



TAKING SIDES: Micheál Martin and Boris Johnson walking in the gardens at Hillsborough Castle last year

When a border poll comes the British will not be neutral

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NOTED in a tweet a few days ago that a border poll outcome wouldn't just depend on unionism and nationalism making their respective cases: 'the key factor, probably the determining one, will be the input of the British and Irish governments in the run-up to and during the vote.'

I was struck by two responses in particular: 'The British government has to be rigorously impartial' and 'What sort of input were you expecting or hoping from London: The Good Friday Agreement forbids external (London) impediment to unity.'

I was further struck by how many seem to believe a British government is forbidden to have, or promote an opinion on Northern Ireland's position within the union during a border poll.

Yet there is nothing in the GFA which forbids a British government from taking a side. There is a commitment to 'recognise the legitimacy of whatever choice is freely exercised' in the poll; 'to introduce and support...legislation to give effect to that wish'; and 'affirm that whatever choice is freely exercised...the power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality.'

The British and Irish governments 'recognise that it is for the people of the island

of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given.' Nothing there about a British government not being allowed to take a side and promote Northern Ireland remaining within the UK: only an affirmation that it wouldn't do anything to impede a result which would see NI leave the UK and become part of a new united Ireland.

A border poll will only be called when both governments decide to call it: but a nod from the Irish government will be a clear signal that it is ready for unification. It will be taking a side and making the case, for it, too, requires majority approval on the southern side of the border. And, as I say, there is nothing prohibiting a British government from making its case and backing the pro-union lobby in Northern Ireland during such a poll.

Indeed, it would be absurd to imagine that one of the governments expected to

recognise and facilitate the outcome of a poll would be bound to neutrality, while the other would be able to take a clear, partial position. Anyway, why would anyone expect the pro-union lobby to begin any poll with the major disadvantage of not being supported by the British government?

I think a border poll is coming, although it's unlikely any time before 2025/26. In a speech last October Micheál Martin said the Irish government wouldn't be thinking about a poll for at least five years (while, at the same time, upping the ante with the introduction of his 'all-island dialogues'); and Mary Lou McDonald has pushed Sinn Féin towards the longer game, saying she's now hopeful of unity by the end of the decade.

The dynamics will be different in five years. A border poll in 2015 would, I'm pretty sure, have delivered a reasonably comfortable win for the union. A border poll right now would still, I think, result in a win for the union, albeit with a slim majority.

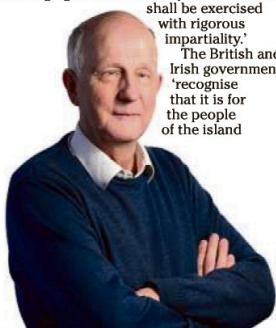
Who knows what the dynamics will be like between 2025-30? Brexit could be working out brilliantly for the UK. Or maybe it will be awful and Scotland will have left. Or maybe the EU will be in an economic mess – as it has been a number of times in the past 30 years. Or maybe Northern Ireland will be quite liking its hybrid status (a foot in both camps) and decide to stick with the new status quo rather than switching to an all-Ireland status.

Who knows?

There are no certainties in any of this. All bets will need to be hedged and every prediction wrapped in caveats.

But when the border poll comes the British government will take a position. It will not be neutral.

Having said that, let me add one of those caveats: the way in which the British government couches its partiality might not, in fact, do unionism any particular favours. But that's a column for closer to the time (assuming, of course, I'm still compositi mentis and interested enough to write it).



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ON THIS DAY

JANUARY 29 1921

Bannfoot Murder Recalled

AT LURGAN Quarter Sessions yesterday, before Judge Green, KC, Francis McNeice claimed £800 compensation for the murder of his son, Francis McNeice, alleged to have taken place in the course of an illegal assembly at Bannfoot Ferry, Co. Armagh on 15th August last. Mr Cecil Lavery, BL appeared for the applicant.

James Valley, Annaghmore, said he had been in the Army and was familiar with rifles. He was with a party which visited Lurgan Sports on the 15th August last. They left Lurgan in four motorcars about six. When they arrived at the Bannfoot Ferry, the ferryman was there and the first car was put on board and they went over. Just as they had got the motorcar up the bank, rifle firing started. It came from the back of a house on the other side of the ferry and was in volleys. There were five or six rifles firing.

There were six men in the car and witness said: 'Get in behind the ditch.' They all got behind the ditch with the exception of McNeice who lay down in the back of the car. When they got back to the car they found McNeice (was shot). Gavin McNeice said he was in the first car. No person in the car had firearms that he knew of.

Mr McNeice, father of the deceased, said he owned a farm of 25 acres and deceased (22) did the principal work.

Mr J Davison, BL submitted that there was no evidence of any unlawful assembly. He would call witnesses who would tell the Judge that these men were shouting and waving flags and there were cries of 'Up Sinn Féin' and 'Up the Rebels', creating a great disturbance.

Rev James Smith, rector of Ardmore, said he was coming from a service on his bicycle. The first car attempted to run him down. There was a Sinn Féin flag flying from it. John Wilson, the ferryman, said the occupants of the cars were shouting, 'Up the rebels' but he didn't care so long as he got them over. A volley of shots rang out from a boat. He was certain that it was those on the boat who were firing.

Judge Green – I am not prepared to find that there was an illegal assembly as a result of which this man came to his death. Therefore, I can't give compensation. I have great sympathy with the man who has lost his son but I must act in accordance with the law.

Local nationalists blamed the UVF – soon to become the Specials – for the young man's death.

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