

Dear Alan and Conor –

I am writing from human rights NGO CAJ just on one aspect of the interim report in relation to the franchise where I think there maybe a gap, appreciate you were looking for feedback in January and hopefully this is still time.

The issue relates to the impact of the two Governments in the post Brexit context to seeking to restore some entitlements hitherto flowing from EU free movement law with the novel concept of “reciprocal rights of the Common Travel Area”, see [supra](#) provisions that are generally restricted to British and Irish citizens but are also restricted to what is ‘reciprocal’.

It is notable that the attached 2019 UK CTA MoU in its provisions on voting (para 13) only cofranchise otherwise remaining unchanged. However, given the opportunity to clarify that Irish citizens would be allowed to vote in a ‘border poll’ referendum given what was in the CTA MoU, the SOSNI, in response to a PQ from Conor McGinn MP, declined to do so and rather stated the following <https://questions.parliament.uk/writings/questions/detail/2019-08/230086>

This would of course not presently necessarily lead to the unthinkable as even if half the NI population would be excluded from the franchise given the ongoing conferral of British citizenship on most persons born in NI under the British Nationality Act 1981; although it would exclude non UK born Irish citizens, plus the NIHRC/IHREC has recently published an analysis by Ali Harvey of how the BNA could be amended to bring it in line with the GFA and end such automatic conferral on those who wish to exercise the GFA birth right to be ‘accepted as’ solely Irish: <https://www.nihrc.org/publication/detail/analysis-of-incorporating-into-law-the-birthright-commitment-under-the-belfast-good-friday-agreement-1998>

There is some commentary on this issue in [this following](#) exitLawNI briefing paper (former ESRI)

Hope this is useful, regards, Daniel

Daniel Holder

Deputy Director

Committee on the Administration of Justice (CAJ)
CitylinkT us C
1st Floor Community House
1s61.4 (dm)-1.7dmT52ouse
Citylink Business Park