

THE IRISH NATION



Uimhir 3

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THE SHAPE OF THINGS TO COME?

A Discussion Article

It has often been stated that if the cause of Irish unity is to be advanced (for unionists in particular and people generally in Ireland and in Britain), specifics need to be spelled out more of what the content of such unity might be.

It is understandable that the parties that are likely to be engaged in negotiations about the shape of Irish unity (if there is a positive nationalist result from a border poll) are unwilling to commit themselves to much detail at this stage.

However, it could be helpful if political commentators and analysts made an effort to suggest models in order to encourage debate.



Implementation Bodies dealing with various sectors of social and economic life which can be added to. There are also provisions for other all-Ireland institutions such as a Joint Parliamentary Forum, a Civic Forum and a Joint Committee on Human Rights. And of course there are the long-standing institutions in the twenty-six counties.

Taking account of realities on the ground and the need to proceed cautiously in the process of Irish reunification, it would seem prudent to build on these structures, notably having regard to unionist sensitivities and apprehensions. A way of possibly doing so is outlined

as follows.

STRUCTURES OF GOVERNANCE

The first consideration which is likely to arise is that of the system of governance on the island. Various scenarios have been looked at in the past, but in a somewhat abstract manner. A more concrete approach would be to examine what might be built upon existing structures.

The Good Friday Agreement provided for a number of structures. First of all, there is a Legislative Assembly and an Executive covering the six counties of Northern Ireland. Then there is a North-South Ministerial Council involving the administrations in both Belfast and Dublin. Furthermore, there are all-Ireland

A CONFEDERATION

A confederal arrangement could be instituted on the island to begin with. This could see the Legislative Assembly and the Oireachtas continuing to function under the statutory direction of a confederal Convocation based on the Joint Parliamentary Forum. The North-South Ministerial Council could be transformed into a confederal. Administration under which a northern Executive and southern Government would also continue to operate. The all-Ireland Civic Forum could be developed as a confederal Senate. This would mean the final repeal of the Act of Union and the transfer of reserved powers for Northern Ireland at present held by

London under the Northern Ireland Act to these institutions along with similar powers being transferred from Dublin by way of amendments to the Irish Constitution. Those powers cover matters such as defence, treaties and international trade.

Within the new confederal Administration and confederal Convocation, Rules would have to be agreed for safeguards by way of appropriately weighting representation, officerships and voting procedures, with precedents existing at present in the north being looked at. Local Government should be reviewed and strengthened, particularly in the north, perhaps including a form of cantons there, thus giving increased assurance to unionists, especially in a situation of a growing nationalist population in the six counties.

COMMONWEALTH OF IRELAND COMLAṬAS NA HÉIREANN

The confederation could be officially titled the **Commonwealth of Ireland** along with a similarly designated **Commonwealth Convocation** and **Commonwealth Administration**. The Commonwealth's constitution could be termed a **Covenant** and its two (6 and 26 county) units described respectively as Northern Ireland and the Irish Republic (latterly as distinct from Republic of Ireland). There could be a rotating **Commonwealth Premier** functioning as head of Administration. (By the way, 'commonwealth' is historically and politically often just a synonym for 'republic'.)

A new flag and new anthem could be sorted out in due course, with the tricolour being left as the emblem of the Irish Republic and an internally agreed emblem decided for Northern Ireland, taking account of current flags there. English and Irish could be given equal official language status with Irish speakers at last being treated in actuality as having no less entitlements than English speakers.

Underlying all of this would be the need for a Bill of Rights for citizens under various

headings.

THE CURRENT COMMONWEALTH

As for the issue frequently raised of the existing Commonwealth headed by Queen Elizabeth, an **Irish Commonwealth Association** could be set up with people throughout Ireland individually joining as they wished, along with corporate membership being open to institutions and local administrations as desired, and provision made for this Association to participate in some manner in the existing Commonwealth. In that way, nobody would be forcibly kept out of the present Commonwealth or so included in it.

RECONCILIATION NOT RENUNCIATION

A reason for opting for a confederal structure that does not seem to be thought of up until now is that it might be better in the short term for underpinning the aims of advancing the causes of a truly free and Gaelic Ireland. In a unitary structure for the island, there would probably be calls for more compromises on the language front than could be raised within a 26 county Irish Republic as part of a confederation. That would still leave meaningful progress to be made as far as possible under that rubric in Northern Ireland. Too frequently, calls for reconciliation become demands for renunciation in respect of important parts of identity such as the Gaelic, and that is precisely how both certain unionist and pseudo-liberal elements throughout the island could coalesce in an assault on Gaelic heritage and related promotional projects.

These elements are also the ones that urge a dumbed down nationalism, semi-attachment to Britain and even acceptance of royalty as part of a settlement. Ironically, perhaps, the partition boundary line today could, *within a united Ireland*, and in the immediate future at least, thus help preserve Gaelic culture and counter attempted diminution of overall Irish sovereignty. Furthermore, a binary arrangement for Irish unity might in fact

maximise the political strength of Sinn Féin on the island, given that it is shaping up to be the largest party in each of the six and twenty-six county areas, while one does not know quite how things might turn out for it in a unitary setup.

PREPARATION FOR LAUNCH

We put the above forward as one possible basis for discussion. This could be elaborated on and discussed in all sorts of ways. And, no doubt, there will be several other models for contemplation. But the point has been reached where one can no longer simply intone about Irish unity. It has been firmly placed on the agenda and the time has arrived to start designing the vessel for construction in due course and eventual launch.

Daltún Ó Ceallaigh

Progressive Nationalism

Some Irish commentators are wont to tell us that “nationalism will always divide”; “nationalism ... has recently delivered to us an eclectic global gaggle of nationalists including, inter-alia, Donald Trump, Boris Johnson, UKIP, Marine Le Pen and of course the Brexiteers”; “Nationalism and xenophobia are on the rise”; “nationalism is a nasty and uncomplicated, political philosophy characterised by superiority and inflexibility”; “nationalism by its nature can never unite ... the country”; it is a manifestation of “extremism”; nationalists seek to “impose their culture, history, language, customs and beliefs with those of a different persuasion ...”; “Nationalism has divided our schools, our communities, our hospitals, our graveyards and more”; “An investment of our hopes in nationalism is counter-productive”; “It will never bridge the cultural gaps that divide us.” (Ex-Senator Joe O’Toole.)

Origins of Nationalism

This is not an untypical example of

reactionary historical and political muddle-headedness. For a start, nationalism emerged in modern history as a progressive force on the side of popular democracy and national independence. Expressed in a different way, it is what could now be called anti-colonialism or anti-imperialism.

The first major manifestation of nationalism came in the shape of the American Revolution against the British Empire. It was followed shortly afterwards by the French Revolution which asserted the sovereignty of the people and had to cope with foreign counter-revolutionary intervention.

National resistance was further evident in the 19th century in Latin America against Spain and Portugal. Nationalism initially came to the fore in Germany in response to Napoleonic imperialism and was eventually fulfilled through German unification in 1871.

In the 1860s, Italy went through a similar process of resistance to foreign interference and struggle for unification. Other examples of nationalism were to be found in central and south-eastern Europe. In the first instance, Poland and Hungary were to the fore in challenging the might of empire. Poland was worst off in having to cope with three empires - German, Austrian and Russian. Hungary had as its adversary the Austrian Empire. In south-eastern Europe, or the Balkans, the antagonists were the Austrians to the north and the Turks to the south. In the early 20th century, nationalism also came to fruition in Norway, Finland, and Czechoslovakia.

Throughout the 20th century, the liberation struggles ranging from the edge of Europe (Ireland) to the Third World were also manifestations of nationalism.

Nationalism in Ireland

In Ireland, nationalism has always meant popular sovereignty and national independence. There have undoubtedly been Irish nationalists who sought to link it

to Catholicism and Gaelicism. But the first attribute was grafted onto nationalism and did not emanate from its essential nature, while the second is an authentic linguistic outgrowth of nationalism which actually relies on persuasion rather than imposition.

Of course, it is legitimate for a nationalist to be a Catholic and advocate that faith, without imposing it on anybody or seeking to enshrine it in the constitution and laws of the State. Likewise, it is legitimate for a nationalist to adhere to Gaelic culture and to seek to promote that unique phenomenon without forcing it on people, while legitimately demanding that the State award it due recognition, status and rights. Thus, Catholic supremacism has been resisted and Gaelic hibernianism not sought by true Irish nationalists, although many cannot see these distinctions. More particularly, in the religious sphere, they confuse sectarianism with nationalism.

Distortion of Nationalism

On a broader front, nationalism has also come to be distorted when it is asserted that one's nation is superior to others (chauvinism) or has the right to rule over other nations (imperialism) whereby it ironically does to other nations what has originally been done to one's own nation. This corruption of concept and language has therefore led to the necessity to refer to progressive nationalism as opposed to aggressive nationalism.

However, this distinction is deliberately lost by reactionary anti-nationalism which is the current tactic of those who strive to construct a European Federation or a United States of Europe which, in effect, will be dominated by a Franco-German axis.

The Pseudo-Left & Nationalism

The problem with many supposedly on the Left in the ex-imperial metropolitan countries is that they hand the national question on a plate to the Right. For them, class and nation are an antinomy instead of a complement. They simply do not understand the importance of the nation as a political, cultural and social expression for the majority of people and, indeed, in some cases wish to think that the nation does not exist at all. In this, they contrast with the Left in former colonial countries which comprehend the nation all too well and the



attempts to suppress it. The root of socialist anti-nationalism runs deep in Europe and had its most pungent expression in the thought of Rosa Luxemburg. In the early 20th century, the Austro-Marxists

also assisted in diminishing national liberation. It is this ideological infection which has largely contributed to the collapse of European social democracy and is nowhere more evident than in the Irish Labour Party.

Nationalism & Republicanism

A final comment might be made on the difference between nationalism and republicanism. All republicans are nationalists but not all nationalists are republican in the sense that one can be for national independence in the shape of a constitutional monarchy as happened in Norway at the beginning of the 20th century when it broke away from Sweden. However, this is a matter of form rather than substance, although even the shallow symbolism of monarchy is distasteful to Painite republicans. But, as one of our great poets once put it, truth is never pure and rarely simple

A United Ireland and Neutrality

EU Army, PESCO & NATO

The Peace & Neutrality Alliance (PANA) was founded in 1996 to advocate the right of the Irish people to have their own foreign policy based on positive neutrality and pursued through the United Nations.

It is a position we would retain in the event of a United Ireland.

Promoting Irish neutrality stretches back over 230 years. In 1790, as an escalation of the Nootka Sound Crisis, the newly emerging British Empire threatened to launch a war on the already declining Spain. In response, Wolfe Tone wrote his first major and successful pamphlet, *The Spanish War*, in which he advocated Irish neutrality. This is the first extant printed defence of Irish neutrality.

THE PARTITION OF IRELAND

“Such a scheme as that agreed to by Redmond means the betrayal of the national democracy of industrial Ulster, would mean a carnival of reaction both North and South, would set back the wheels of progress, would destroy the oncoming unity of the Irish Labour movement and paralyse all advanced movements whilst it endures.”

James Connolly, *Irish Worker*, 14/3/1914.

The decision of the Unionists and Home Rule parties to support the 1914-18 imperialist war led to a massive revival of values of Tone by uniting Connolly with the IRB, the formation of the Irish Neutrality League, the 1916 Rising and the national War of Independence. However, this unity proved temporary. In the negotiations with the British, the Government of the Irish Republic proposed that:

“Ireland consents to be a neutral state, and the British Commonwealth guarantees

the perpetual neutrality of Ireland and the integrity and inviolability of Irish territory.

“Ireland undertakes, both in the interests of the Irish people and in friendly regard to the strategic interests of the British Commonwealth, to enter into no compact, and take no action, nor permit any action to be taken, inconsistent with the obligations of preserving neutrality, integrity and inviolability of Ireland, and repel with force any attempt to violate Irish territory or use of Irish territorial waters for warlike purposes.”

“Article III of Draft ‘A’ and Article V of Draft ‘B’ Treaty proposals taken by the Irish delegation to London 17/10/1921.

This proposal was rejected and negotiations resulted in the partition of Ireland, with six counties remaining part of the UK and, from 4 April 1949, being part of NATO, a nuclear-armed military alliance committed to using nuclear weapons in the event of war.

THE UK & NATO

The UK remains committed to war and has massively increased its military expenditure. In 2019/20 it so spent £22.1 billion (2.1% of its GDP). The UK Government now intends to increase its military expenditure over the next term of the UK Parliament. It intends to increase its nuclear warheads from 180 to 260 with a massive £15-30 billion development cost, as well as production costs.

In the event of the creation of a United Ireland, PANA would oppose membership of NATO. It would seek to ensure that the annual military expenditure of 0.3% of its GDP of Republic of Ireland to Defence would remain the same percentage in a United Ireland.

The Irish State, established following the

1921 Treaty, remained committed to Irish neutrality and supported global security via its membership of the League of Nations and, subsequently, the United Nations.

PROTECTING NEUTRALITY

On the 12th July 1955 in Dáil Éireann, An Taoiseach Éamon de Valera made clear the reason for Irish neutrality, when stating:

“A small nation has to be extremely cautious when entering into an alliance which brings it, willy nilly, into those wars ... we would not be consulted in how a war should be started - the great powers would do that - and when it ended, no matter who won ... we would not be consulted as to the terms on which it should end.”

When Ireland applied to join the EEC in the early 1970s, the Government White Paper said it would not affect Irish neutrality.

In 1986, when the Single European Act was proposed, Raymond Crotty won his Supreme Court case, forcing the Irish Government to hold a referendum, because Article 6 of the Irish Constitution stated that all power derives from the Irish people, and if it was proposed to transfer power away from them, they had to be asked for their agreement. It is a core article that should be retained in a United Ireland.

So, in EU Treaties, the Irish people had to be asked for their agreement. The Government was defeated in the initial referenda on the Nice and Lisbon treaties respectively, but won second time around. However, after the first Nice referendum, PANA gained one major concession that ensured the Irish Army could not be deployed abroad without the consent of the Dáil, the Government and the United Nations, a core achievement that should be retained in a United Ireland.

MILITARY NEUTRALITY & ACTIVE MILITARY NEUTRALITY

“When I use a word”, Humpty Dumpty said, in a rather scornful tone, “it means just what I choose it to mean - neither more nor less.”

“The question is,” said Alice, “whether you can make words mean so many different things.”

“The question is,” said Humpty Dumpty, “which is to be master - that’s all”.

‘Alice in Wonderland’.

Since our foundation, PANA has sought an amendment to enshrine neutrality in the Irish Constitution.

In 2001, the Government effectively abolished Irish neutrality and the State was transformed into a USA aircraft carrier. Over the last 20 years, millions of US troops have landed in Shannon Airport on their way to and from taking part in the US/NATO wars.

When, in 2003, Ed Horgan took a case against the State on the issue of neutrality, Judge Kearns accepted that the Hague Convention (V) Article 2 (“Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power”) was part of customary International Law on neutrality, but also stated that it was just Government policy and not part the Irish Constitution or Irish domestic law.

Governments know how deeply committed the people are to Irish Neutrality, so they invented the Humpty Dumpty phrase, ‘Military Neutrality’, which actually means the exact opposite to what neutrality means, both in international law and in the minds of the Irish people.

(Karen Devine, ‘The Difference between Political Neutrality and Military Neutrality’, pages 38-43, Shannon Airport & the 21st Century.)

The consequences are that many people still think the State is neutral.

THE EU, PESCO & THE EU ARMY

“We need a true European Army to protect the continent - with respect to China, Russia and even the United States of America.”

President Emmanuel Macron, Agence France-Presse, 7/11/2018.

“EU philosophy is the philosophy of real peace. We should be sending it, not armies abroad.”

John Hume’s speech to the EU Parliament on receiving the Nobel Peace Prize, 1998..

John Hume regarded the European Union as a peace project. Twenty years later, President Macron made it clear that he rejected Hume’s vision and that the EU should have an army. That the EU is already spending €1 billion a year funding EU troops, including Irish Rangers, fighting in the Sahel region of Africa, is a clear indication that the emerging EU Army is already fighting overseas wars.

Between 2014 and ’20, the EU provided €590 million funding to the EU military via the PARD and EDIDP programmes. This is now completely overshadowed by the Military Research and Development Programme 2021-2027 of €7.9 billion, agreed in 2021.

The EU’s leadership clearly sees itself as an emerging military force on a global scale. The problem for those who advocate the restoration of an imperialist culture is that it has little support among the Irish people. The last public opinion poll on Irish Neutrality (RTÉ/RedC *EU Election Exit Poll*) showed that 82% of Irish people in the Irish Republic supported Irish Neutrality in all its aspects.

Membership of the EU automatically does not entail such militaristic values. The Danish people rejected the Maastricht Treaty in 1992 and negotiated legally binding Protocols, one of which totally excluded Demark from the militarisation of the EU. PANA has consistently made the case in the EU Treaties that such a legally binding Protocol for Ireland should be added to the treaties. The same should apply in a United Ireland in the EU.

PESCO is the process by which the EU is seeking to create military formations that will evolve into a permanent EU Army. PANA and the ICTU seek Ireland’s

withdrawal from PESCO.

In any United Ireland that would be part of the EU, PANA would seek to ensure that the Protocol that applies to a United Demark, should apply to Ireland.

A UNITED IRELAND & THE UNITED NATIONS

The Good Friday Agreement allows for the creation of a United Ireland by negotiations and a referendum. This pamphlet makes it clear what PANA would be seeking in the event of the establishment of a United Ireland.

We are well aware that a significant number of UK Unionists support the UK Army & NATO, and a significant number of EU Unionists support the creation of an EU Army.



However, PANA notes that, in the 1790s, the United Irishmen were a movement that sought to unite Catholic, Protestant, and Dissenter and create an independent Irish republic that was neutral and would

take its place among the nations of the world. In the 21st century, the idea of a united Irish republic, focused on membership of the United Nations as the only inclusive, global organisation committed to collective security, is the only modern, progressive and rational approach to global pandemics, global warming and avoiding global nuclear war. It is a continuation of a 230 years’ old tradition.

The United Nations came into existence after the horrors of WWII, in the hope that such an inclusive global organisation could prevent a third World War and do what it could to prevent or end regional wars.

These traditions of peace or war are as old as time and remain as real today as they ever were, with the addition that humanity now has the means to totally destroy not just the 85 million humans killed in WWII, but all 7.6 billion humans on this earth.

PANA's advocacy of Irish Neutrality means nothing except in the context of a global struggle for peace.

Roger Cole, Chair, PANA

BASSETTING FOR BRITAIN

A lengthy tome has just been published entitled *The Idea of the Union* and edited by John Wilson Foster and William Beattie Smith. Foster is a retired Canadian university professor and an Ulster-born unionist. Fellow Ulster unionist Smith was Private Secretary to First Minister David Trimble. A lot of the usual suspects are contributors to this volume, including Trimble, former UUP leader Nesbitt, Belfast *Newsletter* editor Lowry and Kate Hoey MP.

Of particular note is a chapter by the former Irish diplomat and I Brexit advocate, Ray Bassett. His other incarnation is as a senior fellow of the right-wing Policy Exchange think-tank based in London.

Anglo-Centricity

His by now well-established anglo-centric perspective is evident from the beginning of his contribution. He is concerned with the post-Brexit poor relationship between Ireland and Britain and declares that "the onus is on Dublin to improve it." He is worried about the potential of the situation "to damage economic, political and cultural ties that have lasted centuries", as he anodynely puts the colonialist experience. Annoyed by this "country's Europhilia", he also reiterates the unionist hypocritical distortion that the Good Friday Agreement is being put under threat by the Protocol.

In case you didn't know it, Britain is our "most important economic, ethnic [sic] and cultural partner." In place of the "special relationship" that we have with Britain, we are simply becoming "the EU's leading cat's paw." He does concede that "the relationship between Ireland and Britain has often been [wait for it] fractious." In

case you missed the point, he goes on to say: "We had been joined in some form of political association for over 700 years." One can almost hear him singing in the bath 'An Association Once Again'.

Trade and Energy

Under the heading *Mutual Interest*, he stresses the trade dependency on Britain that has existed over the years and still endures to an extent. There are also the "ethnic links between the two islands" whereby hundreds of thousands of Irish people were forced to emigrate and settle on the neighbouring island. While a patriot would be focused on generating employment in Ireland, he just has in mind that: "It is vital for Ireland that this intimate relationship is maintained and that Irish people are able to travel and work freely in Britain."

Under *Energy Dependence*, he quotes the reliance for various sources of this on Britain and says that: "It would be better to keep as much of the present arrangements in place as possible." Most Irish people would think here, not of dependence, but of independence, as in the case of renewed contemplation currently being given to a safe nuclear power supply within the State.

Emigration to Linger

Dealing particularly with the Common Travel Area, Bassett characterises this as a "safety valve", thinking again of the emigration that was necessitated in the past and, he clearly believes, may arise once more in the future. He advises that: "Mainland Europe is unlikely to be a viable alternative. This is not just because of the lack of linguistic skills but also because of historical cultural connections."

In the first instance, his attachment to the allegedly immutable is evident yet again insofar as it seems that the Irish people are congenitally unable, even in the situation of necessity, to learn any language other than English. In the second instance, it is not clear whether or not the comment about "historical cultural connections" refers to a lack regarding the Continent; if it does, it

displays a remarkable deficiency of historical knowledge. Of course, the implication may simply be that we do have "cultural connections" with England, and that is true in the degree that the English sought to extirpate our national language and culture. Not for Mr Bassett an attempt to reverse this, but rather to accept and apparently reinforce it. No reconquest of Ireland by the Irish for him.

Spectre of Immigration

He then goes on to invoke the bogey of immigration to Ireland. We are warned that we "will probably see a major increase in immigrants from Eastern Europe ... " and, horror of horrors, "with immigration becoming a major focus of discontent, especially where there is pressure on public services and housing." The echoes of some of his fellow, quasi-racist Brexiteers are thunderous. Yet, that is not all. Believe it or believe it not, we may further expect "the positioning of UK immigration officials at Irish air and seaports." This will follow on pressure from Britain and its fears of Ireland being used as a backdoor for illegal entry into its jurisdiction.



Further Challenges

Under *Further Challenges*, we are first of all informed that, being "behind a larger offshore island ... Ireland will suffer from a physical dislocation from the main centre of power in the EU." Does Mr Bassett not know that there are now numerous direct flights and greatly enhanced ferry crossings from Ireland to the Continent? Our anxiety should apparently also be generated by the fact that "English will no longer have a strong case to be the dominant language of the European institutions." Is he aware that Irish is now an official and working language of the European Union and does he expect us otherwise to be the standard-bearer for English linguistic arrogance?

He reflects on the difficulties which could now arise from trying to continue using Britain as a land bridge in trading with the Continent. As just touched upon, he does not seem to realise that it is now simply being bypassed. Regarding port facilities in Ireland, and his allegation of their inadequacy for dealing with imports that previously came through Britain, he repeats his attitude of seeing Ireland as a static phenomenon and incapable of development.

On the question of increased investment and employment in Ireland following Brexit, he claims either that this has not happened or that there is no prospect of it. However, these are assertions made without any reference to facts, statistics or projections and accompanied by a lofty prophetic air.

His desire is that we should not damage the rapprochement with Britain that he saw taking place prior to Brexit. In particular, he mentions the British Conservatives and states that "it does not make sense to make them our enemy." While we are in the EU, however, "Ireland should

consider itself a close ally and friend of the UK inside the Council of Ministers." If you are unwilling to be an adjunct, you might at least be a lackey.

Recommendations

He concludes with a number of interesting recommendations. One can almost perceive, looking over his shoulder, shadowy unionist figures standing behind him as he urges a "refurbished GFA", an "energised ... British-Irish Council", and (surprise, surprise) that what "needs to be looked at seriously is Ireland's possible association with the Commonwealth."

Euroexit and Eurocritical

Mr Bassett proves himself yet again to be one of the most articulate and published Irexiteers. There are of course others in Ireland who similarly raise their voices from

time to time: the semi-fascist National Party, the far-right Irish Freedom Party, and various ultra-leftists and dissident 'republicans' as well as quixotic fundamentalists in the National Platform lobby. They are all what might also be termed euroexit. At the other end of the spectrum, there are the europhiles in the traditional establishment political parties.

In between, there is the position of eurocritical, mainly characterised by Sinn Féin. This harbours no delusions about the European Union and its transnational capitalist character, but aims to steer a course between return to anglo-american

hegemony and absorption into a franco-german dominated federation. That is through immediate defence of the national interest along with other left-wing forces, while being currently in the EU by popular wish. At the same time, seeking significant **reformation** of the EU in the longer-term on the basis of the existing neoliberal treaties is a chimera. Rather should the aim be to scrap them and put in their place a **transformation** brought about by, hopefully, an increasing number of national left-wing governments and through their coming together to create a European Association of Sovereign Nations.

JURISDICTIONS IN IRELAND

Nomenclature, Extent & Legitimacy

There are two jurisdictions in Ireland, one obtaining in twenty-six counties and the other in six counties. That in the twenty-six counties amounts to a sovereign independent State, recognised in international law and a member of the United Nations. The other six counties are a part of the State of the United Kingdom of Great Britain and Northern Ireland, often just termed 'the UK' for short. Those six counties, however, also constitute a devolved area of the UK, sometimes referred to unofficially as a "province" thereof.



did not simply read in English: "The name of the State is Ireland" and in Irish: "Éire is ainm don Stát." The fact that it did not, very quickly gave rise to the practice of the State frequently being referred to even in English as "Eire" (including in British statute law), with somewhat varied pronunciations, the most amusing of which was "eerie". Confusion was then added to in 1948 when an Irish Act was passed saying that "the description of the State shall be the Republic of Ireland." This not only introduced the term "republic" into post-revolutionary Irish statute law regarding the State, but highlighted again a question

The question of nomenclature as regards the twenty-six county State is a confused one, principally because of the way in which the relevant articles of the 1937 Constitution were drafted. In English, Article 4 reads: "The name of the State is Éire, or, in the English language, Ireland." Article 5 reads: "Ireland is a sovereign, independent, democratic State."

which by that time had arisen as to whether or not the "State" was in fact "Ireland", the specific point to which we now turn.

Extent of the State

From 1937 on, there was the question of the geographical extent of the State in constitutional law. In the Constitution of the Irish Free State, this was not dealt with explicitly, but merely understood by construction alongside the Irish Free State

To begin with, it is a wonder that Article 4

Agreement Act 1922 of the British Parliament enacting the Anglo-Irish Treaty of 1921 and the earlier Government of Ireland Act 1920. Following the opt-out of the six counties of Northern Ireland from the Free State, this meant that the Irish Free State consisted of the remaining twenty-six counties in Ireland.

In the 1937 Constitution, Article 2 read: "the national territory consists of the whole island of Ireland, its islands and the territorial seas." Article 3 read: "pending the reintegration of the national territory, and without prejudice to the rights of the parliament and government established by this Constitution to exercise jurisdiction over the whole of that territory, the laws enacted by that parliament shall have the like area and extent of application as the laws of the Free State and the like extraterritorial effect."

This led to an ambiguity about the de jure and de facto status of the twenty-six counties. One view was that what was asserted was that the Irish State was de jure comprised of thirty-two counties and de facto of twenty-six. There came to be a certain degree of judicial support for this view. However, the general interpretation which developed was that the Irish State could only be both de jure and de facto comprised of twenty-six counties, particularly in the context of international law. Therefore, according to this standpoint, a de jure State of thirty-two counties, while a matter of national right, had yet to be brought into being. Apart from jurisprudential debate, this position was also simply regarded as an expression of sheer realism.

Good Friday Agreement

In 1998, pursuant to the Good Friday Agreement, the Constitution was amended in respect of Articles 2 and 3. The new Article 2 referred simply to the "island of Ireland" and "the Irish nation", while Article 3 referred to "the territory of the island of Ireland" and "both jurisdictions in the island." However, there is no explicit

reference to a State comprised of twenty-six counties.

Things get even more involved when one tries to combine the issues of nomenclature and territorial extent. If one accepts that the only legitimate sovereign State in Ireland consists of twenty-six counties, how is it most accurately and sensibly to be referred to in the light of all that has just been mentioned above? Various practices have come into existence in response to this situation. Nobody seriously refers anymore to the twenty-six counties as the Free State, apart perhaps from some fringe elements or in throwaway remarks. There is, of course, a tendency in common parlance to simply refer to the State as "the South" or "Southern Ireland". More formally, and quite frequently, it is referred to domestically as "the Republic", and internationally as "the Irish Republic". Less frequently, one hears mention of "the Republic of Ireland" in either milieu.

What is Ireland?

More and more, however, particularly in an official context abroad, and especially in the European Union, the twenty-six county State is referred to as "Ireland". This jars for a number of reasons. First of all, it seems slightly ridiculous, when referring to the two jurisdictions on the island at the same time, to speak of "Ireland and Northern Ireland". Secondly, it is deeply offensive and hurtful to people who come from Belfast, Derry and so on, to hear themselves thus excluded from "Ireland".

Therefore, given all of this, how can we best handle the situation in a common sense manner?

An Irish Republic

A very straightforward, simple and realistic way of addressing it would be to have Article 4 of the Constitution adopt one of the established usages above and read: "The name of the State is the Irish Republic." And to have article 5 read: "The Irish Republic is a sovereign, independent, democratic State." Then, for example, it

would not irritate when one sees an Irish Government Minister sitting at a Council meeting in Brussels with a nameplate in front of him or her reading not "Ireland" but "Irish Republic".

This approach would take account of the fact that the twenty-six counties are in fact a republic and are Irish, while by definition not amounting to Ireland. And these wordings could readily sit alongside the current Articles 2 and 3 which in effect retain the aspiration to a united sovereign Ireland/Republic of Ireland.

The Six Counties

However, in all that has been said thus far, we have not dealt with the issue of the six north-eastern counties still within the jurisdiction of the United Kingdom.

After partition was introduced, which left the six counties described as "Northern Ireland" in the 1920 Government of Ireland Act, there were moves to redesignate the area in some political circles. One suggestion was that they could be called "Ulster", even though Donegal, Cavan, and Monaghan would not be included. Another suggestion, believe it or believe it or not, was that they could be termed "North-West Britain". However, at the end of the day, the official statutory reference of "Northern Ireland" endured in British law, albeit some unionists still insist on talking about "Ulster". Republicans have tended to refer to the entity concerned as either simply "the six counties" or "the north of Ireland". However, while calling the six counties "Ulster" or "North-West Britain" would clearly be incompatible with a nationalist and republican outlook, it does not seem all that objectionable to accept the designation "Northern Ireland" as long as the reality of partition unfortunately persists. It may residually still seem a bit imprecise geographically in leaving out at least Donegal, but it is often difficult to always be definitively precise in life.

Legitimacy

As for legitimacy, modern republicans, such as those in Sinn Féin, in effect

recognise the full legitimacy of the twenty-six county State, its government, parliament, judiciary, police force, and army. This is palpably evident from their participation in and interaction with all these bodies.

On the other hand, republicans still do not recognise the legitimacy of Northern Ireland; it is, as the Sunday Times Insight team put it almost sixty years ago, "the first and biggest gerrymander" and instituted by a foreign power. However, as a consequence of the Good Friday Agreement, republicans are prepared to operate the special structures of governance achieved at all levels within Northern Ireland, as a transition towards a united national republic. This statement may not be to the liking of unionists, but it does not impede the practicalities of working with them until such time as a border poll will be held which will bring about a united Ireland.

Jurisdictional Names

The main bone of contention for republicans, and nationalists in general, therefore, is reduced to the question of how the twenty-six counties are to be described officially, and particularly in an international context, when being referred to as a specific entity, and without denying the integrity of Ireland. It is suggested that this can be done by stating the following: the Republic of Ireland is not yet established, but there is still an **Ireland** of thirty-two counties, albeit jurisdictionally split between an **Irish Republic** and a devolved area located in and known as **Northern Ireland**.

Daltún Ó Ceallaigh

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