



## An Roinn Gnóthaí Eachtracha agus Trádála Department of Foreign Affairs and Trade

*Our Ref: FoI/Req/19/257*

Dear Ms Coyne,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

*All of the documents held by the department relating to either the risks of OR advanced planning for a border poll at some point in the future. I would like my FOI to cover the last year.*

I refer also to the acknowledgement of your request which was sent to you on 3 September 2019.

I have identified 6 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to grant 1 record.

Where access has been refused, the records are exempt from release under the following sections of the Act:

- Section 15(1)(d), which refers to information already in the public domain.

Records 1-3 are publically available Parliamentary Questions. I have attached a link to those records for ease of reference:

20181023 - Parliamentary Question [43497/18](#)

20190227 - Parliamentary Question [7341/19](#)

20190312 - Parliamentary Question [11717/19](#)

Record 5, the Seanad Commencement Matter on ‘*why the issue of a referendum on unifying the people of Ireland is not part of his Department’s Risk Register*’ is available [here](#).

Record 6, the National Risk Assessment 2019 is available [here](#).

In the context of your FOI request I would note that the full implementation and effective operation of the Good Friday Agreement is a priority for the Government. The principle of consent and the possibility of change in the constitutional status of Northern Ireland are fundamental elements of the Good Friday Agreement, endorsed by the people of this island North and South.

The approach of the Government in relation to Irish unity is of course guided by Article 3 of the Constitution, as amended by the people in 1998. The Agreement states clearly that “it is for the people of the island of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right to self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish, accepting that this right must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland”.

Furthermore, under the Agreement, the two Governments “recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Britain or a sovereign united Ireland”. And should such a choice be made in the future, it will be a binding obligation on both Governments to introduce and support in their respective Parliaments legislation to give effect to that wish.

The holding of a referendum in this jurisdiction is connected with the calling of a border poll, under the terms of the Good Friday Agreement, in Northern Ireland. Under the Good Friday Agreement, the Secretary of State shall exercise this power "if at any time it appears likely ... that a majority of those voting would express a wish that Northern Ireland should cease to be part of the United Kingdom and form part of a united Ireland."

While the decision to hold such a poll in Northern Ireland rests with the Secretary of State for Northern Ireland, the Government does not believe it likely at present that such a border poll in the near future would result in a decision on the part of a majority of the people of Northern Ireland in favour of constitutional change.

In these circumstances, it is the Government’s clear view that such a poll would only increase uncertainty and division at an already difficult and sensitive time.

The Government respects everyone’s right on this island to make the case for the constitutional future they wish to see for Northern Ireland - whether nationalist, unionist or neither. The Good Friday Agreement - and the two sovereign Governments - explicitly recognise and validate the legitimacy of both of these constitutional positions, which are deeply held.

In the absence of the prospect of a referendum in the near future, the Government has no immediate plans for specific preparations on this issue, nor has there been in the past. In the event of a future referendum within the consent provisions of the Good Friday Agreement, the Government would make all necessary preparations in accordance with the terms of the Constitution and the principles and procedures of the Agreement.

The Government’s immediate priorities are to secure the functioning of the devolved power-sharing institutions and the North South Ministerial Council, which are at the heart of the Good Friday Agreement, and to ensure the protection of the Agreement in all its parts and the gains of the Peace Process, in the context of the UK decision to exit the European Union under any scenario.

### **Right of Appeal**

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2

or by email to [foi@dfat.ie](mailto:foi@dfat.ie). A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at [foi@dfat.ie](mailto:foi@dfat.ie), or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely,

Lorraine Healy  
Ireland, UK and Americas Division,  
Department of Foreign Affairs and Trade