issues lie outside the remit adopted by the group and as noted in para 8 -" The Withdrawal Agreement and the Protocol on NI/ROI will have profound effects in the years

to come” . This is an unfortunate reality but ,as far as possible, should not be allowed to delay formulation of an agreed procedural framework.

Concomitant with this is the very real need to examine in detail the financial, structural, legal issues attaching to major state sectors, such as Health Care (in all its facets); Education (pre-school through to Post Graduate): Pensions(primarily state) - a short indicative list.

Chapter 7, para. 27 of the Report (Delineating the two Referendum Options) refers to this complex matter. Presenting relevant information to voters in an accessible and timely fashion is an imperative to avoiding the debacle which has attended the whole UK Brexit programme and cannot be overstated. It seems reasonable to suggest that it be conducted using ‘existing machinery’, as suggested in Para 20. of the Report.(Chapter 6 - Process of Decision- Making).

NB - IN MY COPY OF THE EXECUTIVE SUMMARY CHAPTER 3 HAS BEEN MISSED - CHAPTER 2 -AS ABOVE - IS FOLLOWED BY CHAPTER 4. PARAGRAPH NUMBERS, HOWEVER, CONTINUE IN SEQUENCE.

Legal Context(Chapter4)

No comment.

Criteria for Evaluating Referendum Processes (Chapter 5)

The five criteria identified : procedural legitimacy, stability, simplicity, informed choice, inclusivity, underpinning the Group’s work are to be commended and should materially contribute to sound planning for any Referendum which might be called.

Processes of Decision - Making (Chapter 6).

The paragraphs in this Chapter (nos. 18 to 24) identify the many pertinent details which attach to the fair and orderly implementation of any Unification Referendum. The five elements listed in para 18, properly addressed in a timely fashion should mitigate against shortcomings such as those evident in the UK 2016 referendum. It would seem wise - as in the case of discussion leading up to the Good Friday Agreement- to have an external Chair, as per Para. 20.

Para. 22 - proposes discussion with politicians, civil society and the general public is to be commended and indeed is essential to building and maintaining confidence in the process. These should be integral with a widely based public information program detailing, briefly but clearly, all that is salient to the referendum process.

Para. 24 - refers to possible difficulties arising from discussing preparatory work linked to the process of unification. These may be real enough but I suggest, is more a matter of timing. Also as is suggested in the same paragraph this can probably be minimised by the expedient of ‘open ended discussion’. As a general principle, I feel that in all major public exercises, and given that we are in the age of social media, false news etc it is, on

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balance, best to provide relevant information 'to the public' at an early stage in the exercise.

Delineating the Two Referendum Options.(Chapter7)

This is a substantive chapter dealing as it does with 'hard core' issues of concern to voters in both NI and ROI.

I concur with the observations made under 'Public Policy Issues' - voters will be more concerned with the listed issues than with constitutional architecture. Designing the procedures, their sequencing and attendant time scale is a demanding exercise in itself. I feel comparable energy and expertise needs to be devoted to quantitative assessments of the listed services under the sub heading 'Public Policy Issues'. It would be a great mistake not to do so.

Symbolic issues are also likely to be a great drain on resources but should not be allowed to derail an otherwise purposeful procedure.

Calling a Referendum (Chapter8)

This chapter deals with complex, sensitive matters which could be pivotal to whether or not a Referendum should or should not be called. The Secretary of State with broad discretionary powers is in a powerful and yet invidious position. With a need to be fair, honest and impartial while being beholden to his/her political masters is a well nigh impossible position to occupy.

I simply make the comment that some past Secretaries of State have been better equipped to deal with a matter of this magnitude than have others - and it will be so in the future.

Para. 30 identifies six possible sources of evidence to which the Secretary of State might refer - judicious use of these sources would be of great benefit - particularly if they were to be complimented by an 'expert review panel' as suggested in Para 31 - again 'impartiality and independence' are imperatives .

Possible Referendum Configurations (Chapter 9)

The possible Referendum configurations listed in Table are usefully displayed.

I have a strong preference for Model 2 (Maximum Model), but am mindful of the prospect of extended wrangling and filibustering and the like, but see merit in having substantial aspects of the form of a united Ireland worked out before the referendums. The qualifying note must nevertheless be 'so far as is possible'. The project cannot be seen to fail because of unwarranted delays while not to have substantial detail agreed before a vote is akin to voting for 'a pig in a poke'.

Second preference is for Model 4 - Design process before sovereignty transfer, with default plan .

Process from Start to Finish (Chapter 10)

The summary of the overall processes and the three configurations is noted.

Regulating Referendums and Thresholds (Chapter 11).

Paras. 38 - 40: content noted.

Comment has already been made on the shortcomings of the 2016 UK/EU referendum and the acrimony which followed. The case for careful planning has been soundly made.

Para.39 cites the Referendum Commission in Ireland with referendum proposals now being 'thoroughly normalised'. This suggests a model of practice which could be usefully adopted in any proposed Unification Referendum. It has the advantage of being 'home grown' (at least in ROI) and well tested. If adopted the issue can be compared to practices beyond Ireland.

The Franchise (Chapter 12)

The content of paras. 41 and 42 are noted as statements of fact.

Determining the Referendum Questions (Chapter13)

Noted without comment.

Campaign Conduct Rules (Chapter14).

Para 46 lists rules which attach to four key matters (1) campaigners and campaigning finance (2) the role of governments during the campaign (3) information, misinformation, and the media (4) the duration of the campaign.

Paras 47 - 50 identify the particular remedial tasks which must undertaken to ensure the referendum process is 'fit for purpose'. This very important range of work should be started with minimum delay. It is essential that the necessary resources and expertise be identified and commissioned at an early date. It is important too that the commissioned body has access to the Secretary of State, the appropriate Minister in ROI and to the 'external chair' responsible for the process (should such be appointed) - see reference Ch.6 , para.20.

Conclusions (Chapter 15).

The core interim conclusions listed in Para 53 are to be highly commended and are strongly endorsed.

Concluding comment :

The first of the reports core conclusions :-

' It would be highly unwise for referendums to be called without a clear plan for the processes of decision-making which would follow'.

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must be emphasised in all interim discussion pending adoption of a final report and all
that follow from it.

Second point : - While it is not realistic to expect all details of a united Ireland to be settled
prior to referendums it is essential that a 'substantive list' of agreed items be available
early stage in the process - this point is essentially the same as that made in the third of
the core interim conclusion(Para. 53).

I offer my sincere thanks and appreciation to the Working Group and all involved in the
production of this important report and all that might follow from it.

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18 JANUARY 2021

M. R. GRAHAM (Mrs.)