**ICON-S British-Irish Chapter**

**Annual Report 2021**

**Introduction**

The Chapter’s plans for 2021, including a planned conference at LSE on the health of democracy, continued to be disrupted by the Covid-19 pandemic. The Chapter, nevertheless, had a productive year that saw the publication of edited collections that arose from the two conferences in 2019, at the University of Strathclyde and University College Cork. In this report, we set out the institutional and officer decisions that have been taken; we report on progress with the two publications; and we set out the planned activities for the next year.

**Advisory Board**

Current members:

|  |  |  |
| --- | --- | --- |
| Christine Bell  | Edinburgh  | 2018-21  |
| Gráinne de Búrca  | NYU  | 2018-21  |
| Paul Craig  | Oxford  | 2018-21  |
| Deirdre Curtin  | EUI  | 2018-21  |
| Sionaidh Douglas Scott  | QMUL  | 2018-21  |
| Mike Gordon  | Liverpool  | 2021-24  |
| Joanne Hunt  | Cardiff  | 2018-21  |
| Aileen Kavanagh  | Trinity College Dublin  | 2019-22  |
| Chris McCorkindale  | University of Strathclyde  | 2021-24  |
| Chris McCrudden  | QUB  | 2018-21  |
| Rory O’Connell  | University of Ulster  | 2021-24  |
| Conor O’Mahony  | University College Cork | 2021-24 |
| Gavin Phillipson  | Bristol  | 2019-22  |
| Iyiola Solanke  | Leeds  | 2018-21  |

The Advisory Board met virtually on Zoom on 28 January 2021 at 1pm. Members serve for renewable three-year terms. We welcome Mike Gordon, Chris McCorkindale, and Rory O’Connell, who joined as new Board members in 2021.

**Co-chairs**

The rules of the chapter require three co-chairs, to ensure that a wider range of intellectual perspectives is brought to bear on the day-to-day decision-making. The Advisory Board appointed Prof Oran Doyle to a second and final term for 2020-2023.

The three co-chairs are:

|  |  |  |
| --- | --- | --- |
| Oran Doyle | Trinity College Dublin | 2017-23 |
| Aileen McHarg | Durham | 2018-21 |
| Jo Murkens | LSE | 2019-22 |

Appointments are for a three-year term, renewable once.

**Activities in 2020-21**

**The Brexit Challenge for Ireland and the United Kingdom: Constitutions under Pressure****(Cambridge University Press, 2021).**

This collection, edited by Oran Doyle, Aileen McHarg and Jo Murkens was published in August 2021. A formal book launch is planned for 10 November 2021 (see below). The Table of Contents is as follows:

The Constitutional Tensions of Brexit

*Oran Doyle, Aileen McHarg and Jo Murkens*

Part I Territorial Pressures in Ireland and the United Kingdom

1 Subsidiarity, Competence and the UK Territorial Constitution

*Jo Hunt*

2 Brexit and the Mechanisms for the Resolution of Conflicts in the Context of Devolution: Do We Need a New Model?

*Elisenda Casanas Adam*

3 Beyond Matryoshka Governance in the Twenty-First Century: The Curious Case of Northern Ireland

*Sylvia de Mars and Aoife O’Donoghue*

4 Political Parties in Northern Ireland and the Post-Brexit Constitutional Debate

*David Mitchell*

5 The Constitutional Significance of the People of Northern Ireland

*C. R. G. Murray*

6 The Constitutional Politics of a United Ireland

*Oran Doyle, David Kenny and Christopher McCrudden*

7 The Minority Rights Implications of Irish Unification

*James Rooney*

Part II Institutional Pressures and Contested Legitimacy

8 Populism and Popular Sovereignty in the UK and Irish Constitutional Orders

*Eoin Daly*

9 Party, Democracy, and Representation: The Political Consequences of Brexit

*Malcolm Petrie*

10 Westminster versus Whitehall: What the Brexit Debate Revealed About an Unresolved Conflict at the Heart of the British Constitution

*David Howarth*

11 Brexit and the Problem with Delegated Legislation

*Adam Tucker*

12 Litigating Brexit

*Christopher McCorkindale and Aileen McHarg*

13 The Law Officers: The Relationship between Executive: Lawyers and Executive Power in Ireland and the United Kingdom

*Conor Casey*

14 In Search of the Constitution

Martin Loughlin

**Constitutional Change and Popular Sovereignty (Routledge, 2021)**

This collection, edited by Maria Cahill, Colm Ó Cinnéide, Seán Ó Conaill, Conor O’Mahony, was published in July 2021 by Routledge. The Table of Contents is as follows:

Introduction

Part 1: Sovereignty

1. Maria Cahill, “Introduction: The Reign of Popular Sovereignty in Ireland – An antidote to populism?”
2. Laura Cahillane, “The Origins of Popular Sovereignty in Ireland: Theory and Reality”
3. Michael Kearney, “Self-Determination & the Irish Constitutional Framework”
4. Eoin Daly, “'Conceptualising popular sovereignty in the Irish constitutional order”
5. Raphael Girard, “Populism, 'The People' and Popular Sovereignty”
6. Clara Hurley, “The Relational State: Does the Primacy of Popular Sovereignty Prevent a Feminist Understanding of State Sovereignty?”

Part 2: Referendums and Constitutional Change

1. Conor O’Mahony, “Introduction to Part 2: Expressing Popular Sovereignty through Constitutional Referendums”
2. Gavin Barrett, “Modalities and Political Practices Concerning Referendums in Ireland: Some Observations”
3. Jennifer Kavanagh, “Is the current mechanism for challenging a referendum result suitable for purpose?”
4. Hilary Hogan, “Democratic Constitutionalism or Elite Control? Revisiting the 2004 Irish Citizenship Referendum”
5. David Kenny, “The Risks of Referendums: ‘Referendum culture’ in Ireland as a solution?”
6. Oran Doyle and Rachael Walsh, “Deliberative Mini-Publics as a Response to Populist Democratic Backsliding”
7. Alex Layden, “Informal Constitutional Change and Local Government in Ireland”
8. Colin Harvey, “Popular Sovereignty, Irish Reunification and Change on the Island of Ireland”

Conclusion

1. Colm Ó Cinnéide, “Conclusion: Irish Popular Sovereignty in Domestic and Comparative Perspective”

**Covid, Crisis and the Constitution - Webinar June 16th 2021 1-2pm**

The online seminar was co-hosted by the Chapter as well as and TriCON (Trinity Centre for Constitutional Governance) and the Jean Monnet Centre of Excellence in Constitutional Governance in Europe at Trinity College Dublin.

The seminar assumed that the pandemic had a profound effect on the lives, health and relationships of individuals, and went on to inquire what impact it has had on the constitutional framework and the norms which underpin that framework. Drawing on comparative examples from the UK, Ireland, Europe and far beyond, in conversation with leading experts in the field, this seminar asked: How are governments responding to Covid19 in a changing field? And how are constitutions framing and shaping those responses? More fundamentally, has the Covid crisis uncovered a deeper constitutional malaise?

The speakers were:

Professor Fiona de Londras (University of Birmingham)

Professor Oran Doyle (Trinity College Dublin)

Dr Joelle Grogan (Middlesex University London)

Professor Jeff King (University College London)

in conversation with Professor Aileen Kavanagh (Trinity College Dublin and the Director of TriCON.

**10 November 2021: Book launch for** **The Brexit Challenge for Ireland and the United Kingdom: Constitutions under Pressure****(Cambridge University Press, 2021).**

Speakers: tbc

**Plans for 2021-22**

The course of the pandemic makes it difficult to plan for events. In-person gatherings were not possible or desirable during 2021, and we are anxious not to commit to in-person conferences too soon.

Annual Conference

Planning towards the third annual conference at the London School of Economics in April/May 2022. Theme tbc.

Co-Sponsored Events

The co-chairs are open to the possibility of further joint activities on relevant topics.