**NOTES**

[DEBATE NI](http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/northern-ireland-vote-sought-for-irish-presidential-elections-29620029.html)

[Belfast Telegraph](http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/northern-ireland-vote-sought-for-irish-presidential-elections-29620029.html)

[Jeffrey Dudgeon](http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/northern-ireland-vote-sought-for-irish-presidential-elections-29620029.html)

[30 September 2013](http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/northern-ireland-vote-sought-for-irish-presidential-elections-29620029.html)

**[Northern Ireland vote sought for Irish presidential elections](http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/northern-ireland-vote-sought-for-irish-presidential-elections-29620029.html)**

The decision in the Irish Constitutional Convention on Sunday to allow voters in Northern Ireland to take part in southern presidential elections is witless and harmful. It was decided to add one million Ulster electors to the Republic’s rolls which would gerrymander the result, with non-residents selecting a head of state - who would become a rival in legitimacy to the Queen.

The practical problems are even more awkward. Will the Northern Ireland electoral roll be purchased and will sight of an Irish passport be required or simply proof of Irish nationality in the form of your granny’s birth certificate?

The dropping in 1998 of the Articles 2 & 3 claim, approved by a mammoth percentage (94%) was warmly welcomed. What was removed was the irredentist claim to another EU member’s territory, one that gave political justification to the IRA over decades.

If the Irish Government wishes to extend voting rights to Irish Passport holders worldwide by way of postal ballot, that's up to them. However the extension of voting rights to all residents of Northern Ireland is a hare-brained scheme which effectively unpicks the Belfast Agreement.

Michael McGimpsey who launched a legal challenge to the claim in 1985 has wisely remarked, “The image would be then, it’s really Articles 2 and 3 in their old form, that the national territory is the island of Ireland.” Even the Alliance Party has cautioned against the move, saying “the Agreement did not create joint authority or sovereignty. Instead it stresses Northern Ireland as part of the UK ... it would alter the constitutional balance”.

At the same time as this push north, two elements of southern society which used to contain significant numbers of northerners are threatened: Instead of pursuing an unnecessary political strategy such as this, time would be better served by examining why Trinity College Dublin, where 25% of students in my day came from Northern Ireland, now has 2%,

Rather than giving northern unionists a vote they don't need or want, Enda Kenny should be giving southern protestants a voice which they do need, such as in the Irish Senate vote on Friday.

RECLAIMING THE NORTH

The decision in the Irish Constitutional Convention on Sunday to allow voters in Northern Ireland to take part in southern presidential elections is witless and harmful. It was decided to add one million Ulster electors to the Republic’s rolls which would gerrymander the result, with non-residents selecting a head of state - who would become a rival in legitimacy to the Queen.

The practical problems are even more awkward. Will the NI electoral roll be purchased and will sight of an Irish passport be required or simply proof of Irish nationality in the form of your granny’s birth certificate?

We are all nationals of Eire, confusingly also known in the constitution as Ireland, whether we like it or not. The welcome dropping in 1998 of the Articles 2 & 3 claim, approved by a mammoth percentage (94%), did not alter the fact that anyone born here (of Ulster parentage) is an Irish national and potential voter. What was removed was the irredentist claim to another EU member’s territory, one that gave political justification to the IRA over decades.

This hare brained scheme effectively unpicks the Belfast Agreement. Michael McGimpsey who launched a legal challenge to the claim in 1985 has wisely remarked, “The image would be then, it’s really Articles 2 and 3 in their old form, that the national territory is the island of Ireland.” Even the Alliance Party has cautioned against the move, saying “the Agreement did not create joint authority or sovereignty. Instead it stresses NI as part of the UK ... it would alter the constitutional balance”.

At the same time as this push north, two elements of southern society which used to contain significant numbers of northerners are threatened: Trinity College Dublin where 25% of students in my day came from NI now has 2%, while Enda Kenny is scrapping the Senate which gave a place to Protestant and other dissenting traditions, as well as voices from Ulster.

Regardless of the above arguments, the change is not going to happen as the last thing the south wants is nordies having a role in governing ‘Ireland’.

NOTES

‘Ireland’, the 28 counties, is a partitioned country at peace with its northern neighbour why in a pointless gesture exacerbate even the Alliance Party has expressed caution

However Article 2 which formerly claimed NI as part of the national territory over which the south had the right to rule was amended in 1998 by a majority of Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the return by the back door leave well alone try to unite the people rather than impose divisive polls.

Alliance Chief Whip Stewart Dickson MLA has urged caution on a proposal at the Irish Constitutional Convention which suggested that residents in Northern Ireland and Irish Nationals overseas could be given voting rights in future Irish Presidential elections. He expressed particular concern that any action would alter the constitutional balance of the Good Friday Agreement.

Stewart is the Alliance Party's representative at the Constitutional Convention, and participates on issues relevant to the island as a whole or to Northern Ireland.

Stewart Dickson MLA said: "The Good Friday Agreement was a carefully constructed constitutional settlement. It recognised that people in Northern Ireland could classify themselves as either British or Irish

"At the time of the Agreement, this right to Irish nationality was not extended to the right to vote in elections within the state of the Republic of Ireland, whether for the President or for member of the Dail. That should have been the obvious opportunity for this step, and to do so in a transparent and agreed way.

"While it is a matter for the Irish Government and the Oireachtas to determine the franchise for Irish elections, to unilaterally extend the franchise to residents of Northern Ireland would constitute a significant shift in the balance of the Agreement.

"Furthermore, it is a well-established liberal principle internationally that the right to vote should be linked to citizenship and residency rather than nationality or identity. It should be for those whose lives will be affected by the decisions of the state to take part in elections. A logical extension of this principle is for states to grant the right to vote to those formal residents who are temporarily overseas but retain links to their home state.

"I would also be concerned that the Irish President could be seen as the Head of State for Nationalists and the Queen for Unionists in Northern Ireland. I do not think this type of division would be helpful for community relations.

"Alliance will continue to keep an open mind on this issue, but any changes to the fundamental balance of the Good Friday Agreement should proceed on the basis of revised agreements between the parties and governments.

"There are other steps that can be taken to further develop North-South relations in line with the Good Friday Agreement."

Ulster Unionist Michael McGimpsey came to international prominence when he launched a legal challenge to the Republic’s territorial claim to Northern Ireland in Articles 2 and 3 of the Irish constitution, before they were overhauled under the 1998 Good Friday Agreement. He now believes any move to extend presidential voting rights to Irish citizens in Northern Ireland would work against the spirit of the Agreement. “I have to say I think it would be politically very, very damaging,” he said. “The key element within the Agreement for unionists was, articles 2 and 3. They disappeared. “The age old question of who owns Northern Ireland – London or Dublin – the answer is it belongs to neither, it belongs to the people of Northern Ireland and those people determine where Northern Ireland sits. “As far as any of us can see into the future, it’s going to be in the United Kingdom. “Now to try and muddy that or blur that, I think unionists would see that very much as a tearing-up of the Agreement and I think it would be very, very damaging. “I just think it would be seen as a slippery slope. “It would be seen as trying to draw Northern Ireland into an all-Ireland franchise rather than respecting the arrangements that we currently have.”

**Article 2** The national territory consists of the whole island of Ireland, its islands and the territorial seas.

**Article 3**Pending the re-integration of the national territory, and without prejudice to the right of the parliament and government established by this constitution to exercise jurisdiction over the whole territory, the laws enacted by the parliament shall have the like area and extent of application as the laws of Saorstat Éireann[[3]](http://en.wikipedia.org/wiki/Articles_2_and_3_of_the_Constitution_of_Ireland" \l "cite_note-3) and the like extra-territorial effect.

**Article 2** It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish Nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

**Article 3**

1. It is the firm will of the Irish Nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament[[2]](http://en.wikipedia.org/wiki/Articles_2_and_3_of_the_Constitution_of_Ireland#cite_note-2) that existed immediately before the coming into operation of this Constitution.
2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island.

**Article 2**

As amended, Article 2 provides that everyone born on the island of Ireland has the right to be a part of the Irish nation. The intention is partly to allow the people of Northern Ireland, if they wish, to feel included in the 'nation' without making what might be perceived as an extraterritorial claim. This is a reflection of the provision in the Belfast Agreement recognising

the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland.

The new wording of Article 2 also had the legal effect of granting to everyone born on the island the right to Irish Citizenship. However this right has since been qualified by the [Twenty-seventh Amendment](http://en.wikipedia.org/wiki/Twenty-seventh_Amendment_of_the_Constitution_of_Ireland). Adopted in 2004, this amendment did not alter the wording of Articles 2 and 3 but nonetheless limited the constitutional right to citizenship to those born on the island to at least one Irish parent. Article 2 further recognises the "special affinity" between the people of Ireland and the [Irish diaspora](http://en.wikipedia.org/wiki/Irish_diaspora).

**Article 3**

As amended, Article 3, Section 1 expresses the "firm will" of the Irish nation to create a united Irish people, though not, explicitly, a united country. It stresses, however, that a united Ireland should respect the distinct cultural identity of Unionists and that it should only come about with the separate "democratically expressed" consent of the peoples of both parts of the island. This provision was intended to diminish the concerns of Unionists, that their rights would be ignored in a united Ireland, should that happen. Under the Good Friday Agreement the people of Northern Ireland's "democratically expressed" consent must be secured in a referendum. Interestingly for a provision that speaks of the "Irish Nation"'s desire for unity, it adds an additional legal requirement for a referendum to be held not only in Northern Ireland but also in the Republic of Ireland before a united Ireland could be brought about. Section 2 allows Ireland to participate in the cross-border 'implementation' bodies established under the Agreement.

**1937–1999 version**

See also: [Nineteenth Amendment of the Constitution of Ireland](http://en.wikipedia.org/wiki/Nineteenth_Amendment_of_the_Constitution_of_Ireland)