



An Roinn Gnóthaí Eachtracha
Department of Foreign Affairs

Our Ref: Fol/Req/21/077

Date: 19 April 2021

Dear Mr Hutton,

I refer to the two requests which you made on 18 March 2021 under the Freedom of Information Act 2014 for access to records held by this Department, as follows:

- i.) All correspondence/contact between Minister for Foreign Affairs and Scotland's Cabinet Secretary for the Constitution, Europe and External Affairs, Mike Russell, on Rockall.*
- ii.) All correspondence/contact between Minister for Foreign Affairs and Minister for Agriculture, Food and Marine on Rockall from 2016 to date.*

Regarding part i.) of this request, I have not identified any records that fall within its scope. Accordingly I am obliged to refuse this part of your request under Section 15(1)(a) of the FOI Act on the grounds that “the record concerned does not exist or cannot be found after all reasonable steps to ascertain its whereabouts have been taken.” Relating to part ii.) of this request, I have identified 1 record that falls within the scope of your request. This record is listed in the schedule attached. I have made a decision to refuse release of this record.

Where access has been refused, the record is exempt from release under Section 30 – Functions and negotiations of FOI bodies, specifically Section 30(1)(c); and Section 33 – Security, defence and international relations, specifically Section 33(1)(d) the international relations of the State.

Section 30(1)(c) refers to records which, if released, could reasonably be expected to disclose positions taken, or to be taken, or plans, procedures, criteria or instructions used or followed, or to be used or followed, for the purpose of any negotiations carried on or being, or to be, carried on by or on behalf of the Government or an FOI body.

The Department of Foreign Affairs is regularly involved in complex negotiations in the course of managing relations between Ireland and 192 countries around the world across a wide range of policy areas. Based on the Department's direct knowledge and expertise in preparing for, and engaging in, negotiations, it is important to maintain confidentiality and mutuality of trust to protect and promote Ireland's interests internationally.

Section 33(1)(d) refers to records which, if released, could reasonably be expected to adversely affect the international relations of the State. Successful diplomatic relations also depend upon the creation and maintenance of trust between governments on matters that may be under mutual discussion. Based on the Department's direct knowledge and expertise in international relations, its strongly held position is that the mere granting of access to records will adversely affect the State's relations by introducing major doubts with regard to the security and confidentiality of our communications on matters pertinent to Ireland's diplomatic relationships around the world.

I have weighed these considerations against the potential value to the public interest in releasing the record in this case. I have considered the likelihood that the release of the record could result in negative consequences and have taken into account their likely impact. On balance, I am satisfied that the circumstances favour refusal rather than release of the relevant record in this case.

I am attaching a link to a response to a Parliamentary Question which may be of interest to you: [Maritime Jurisdiction – Wednesday, 10 Mar 2021 – Parliamentary Questions \(33rd Dáil\) – Houses of the Oireachtas](#). This Parliamentary Question response was to Deputy Pádraig Mac Lochlainn by the Minister for Foreign Affairs detailing the contact between him and the Scottish Cabinet Secretary for the Constitution, Europe and External Affairs, Mike Russell, in the course of which, the topic of Rockall was raised.

The Government of Ireland's longstanding position on Rockall has been clearly articulated. Ireland has never made any claims to Rockall, which is a small, uninhabitable granite rock located approximately 160 nautical miles west of the Scottish islands of St. Kilda and some 230 nautical miles to the north-west of Donegal. Nor has Ireland ever recognised British sovereignty claims over Rockall, and accordingly has not recognised a 12 nautical mile territorial sea around it either.

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@dfa.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30, (€10 for medical card holders). A copy of the medical card should be provided to avail of the reduced fee. For methods of payment, please contact FOI Unit at foi@dfa.ie, or 01-4082618.

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,

Ciarán Doyle

British-Irish Relations Unit
Ireland, UK, and Americas Division
Department of Foreign Affairs
