



I agree that the two Governments - consulting as widely as possible - should before referendums reach detailed agreement on the subsequent process (though I recall that the rules of procedure they drew up before the start of the 1996-8 negotiations were then modified to take account of the views of the parties).

As regards the very many substantive issues there would be a particular onus on the Irish Government, working with as many other pro-unity actors as possible, to set out its thinking. However, the level of detail and precision attainable might vary considerably. In many cases it could be better to think in terms of sets of options, or annotated agendas, rather than specific proposals.

This leads to the difficult question of default arrangements. I can see the necessity for them. However, to the extent possible they should not be pre-emptive or unduly detailed. There would be need to be clarity on the minimum changes required to the Irish Constitution, as mentioned in the report. Indeed, those changes might be put to the vote in a first referendum in the South, on a contingent basis where possible (as in 1998). However, on many other matters, in particular those of policy or otherwise not requiring constitutional change, it might be unwise or unnecessary to address them.

of voters in Northern Ireland, including those not choosing to identify as Irish citizens. I can see that there may well be major legal difficulties with this, but it would be essential to overcome them.

A related question is whether and if so how to give particular weight to the views of people in Northern Ireland on matters which primarily concern them, in particular the maintenance or otherwise of devolved institutions.

I have a few other brief comments or questions:

- While all referendums in Ireland since the adoption of the 1937 Constitution have been on its amendment, am I right in thinking that the Oireachtas could legislate for a non-constitutional plebiscite?
- For a variety of reasons the BIIGC has been sporadic and ineffective in its operation. As part of the 1998 Agreement, it has always sat rather awkwardly with the DUP. Its roots in the Anglo-Irish Agreement also raise hackles. I think a separate process of inter-governmental discussion would be better.
- I am glad that the report recognises the limits, as well as the strengths, of Citi|ensøAssemblies. I agree that they are best when they focus on a limited set of reasonably well-defined options - maybe in this instance symbolic issues rather than public finance, for example. As a member of the secretariat of the Forum for Peace and Reconciliation, I think that it could in some ways be a useful precedent inasmuch as it provided for engagement by political parties, civil society and social partners, researchers and individual citizens.
- I agree that it is hard to see how a period of joint sovereignty or joint authority would be legally possible or politically workable.
- The absence of a legal role for the Irish Government in the decision to call a referendum in Northern Ireland is a major lacuna of the Agreement. However,

