# The EU and Irish Unity

## THE CONSEQUENCES OF CONSTITUTIONAL CHANGE



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The EU and Irish Unity
PLANNING AND PREPARING FOR
CONSTITUTIONAL CHANGE IN IRELAND
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MAKING THE CASE FOR
IRISH UNITY
IN THE EU
AN INDEPENDENT LEGAL AND ACADEMIC REPORT
COMMISSIONED BY THE LEFT IN THE EUROPEAN PARLIAMENT
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## Acknowledgements

This is our third report on Irish reunification. We acknowledge all the valuable responses received since 2019, including at the launch events in Brussels, London, Dublin and Belfast. We are also grateful for the support and solidarity during difficult moments. We are pleased that the constitutional conversation is now centre stage and are encouraged that our framing from the first report is so widely used across political and civic life.

We are grateful for the detailed feedback on a draft of this report, in particular from Dr Clemens Rieder, Senior Lecturer, School of Law, Queen's University Belfast. Any errors or omissions remain entirely our responsibility. The views expressed are those of the authors and do not reflect the position of any our institutional affiliations.

## Executive Summary

2026 is the 10th anniversary of the Brexit referendum that led to the withdrawal of the United Kingdom (UK) from the European Union (EU). There is extensive ongoing reflection on its impact and consequences. The North was removed from the EU against the wishes of voters in the region. There is an external border of the EU on the island of Ireland. This is a remarkable development.

While a significant and hard-won special arrangement was put in place to mitigate the damage (the Protocol now Windsor Framework), it remains an inadequate substitute for the benefits and advantages of full EU membership.

There is an automatic way back to the EU via the agreed mechanism in the Good Friday Agreement (the Agreement). This report draws on our previous research and aims to underline once again the need to raise awareness across Europe about the opportunities and implications.

Our view remains that this is the first available EU return option for the jurisdiction and that practical questions will arise that must be considered and addressed in advance. We applaud the focus on proper planning and preparation and note that the discussions have also included timeframes.

Our intention in this report is to stress that the EU institutions and member states would be well-advised to commence detailed consideration of Irish unity now. We outline the potential impact on the EU, and we include a series of recommendations to illustrate what practical planning would look like.

We stress that the EU must not be a bystander as Ireland heads towards a border poll.

## I. Context

***Should the EU be planning and preparing for a united Ireland?***

Yes, the EU should be planning and preparing for a united Ireland.

Our view remains that there are practical questions that are best addressed by the EU in advance of a border poll, if the referendums that happen on the island of Ireland are to be well-informed. This is not a precondition to the referendums.

The primary reason for this is because constitutional change will unfold in an EU member state and consequences will flow from that reality. The EU has the institutional capacity and the practical experience of playing a productive and constructive role in such processes of transition. The questions arising from Irish reunification can be answered without necessarily taking any formal position on the outcome – although we are clear that there is, in our view, no legal impediment to the EU doing so. We believe that the EU could, if it so wished, publicly express support for a united Ireland.

In April 2017, the European Council adopted the following statement:

> The European Council acknowledges that the Good Friday Agreement expressly provides for an agreed mechanism whereby a united Ireland may be brought about through peaceful and democratic means; and, in this regard, the European Council acknowledges that, in accordance with international law, the entire territory of such a united Ireland would thus be part of the European Union.[1]

This indication of the EU's overarching approach to Irish reunification frames all of our research reports since 2019. All through the heated discussions about managing Brexit stood one basic reality for those in the North committed to a European future: There is an automatic route back to the EU via Irish unity that fully aligns with existing international, European and domestic legal frameworks. The political and policy-related merits are a matter of debate, as are questions of timing. But the process of securing Irish unity falls comfortably within already agreed legal arrangements.

The title and content of our 2019 report (*The EU and Irish Unity: Planning and Preparing for Constitutional Change in Ireland*) had an impact; its serious and responsible framing now dominates much of the current conversation about the constitutional future in Ireland.[2] There is an intensive focus on preparing properly for a potential border poll on a united Ireland. Today the discussion is a long way from where it was in 2019.

Our follow-on report in 2022 pressed our initial arguments further.[3] In that report we suggested that there is no obvious impediment to the EU taking a position in support of a united Ireland. Our objective was to make clear that if the EU wishes to adopt a position that favours a united Ireland that is legally possible. The politics of adopting that approach is a different matter, and we recognise that the EU may be cautious about any steps that would pre-empt a decision that rests with the people of Ireland. That point was

[1] Special meeting of the European Council (Art.50) held on 29 April 2017, EUCO XT 20010/17.
[2] Colin Harvey and Mark Bassett, *The EU and Irish Unity: Planning and Preparing for Constitutional Change in Ireland* (2019, GUE/NGL Group of the European Parliament).
[3] Mark Bassett and Colin Harvey, *Making the Case for Irish Unity in the EU*, (2022, The Left in the European Parliament).

made to us more than once at our various launch events. Even if those prudential reservations are accepted, however, there will be practical and technical questions that will require advance thinking by the EU institutions and member states. They are matters that in our view simply cannot be avoided. As we have explained in our work, the reunification of Ireland does not amount to a new member state joining the Union or internal enlargement that would require Treaty amendment. It seems clear that if and when the Irish Government asks for practical assistance from the EU, on matters of mutual concern, that assistance will be provided.

Many of our recommendations from 2019 and 2022 therefore retain their relevance and are incorporated into this new report, where relevant and appropriate. Our firm view is that the adoption of our recommendations would assist in ensuring an informed discussion. We note in that regard that there is a growing consensus on proper planning. Our aim here is to address questions that will arise for the EU in particular and we refer readers to our earlier reports for further information. We stress at the beginning that our primary aim remains to prompt the EU to engage proactively with the prospect of constitutional change in Ireland.

***What is the state of the current debate about constitutional change?***

Before addressing the questions relating to the EU, it is essential - given the comments above - to contextualise the discussions by outlining how much progress has been made since the publication of our last report. A starting point here is the striking scale of research completed and ongoing, and how many are actively engaged in this work. The conversation on constitutional change is a mainstream subject of popular debate across Ireland. We welcome that development.

It is well-known that the current Irish Government is cautious about facing into the constitutional question openly and directly. Although even that position is in the process of transition. In August 2026 the Taoiseach indicated that 'he goes bananas' when his party colleagues talk up the prospects of a border poll.[4] Though not long after he did indicate that there needed to be discussion about the conditions for calling such a poll.[5] The new British Prime Minister, Andy Burnham, on his first visit to Belfast provoked an extensive negative reaction for his remarks about a border poll being 'off the table'.[6] The criticism led to rapid clarification and unequivocal support for the Agreement.[7] In a

[4] *Micheál Martin says talk of Border poll makes him go 'bananas', The Irish Times*, 16 August 2026, https://www.irishtimes.com/politics/2026/08/16/micheal-martin-says-talk-of-border-poll-makes-him-go-bananas/.

[5] *Taoiseach says border poll conditions 'have to be discussed', RTÉ News*, 7 September 2026, https://www.rte.ie/news/politics/2026/0907/1590603-border-poll-taoiseach/.

[6] *Burnham says united Ireland poll is 'off the table' during first NI visit*, *BBC News*, 27 August 2026, https://www.bbc.co.uk/news/articles/cy9z43z3g24o; *Sinn Féin's Mary Lou McDonald says Andy Burnham has no right to rule out a border poll*, *The Irish News*, 27 August 2026, https://www.irishnews.com/news/northern-ireland/sinn-feins-mary-lou-mcdonald-says-andy-burnham-has-no-right-to-rule-out-a-border-poll-NHEKYEV775C3TOL5NUKCDRCK4M/.

[7] *Burnham pledges to 'stick to Good Friday Agreement' as PM, RTÉ News*, 1 September 2026, *https://www.rte.ie/news/uk/2026/0901/1589949-uk-politics-burnham-starmer/*. 'UK Prime Minister Andy Burnham has pledged to "stick 100% to the Good Friday Agreement" after he received criticism last week when he told the media that a referendum on a united Ireland was "off the table".'

subsequent intergovernmental meeting there is evidence that a border poll was mentioned.[8] That is significant and should not be dismissed.

The governmental caution is not replicated by individual political parties and their members. Both Sinn Féin and the SDLP have established dedicated commissions – with the Sinn Féin initiative being particularly productive and active.[9] A striking recent development is the decision by the Tánaiste Simon Harris that Fine Gael – a party of government – would develop a 'blueprint' for 'a unified island'.[10] The Oireachtas Good Friday Agreement Committee continues to undertake impressive work directly addressing constitutional change, including a report in 2024 that recommended the commencement of immediate preparations.[11] The efforts within civil society to promote informed reflection are impressive. Ireland's Future remains the leading civic group advancing constitutional change and its work continues to be influential.[12] This campaigning organisation has produced policy papers and extensive public engagement with political parties, among others. It has also arranged major public events across Ireland, including in the 3Arena in Dublin and the SSE Arena in Belfast (now the 02 Belfast).[13] There are many other examples from civil society: the National Women's Council of Ireland's Assembly, which produced a report on a *Feminist Shared Future* launched in 2025 and the Constitutional Conversations Group that delivered events and various papers from 2019 onwards.[14]

Notable too are the impressive interventions from universities and from academics. The best known is the ARINS project – a collaboration between the Royal Irish Academy and the University of Notre Dame.[15] The book commissioned and delivered under the auspices of this project – Fintan O'Toole and Sam McBride's *For and Against a United Ireland* has prompted much mainstream reflection – with the core ideas and arguments in the book usefully derived from established research and long-held positions that might otherwise be neglected.[16]

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[8] *British government 'not in position' to move on Border poll, says Taoiseach, The Irish Times,* 18 September 2026, https://www.irishtimes.com/politics/2026/09/18/taoiseach-thanks-andy-burnham-for-standing-up-for-needs-and-rights-of-palestinian-people/.

[9] Sinn Féin, Commission on the Future of Ireland, https://sinnfein.ie/futureofireland/; SDLP, New Ireland Commission, https://www.sdlp.ie/new_ireland_commission.

[10] Harris says 'blueprint' for unified island to be published in November, *RTÉ News*, 14 June 2026, https://www.rte.ie/news/ireland/2026/0614/1578361-unified-island-fine-gael/.

[11] Information on the work of the Committee is available here: https://www.oireachtas.ie/en/committees/34/committee-on-the-implementation-of-the-good-friday-agreement/.

[12] For further details: https://irelandsfuture.com/. For an examination of the work of the group and its impact see: Colin Harvey, 'A civic voice for Irish unity: the role of Ireland's Future in advancing constitutional change' (2026) 13 *Éire Nua* 21-24, https://sinnfein.ie/eire-nua/. One of the authors (Colin Harvey) is a member of the management board of Ireland's Future.

[13] Events have also been held in the Ulster Hall and the Lyric Theatre, among other prominent locations.

[14] *The Women's Assembly: A Feminist Shared Future*, https://www.nwci.ie/learn/publication/the_womens_assembly_a_feminist_shared_future; Mark Bassett and Colin Harvey, *The Future of Our Shared Island: A Paper on the Logistical and Legal Questions Surrounding Referendums on Irish Unity* (2019, Constitutional Conversations Group). https://brexitlawni.org/library/resources/the-future-of-our-shared-island.

[15] See: https://irishstudies.nd.edu/initiatives/the-arins-project/.

[16] Fintan O'Toole and Sam McBride, *For and Against a United Ireland* (2025, Royal Irish Academy).

A mini-library has appeared in recent years, with the scholarly works by John Doyle and Brendan O'Leary, for example, illustrating the depth of rigorous engagement with much of the detail.[17] The new Constitutional Futures initiative being taken forward by the ARINS project will also yield valuable insights, including on matters of constitutional design. These are only selected highlights.

This academic preparatory work will not be wasted and will be essential reading as the unity conversation advances to the next phase. While the patchwork picture is likely to evolve, it will need an institutional home, in the sense that at some point these efforts must be brought together. That is particularly the case if those promoting change are serious about the preparation of a detailed prospectus (a *Programme for a New Ireland* as Ireland's Future describe it).[18]

Despite the frenzied activity in the immediate aftermath of the Brexit referendum and various attempts to put Irish unity on the European agenda, the absence of the EU from the emerging picture is instructive and notable.

**II. What are the practical consequences of unity for the EU?**

***How will a united Ireland affect the EU institutions and member states?***

Irish reunification in line with the approach adopted by the European Council in April 2017 will mean that the territory and population of the existing state will increase. This will not be an accession process for a new member state but re-entry of a region that only recently departed from the EU, and where the majority of the population is either an existing Irish/EU citizen or entitled to be so.

While divergence over time remains a significant risk, it is also a region that has a special status established during the Brexit negotiations. The North has deep familiarity with the EU, and the EU has extensive experience of operating in the North. As is well known, the North has benefited from the EU's commitment to the peace process and from its recognition of the structural challenges facing a post-conflict society.

A united Ireland would take the population of the state to over seven million people – a rise of about two million. The voting method that is used most often by the European Council is qualified majority – that involves a majority of members states and a majority of the population. This means 55% of member states are in support plus 65% of the total population. Even after reunification Ireland will be a small EU member state. Unity will, however, mean that the weight of an Irish vote will increase as part of this complex calculation.

The whole territory of the island of Ireland will be in the Eurozone, with the euro as the currency in the North. And a reunified Ireland will be bound by EU law throughout the expanded territory. That means the North will once again come back within the horizon of the EU institutions, including the Court of Justice of the European Union (CJEU), and

[17] John Doyle, *Before the Vote: Planning for a United Ireland* (2026, DCU Press); Brendan O'Leary, *Making Sense of a United Ireland* (2022, Sandycove). Beyond the academic world, Frank Connolly's *United Nation: The Case for Integrating Ireland* (2022, Gill Books) is particularly notable for the diverse range of voices he includes and the books of Ben Collins *Irish Unity: Time to Prepare* (2022, Luath Press) and *The Irish Unity Dividend* (2025, Luath Press) underline the case for preparation as well as the opportunities.
[18] Ireland's Future, *Ireland 2030: Proposals for the Period Between 2024 and 2030* (2024) 9.

its legal order. Courts in the North will return, where appropriate, to applying fully EU law concepts and tools such as direct effect, indirect effect, supremacy of EU law, the Charter of Rights (CFR) and the preliminary reference system to disputes before them.[19] While this short report cannot cover all the implications where the EU has legal competence, it is clear that from competition law to fisheries policy to environmental protection there will be significant implications. Failure to prepare properly, including through early conversations with EU member states, could have costly consequences for Ireland.

***Will Ireland have more MEPs?***

Prior to Brexit the island of Ireland was represented in the European Parliament (EP) by 14 Members of the European Parliament (MEPs) – 11 of which were elected from the Republic and Northern Ireland had three MEPs, which it lost as a result of Brexit. In the final election in 2019 Martina Anderson (Sinn Féin); Naomi Long (Alliance Party); and Diane Dodds (Democratic Unionist Party) were all elected. This ended when the UK formally left the EU on 31 January 2020. Ireland was allocated 14 seats for the 2024 EP elections.[20]

The EP operates the following system for composition and membership – governed by article 14(2) Treaty of the European Union (TEU):

> The European Parliament shall be composed of representatives of the Union's citizens. They shall not exceed seven hundred and fifty in number, plus the President. Representation of citizens shall be degressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats.
>
> The European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a decision establishing the composition of the European Parliament, respecting the principles referred to in the first subparagraph.

The core principle underpinning this is described as follows:

> The concept of degressive proportionality means that although the total number of seats is allocated on the basis of Member State population size, more populous Member States agree to be under-represented in order to ensure greater representation of less populous Member States: the larger the country, the smaller the number of seats relative to its population.[21]

In our view, it is likely Ireland will be allocated more MEPs, meaning more likelihood of influential positions within the EP, more power at Council level (on the basis of an

[19] At the present time these concepts remain part of the law of Northern Ireland in so far as they are necessary under the Protocol on Ireland/Northern Ireland to the EU-UK Withdrawal Agreement (now known as the Windsor Framework).
[20] European Council Decision (EU) 2023/2061 of 22 September 2023 establishing the composition of the European Parliament ST/13/2023/INIT, OJ L 238, 27.9.2023, 114–116.
[21] The European Parliament: organisation and operation, https://www.europarl.europa.eu/factsheets/en/sheet/20/das-europaische-parlament-organisation-und-arbeitsweise.

increased national population) and possibly a more prominent role in the European Commission as a consequence of reunification.

***What are the legal consequences of Irish reunification?***

Irish reunification - as envisaged here - will take place in accordance with the right of self-determination, as recognised in international law and as set out in the Agreement. In formal legal terms, the Ireland that emerges will not be a new state – it will be an expansion of the territory of an existing state achieved through the consensual and lawful transfer of sovereignty. Because this will follow referendums that have endorsed the outcome there will be no questions regarding the consent of the population. A united Ireland will be a democratically agreed choice as envisaged through established legal frameworks. In contrast to the accession of a new member state, there will be no requirement for an application under article 49 TEU, Treaty amendment or obtaining the consent of all national governments or parliaments. This point must be underlined and stressed and makes the position on the island of Ireland distinctive.

A united Ireland will continue to serve as an EU member state, and as a member of existing international organisations, such as the UN and the Council of Europe. Unlike the UK, Ireland is not a member of NATO or the Commonwealth and does not have a permanent seat on the UN Security Council.

The legal framework is known and agreed. While elements require further clarification it provides a secure overarching basis for informed conversations. The constitutions of Ireland and the UK are consistent on the process for Irish reunification. There is, therefore, no direct analogy with the issues that arose for membership of the EU for an independent Scotland or for an independent Catalonia.

The details of the process will in practice most likely be governed by a new British-Irish treaty, although it should be noted that some implications of the exercise of the right of self-determination already feature within the existing Agreement. For example, human rights, power-sharing principles and the right to be accepted and identify as British or Irish or both in citizenship law are addressed. The settled nature of, for example, the guarantees around citizenship is worth repeating here.

***Will Ireland's contribution to the EU change and in what other areas might action on the part of the Irish state be required?***

Ireland is a net contributor to the EU budget and has been since 2013.[22] However, the state also received significant funding from the EU, including in relation to agriculture, and Ireland benefits hugely from ongoing EU membership. Much of this is not adequately captured by a simple cost-benefit calculation.

The overall position as a net contributor is unlikely to change in the event of reunification, although it should be noted that there will be work to do to ensure that the North is not

[22] Tánaiste and Minister for Finance, Simon Harris: 'The Deputy may recall that Ireland was a significant net beneficiary from the EU budget since accession in 1973, until 2013 when we became a net contributor, reflecting our economic transformation over fifty years of membership.' https://www.oireachtas.ie/en/debates/question/2026-06-25/43/.

left behind in a united Ireland in socio-economic terms. That is one reason why debates about socio-economic rights will increase in significance as the unity project advances.

In this respect we note the immense value of the work being done by the Economic and Social Research Institute (ESRI) under the auspices of the Shared Island Initiative to advance credible comparisons between the North and the South.[23] In the post-Brexit period PEACEPLUS funding continued, with the support of the EU, British and Irish Governments, and the Northern Ireland administration.[24] The PEACEPLUS funding features in the budget for 2028 – 2034. This is vital recognition that the North remains a region in need of support and this will also impact on the calculations that will follow reunification from an EU perspective.

***What conversations are currently happening within the EU?***

The key contribution to informing reflection on a united Ireland has thus far come from the European Council, as outlined above. This clarifies how the EU will approach constitutional change in Ireland, in line with recognition and acceptance of prior agreements. The post-Brexit period saw an intensive focus on the region within the EU institutions, including engagement from the European Commission and the Parliament. However, that has primarily been directed towards the management of the withdrawal process, the special arrangement for the North and the future relationship between the UK and the EU. The North appears to have fallen off the EU agenda to a considerable extent. This is concerning, particularly given the work required in order to elaborate on the position adopted in 2017.

**III. What are the practical consequences of Irish unity for citizens of the North?**

The possibility of Irish reunification achieved through concurrent referendums is a fundamental feature of both the Irish[25] and British constitutions.[26] This right of self-determination is consistent with public international law and, in the event of joint approval by the separate electorates on the island, will have important public international law consequences for both states and for the EU. As noted above, Irish unity will be an example of cession – the peaceful and consensual transfer of ownership of territory from one state to another. It has the effect of replacing one sovereign with another by agreement of the contracting states and is most typically achieved by treaty.

In the case of Irish reunification, the right to self-determination has been expressly acknowledged by the UK and Ireland in the Agreement. The process by which it will be delivered and aspects of the form it shall take are agreed. The jurisdiction of Northern Ireland will leave the UK and form part of a sovereign united Ireland, which is already in the EU. The transfer of territory from one constitutional system to another will require negotiations, but it is possible to describe the parameters within which those changes will occur. The legal and practical consequences for citizens in the North are addressed

[23] ESRI, *Sharing the Island: Economic and social challenges and opportunities: Evidence from an ESRI research programme*, https://www.esri.ie/publications/sharing-the-island-economic-and-social-challenges-and-opportunities-evidence-from-an.
[24] See the work of the Special EU Programmes Body, https://www.seupb.eu/.
[25] Articles 2 and 3 of Bunreacht na hÉireann.
[26] Section 1 of the Northern Ireland Act 1998.

below, in terms of citizenship, human rights protections, access to the internal market and economics.

***Citizenship and electoral rights***

In both the 2019 and 2022 reports, we paid particular attention to the implications of Brexit for national identity. It was foreseen that it would result in the creation of a region outside of the EU that is largely inhabited by EU citizens (Irish citizens primarily) who wish to see their EU rights protected where they reside. It was also noted that those who identify as British only (and who entirely legitimately do not wish to avail of any legal right to Irish and thereby EU citizenship) have been deprived of significant free movement rights that had previously accompanied that status.

This report addresses, in broad outline, the practical consequences for citizens residing in Northern Ireland in the event of Irish reunification. The analysis here remains anchored in our previous assumption that the first available way back to the EU for the North is via reunification. We do note, however, for the purposes of this report, the warming relationship between the EU and the UK (in the specific context of the current Labour Government in London) and the evolving conversations about the possibility of rejoining.

Our exercise here necessarily focuses on the legal status of citizenship – Irish citizenship, British citizenship and the rights of third country nationals (TCN). It is a gateway to rights and will continue to be so. It must, however, be informed by, and consistent with, the promise contained in the Agreement:

> *(vi)* ***recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose****, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland*. (our emphasis)

We know and understand that there is an ongoing conversation about how transformative constitutional change will be. The starting point for analysing the *likely* practical implications for citizenship rights is the initial working assumption that the current constitutional arrangements in the Republic would continue to operate and be extended to the North. The separate legal status of Irish citizen and UK citizen will continue. The right to hold and rely upon dual citizenship will also continue. The regime governing Irish citizenship can, at least in comparative law terms, be described as relatively generous and all-island in character already. It is understood by a combined reading of articles 2, 3 and 9 of the Irish Constitution, together with the citizenship legislation.[27] Irish citizenship is available through a parent's right to citizenship or by birth on the island, provided one

[27] The Irish Nationality and Citizenship Act 1956 as amended by the Irish Nationality and Citizenship Acts of 1986, 1994, 2001 and 2004. However, in the Irish Nationality and Citizenship Bill 2026 the Oireachtas will consider whether to tighten rules on naturalisation to include a longer period of residence and language ability.

parent had 3 years of legal residence.[28] However, Irish electoral law is, on any reasonable view, restrictive and ungenerous. It is the electoral system, as opposed to the citizenship regime, which would require immediate and significant reform, including to the text of Bunreacht na hÉireann.

The Irish electoral system operates separate franchises for distinct elections, which are in some respects inter-related. There are different voting categories which reflect considerations of citizenship, residency and education. They are (i) Dáil electors[29]; (ii) Presidential and Constitutional Referendum electors[30]; (iii) European Parliament electors[31]; (iv) local electors[32]; and (v) Seanad electors.[33] Each electoral franchise has a separate legal basis, a distinct character and seeks to achieve different objectives. The system of franchise does not align completely or neatly with any of the predominant principles of granting political rights in a democracy. In summary, it cannot be said to follow the 'all-contributing' or 'all subjected' principles, since many of those resident in the State - but who do not hold Irish or British citizenship (or EU citizenship where relevant) - are excluded, despite being subject to taxation and state regulation. Neither is it consistent with the 'stakeholder' principle, which supposes that those who hold a special allegiance to the state should participate in democratic life, since non-resident citizens are largely excluded.

The *national-resident electorate* approach that typifies the Irish system can best be described as the result of steady political evolution rather than working through of any principled model. Each electoral list is a response to a particular concern at a particular time. It is therefore highly reactive in nature, developing pragmatically over time. Overall, it can legitimately be criticised as under-inclusive and dominated by a requirement to hold Irish citizenship. That is a starting point that will be tested as the conversations about constitutional change continue to intensify.

There will be many voters, primarily a large number of British citizens, who do not wish to avail of Irish citizenship. It is essential that they are included in all aspects of the electoral system, with full and equal voting rights and the right to stand for election including for elections to the Oireachtas, the President, constitutional referendums and to the EP. In our view parity of esteem and the Agreement promise of respect for birthright choice

[28] Section 6 of the Irish Nationality and Citizenship 1956 as amended by section 3 of the Irish Nationality and Citizenship Act 2004 following the 27th amendment to the Constitution.
[29] Eligibility to vote for the lower house of the Irish legislature (the Dáil) is determined by article 16.1 of the Constitution together with section Electoral Act 1992.
[30] Eligibility to vote in constitutional referendums is found in article 47.3 of the Constitution and the Referendum Acts 1994-2001; eligibility for the election of the President is based on article 12.2.2 of the Constitution and section 7 of the Electoral Act 1992.
[31] Eligibility to vote in the EP is based on both the relevant Treaty provisions, article 10 TEU and article 20(2)(b) TFEU), and section 8 of the European Parliament Election Act 1997.
[32] While the wording of article 28A(2) of the Constitution echoes the provisions of article 16.1.2, secondary legislation has been enacted to ensure the State acts consistently with the requirements of Irish membership of the EU. Section 24 of the Local Government Act 2001 provides that the right to vote in local elections has been granted to all Irish citizens who are eligible to vote in Dáil elections and to all foreign nationals resident in the State unless disqualified by law.
[33] Article 18 of the Constitution read together with the Seanad Electoral (University Members) (Amendment) Act 2024 expanded the franchise.

requires nothing less. This will require constitutional amendment and should be agreed *in advance* of the referendums. Such amendment could be accommodated alongside the unity referendum in the Republic. There is no impediment to these steps in EU law. Member states organise their own voting systems and have a discretion to allow for voting to the EP by citizens of third countries.[34]

EU citizenship complements and does not replace national citizenship. The gateway to this status is based on national laws unless such measures conflict with the Treaties.[35] That will not change if reunification takes place. But EU law confers many significant rights on holders of such status. These rights include free movement rights for citizens and their family members, protection of civil and political rights in other member states, the right to vote in and stand for EP elections and non-discrimination within the scope of application of the Treaties.

The CJEU has held that articles 20 - 21 TFEU guarantee the right to Union citizens to move and reside freely within the territory of the member states. In the case of *Grzelczyk,* for example, the Court said the following:

> Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for.[36]

It is in this context that plans for Irish unity must be considered. It is suggested that Irish law will have to change to recognise and vindicate the rights of British citizens residing on the island of Ireland (who do not hold Irish citizenship). This is clearly necessary in the field of electoral law, but it may arise in other contexts also such as jury service and some roles in the public sector.

The full benefits of EU citizenship rights should also be extended to this category of residents – non-EU citizens residing in an EU member state after an act of cession. It is suggested that the EU treaty provisions need not be amended to modify the requirement of holding the nationality of one of the member states. Instead, an amendment to the EU Citizens' Rights Directive (CRD) could include an additional category of beneficiary in article 3 CRD, comprising of British nationals resident in Ireland following reunification. That status would, in turn, be based on the arrangements made in Irish law. Alternatively, Ireland would grant long-term resident status in a member state to British nationals. This would allow for immediate access to the qualified free movement rights contained in Directive 2003/109/EC.[37] It should not be made dependent on demonstrating a means of

[34] *Spain v United Kingdom (Law Governing Institutions)* (2007) 1 CMLR 3, C-145/04.
[35] *Commission v Malta* (2025) 3 CMLR 9, C-181/23.
[36] *Grzelczyk v Centre Public d'Aide Sociale d'Ottignies Louvain la Neuve* (2002) 1 CMLR 19, para 36.
[37] Directive 2003/109/EC (the Long-term Residents Directive, or LTRD) sets out the conditions under which a non-EU citizen (third-country national') who has legally and continuously resided in a European Union (EU) Member State for at least five years can acquire 'EU long-term resident status'. This residence status is permanent, grants these individuals equal treatment rights with EU citizens in several areas, ensures reinforced protection against expulsion, and gives them the (conditional) possibility to move and reside in other member states.

support.[38] This would likely amount to a distinct arrangement for British citizens resident on the island of Ireland and would not necessarily extend to all third country nationals. This latter category would continue to be eligible for recognition under the LTRD. We recognise these suggestions are not straightforward and are likely to be the subject of extensive legal and political debate - but could certainly be justified to ensure the promise of parity of esteem is made real. As legally challenging as they may be to operationalise, they are preferable to a situation in which Irish citizenship confers a greater range of rights than are available to British citizens residing in a united Ireland.

The electoral position of TCNs resident in Northern Ireland in a united Ireland also requires detailed consideration. The franchises to the preeminent legislature in both the UK and Ireland largely exclude non-nationals. The franchise for both the Northern Ireland Assembly[39] and the House of Commons[40] are broader than the Dáil electorate. EU citizens can vote for the Assembly, and qualifying Commonwealth nationals can vote for both the Assembly and Westminster Parliament elections.

We have previously endorsed the position that the 'the guiding principle for the governments of Ireland and the UK should be that there is no regression in the degree of protection currently afforded'.[41] Such an outcome could be achieved with a 'no diminution' clause comparable to that found in article 2(1) of the Windsor Framework.[42] We note above, for example, that a new British-Irish Agreement may well be negotiated in advance of the referendums taking place. Our suggestions mean a more extensive franchise in Irish electoral law and will require a solution at the constitutional level. Our view is that this approach is both justified and necessary. In our considered opinion, the invitation to British citizens or TCNs in Northern Ireland to vote for reunification at the expense of their current voting rights is indefensible. It is also unlikely to be an attractive proposition for those who are attempting to make the case for a united Ireland. The benefits of extending the franchise for elections, particularly Dáil elections, and ensuring inclusive democratic participation surely outweigh any objections.

Throughout our three reports we place a strong emphasis on the value of an inclusive franchise at all stages of the process. While we focus here on citizenship, Irish reunification will have an impact on everyone on the island of Ireland and in that respect the overarching human rights frameworks at all levels should not be neglected. In fact we continue to regard the process of reunification as a welcome opportunity to embed a culture of deep respect for equality and human rights across Ireland.

[38] As currently required by articles 4 and 5 LTRD.
[39] Article 4 of the Northern Ireland Assembly (Elections) Order 2001.
[40] In the UK, section 1 of the Representation of the People Act 1983 includes citizenship conditions for parliamentary electors but includes Irish citizens and qualifying Commonwealth citizens.
[41] Brice Dickson, 'Implications for the Protection of Human Rights in a United Ireland' (2021) 32 *Irish Studies in International Affairs* 589, 590.
[42] Brice Dickson, 'Implications for the Protection of Human Rights in a United Ireland' (2021) 32 *Irish Studies in International Affairs* 589, 607.

***Economic and Monetary Union***

The economic consequences of Irish unity are sometimes raised as a significant practical barrier to reunification. The discussion of such matters is, of course, legitimate. However, this debate should not be dominated by uninformed or alarmist commentary. The Irish Government, in partnership with EU institutions, can do much more to set out the costs and benefits to the State's public finances, people's income and wages (north and south), economic growth and standards of living across the island.

Like any matter of public policy there are likely to be, in purely financial terms, some winners and some losers. Explaining the possible economic outcomes of Irish unity in the short, medium and longer term is worthwhile. Such information, uncertain though it is, can properly contribute to the debate about our constitutional future. Greater economic prosperity across the island is only one aspect of a much broader conversation. This legal report seeks to identify the main issues and encourages early and responsible planning by competent institutions at the national, international and supranational levels. As can be seen, there is an area of shared competence between the Irish State and the EU. The broad legal framework within which these economic consequences will occur is set out below.

The economic arrangements for reunification will be complex and follow a period of negotiations between the two governments before and after the referendums. However, the most significant legal issues to arise in the field of Economic and Monetary Union (EMU) can be identified. These are likely to be: a single currency on the island; ensuring the continued free movement of capital and payments between Ireland and the EU; an integrated all-island banking system, which forms part of the supranational banking supervision and crisis management system; and addressing Ireland's obligations with respect to government spending, budget deficits and public debt. The promotion of economic growth and price stability will also remain fundamental to Ireland and its Eurozone partners.

It is submitted that these rules will operate as guardrails and peer support for Irish reunification and will not frustrate or impede its success. We are in no doubt that membership of the EU will assist Irish unity, as was the case with German reunification.

A united Ireland will be a contracting state to the EU Treaties and the provisions on economic and monetary union will, therefore, continue to apply. The TFEU establishes the framework for economic policy coordination[43], sets out rules on excessive deficit procedure[44] and enables enhanced coordination for euro area countries.[45]

The economic governance framework has undergone significant transformation since the global financial crisis. It has evolved from a relatively simple set of fiscal rules into an increasingly complex system of economic policy coordination and surveillance. The

[43] Art 121 TFEU.
[44] Art 126 TFEU.
[45] Art 136 TFEU.

evolution was reactive rather than planned. It can be traced from the original Stability and Growth Pact of 1997 to the current framework and reflects increasing complexity, with the addition of the Six-Pack (2011)[46], Two-Pack (2013)[47], the intergovernmental Fiscal Compact (2012)[48] and most recently the Recovery and Resilience Facility (2021)[49] and the reformed Stability and Growth Pack (2024).[50]

There is no one EU institution which is responsible for economic policy across the territory of the member states. Instead, responsibility is dispersed between national governments and some EU institutions. The integration and coordination of national policies is assisted and supervised by several actors with differing competences and policy objectives. It is the European Council which sets the main policy orientations. The Council of the European Union which coordinates EU economic policy-making. The Eurogroup coordinates policies of common interest for the euro-area member states. The European Central Bank (ECB) sets monetary policy, with price stability as the primary objective and acts as central supervisor of financial Institutions in the euro area. The European Commission monitors performance and compliance. The national governments of each member state, in accordance with their own national constitutional arrangements, set their own national budgets; albeit within agreed limits for deficit and debt and will determine their own structural policies involving employment, social security, capital markets and public spending.

The EP also contributes to economic policy through the enactment of legislation with the Council and subjects economic governance to democratic scrutiny. Its role in the scrutiny framework continues to strengthen. It is at its most effective in the work undertaken by the Economic and Monetary Affairs (ECON) Committee.

However, two obvious criticisms of this system continue to loom large in the here and now and will continue with a united Ireland. The first is a familiar one – that it remains characterised by a fundamental asymmetry, as monetary policy is centralised and economic policy is not; this problem inevitably undermines effective responses. The second is that governance has been excessively technocratic and the ability for

[46] Regulation 1175/2011 amending Regulation 1466/97: On the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies; Regulation 1177/2011 amending Regulation 1467/97: On speeding up and clarifying the implementation of the excessive deficit procedure; Regulation 1173/2011: On the effective enforcement of budgetary surveillance in the euro area; Directive 2011/85/EU: On requirements for budgetary frameworks of the Member States; Regulation 1176/2011: On the prevention and correction of macroeconomic imbalances; Regulation 1174/2011: On enforcement action to correct excessive macroeconomic imbalances in the euro area.

[47] Regulation 473/2013: On common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area; Regulation 472/2013: On the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability.

[48] Treaty on Stability, Coordination and Governance in the Economic and Monetary Union.

[49] Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility.

[50] Regulation (EU) 2024/1263 of 29 April 2024 on the effective coordination of economic policies and on multilateral budgetary surveillance and repealing Council Regulation (EC) No 1466/97; Regulation (EU) 2024/1264 of 29 April 2024 amending Regulation (EC) No 1467/97 on speeding up and clarifying the implementation of the excessive deficit procedure.

democratic oversight and accountability has been reduced. The multi-layered and complex nature of EU fiscal governance, which impacts on all manner of ways on the lives of people, is not matched by effective democratic control. It is within this legal and political context that the consequences of Irish reunification will play out, and preparatory plans must take place.

The answer to the question of a single currency is the most straightforward. The currency of a united Ireland will be the euro. It is the official currency of 21 of the 27 states in the EU; this will remain unchanged, notwithstanding that the territory of this member state will expand. The currency is managed and administered by the ECB and the Eurosystem, which comprises of the national central banks of the Eurozone countries. The ECB is independent of the other EU institutions and is the sole authority for setting monetary policy. It is the ECB which sets the interest rate for the Eurozone. The Central Bank of Ireland is one of the institutions authorised to print euro banknotes. Pound sterling will continue to be the currency of the UK. In practical terms, savings, loans, wages, mortgages, social security benefits, taxes and pensions will be provided in euros rather than sterling. Within the UK, financial services is currently a competence which is reserved to Westminster under schedule 3 to the Northern Ireland Act 1998. Provision will, therefore, need to be made to distinguish financial services and accounts held by residents of Northern Ireland.

The substitution of the euro for the pound sterling within the territory of Northern Ireland will require careful planning from both governments and financial institutions. Businesses will also need to be prepared through the modification of financial software, recalibration of ATMs before the widespread distribution of new euro banknotes and coins. The introduction of the euro as an invisible currency in January 1999 to be followed by the arrival of the notes and coins on 1 January 2002 serves as a practical example. Within the territory of the Republic of Ireland there was a brief period of dual circulation until 9 February 2002. The Central Bank of Ireland continues to exchange Irish banknotes and coins for Euro currency indefinitely. This will not occur in the same way with sterling, which will remain an active currency on the island of Britain. Its value against the euro will rise and fall.

At the time of writing, talks between the EP, European governments and the European Commission are continuing on rules for a digital euro, three years after the legislation was first proposed. The digital euro would be an electronic version of cash issued by the ECB, making it the only form of central bank money directly available to the public in digital form. The ECB has pledged to keep cash in circulation indefinitely, but the use of physical money is steadily declining. The digital euro will not be equivalent to a cryptocurrency as it would be backed by the ECB. A digital euro would be a direct claim on the ECB, whereas digital money currently held by consumers is ultimately a claim on a commercial bank. The digital euro is intended, in part, to reduce dependency on US payment firms. The digital euro would, in the event of reunification, be available for payments across the island and across the territory of the EU. Payments could be made to UK banks but may attract additional charges. This issue would be addressed in the arrangements for the free movement of capital and payments.

Article 26(2) TFEU defines the internal market as an area without internal frontiers in goods, persons, services and capital. These freedoms are found in specific articles of the Treaty and in a range of secondary legislation. The CJEU plays a critical role in ensuring the development of the internal market. For much of the period from the Treaty of Rome in 1957 to the Maastricht Treaty in 1992 the establishment of the internal market was the principal focus of member state governments and the institutions of the EU. The identification and removal of barriers to intra-community trade often seemed to the priority. This approach has, however, been balanced by the recognition of legitimate and necessary public interest requirements. The regulation of the internal market also features aspects of consumer protection, environmental protection and other interests.

In the case of Irish reunification, the whole island of Ireland will return to a situation comparable to that which existed prior to the UK's withdrawal from the EU in early 2020. Free movement of workers between Northern Ireland and the EU will be restored under the protection of article 45 TFEU. The entire island will again benefit from all aspects of the internal market on an equal basis and form part of the Union's customs area. Both jurisdictions will form part of a single member state, but the linkages with the continent will be restored, including for free movement of capital and payments. Transfers between banks on the island will not be subject to international transfer fees, for example. Payments and capital transfers between Northern Ireland and Britian will likely be addressed under the broad framework which currently operates in title IV of the EU-UK Trade and Cooperation Agreement (TCA).

Responsibility for the supervision of banks and financial institutions in Northern Ireland, including matters such as capital, liquidity and management practices would pass from the Financial Conduct Authority (FCA). Instead, regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 (establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities) would apply. In the case of significant institutions, supervision would be conducted by the ECB. Whilst in the case of what are termed less significant institutions, supervision would fall to the national competent authorities under supervision by the ECB. This would be the Central Bank of Ireland.

With regard to economic policy, member states, including Ireland, are obliged to treat their national economic policies as matters of common concern. Such planning could, and it is suggested should, have started already. It requires leadership from the Irish Government and transparency from the UK Government on the current economic and financial position of Northern Ireland. Responsible economic forecasting and planning would, at a minimum, involve raising and addressing the question of Irish unity at the Eurogroup meetings of national finance ministers. This body aims to promote conditions for stronger economic growth but also broader issues which may have an impact on fiscal, monetary and structural policies of the euro-area states.

The most recent country report regarding Ireland was published by the Commission on 3 June 2026.[51] It recorded strong economic performance across all areas of the economy and the healthy state of the public finances, but noted that tax revenues were increasingly reliant on multinationals. Despite looking at longer-term challenges such as energy, infrastructure, pensions and healthcare, neither this report nor any previous report acknowledges, let alone addresses, the likely impact of what remains a 'constitutional imperative' for any Irish government.[52] This is a serious omission which must be ended. Consideration and planning for the impact of reunification is a relevant factor for future risks and growth opportunities. Any potential short-term benefit of ignoring the issue is surely outweighed by the responsibility to ensure that planning commence for what will be a significant event in Irish economic history.

It is suggested that all national, international and supranational forums in which Irish economic performance is reviewed should henceforth contribute to sensible planning for the possible outcome of reunification. Questions such as the current UK subvention, comparisons of economic performance north and south, disparities and imbalances in economic growth, and future opportunities can be addressed by these expert forums and effective policies developed. The electorates on the island, north and south, are entitled to sufficient and reliable information about what will happen. None of that requires any institution to take a formal position on Irish reunification, it is simply an aspect of the wise preparatory work we have been advocating since 2019. The choice must be an informed one; a process that will only be enhanced by public access to such information. Those other actors affected by Irish reunification, such as the UK Government, EU institutions and member state governments, should also be informed of the economic consequences for them. Our view is that these dimensions are being neglected and cannot be avoided in any sensible planning process.

***Impact of Irish unity on EU-UK relations***

The vote for Brexit took place over a decade ago. The UK left the Union on 31 January 2020. Few will forget that the most fraught element of the negotiated departure was the position of Northern Ireland. The legal relationship between the EU and the UK is currently governed by the EU-UK Withdrawal Agreement, including a reformed Ireland/Northern Ireland Protocol (the Windsor Framework), the EU-UK Trade and Cooperation Agreement, the Security of Information Agreement 2021 and the Nuclear Cooperation Treaty 2021. In May 2025, the EU and the UK agreed a Security and Defence Partnership.

A decade on it is possible to consider the impact the separation has had on trade, investment and migration. The consensus view appears to be that Brexit has acted not as an abrupt shock, but as a permanent drag on UK growth.[53] The question of the political impact within the UK and in Europe is much more difficult to gauge. The issue dominated British politics for close to a decade, but did not have the same dramatic influence within

[51] Council Recommendation on the economic, social, employment, structural and budgetary policies of Ireland SWD(2026) 207 final, COM(2026) 207 final of 3 June 2026.
[52] Article 3 Bunreacht na hÉireann.
[53] Anton Spisak, 'Introduction: The European question, ten years on', Centre for European Reform, June 2026 https://www.cer.eu/sites/default/files/brexit-10years_essays_22.6.26_0.pdf.

European democracies other than in Ireland. The political, geographical and social proximity between the UK and EU will mean that relationship is likely to settle into something close to alignment in many areas. However, we do not believe UK return to EU membership is realistic at this time or is imminent. The first available option of a return to the EU for Northern Ireland rests with Irish reunification. In the future a closer and warmer relationship between London and Brussels will certainly assist any Irish government of any political composition either before or after reunification. In this respect we note the nature of the Agreement, with its emphasis on good relations across these islands. That prospect will only be enhanced by the UK acknowledging the advantages of partnership with the EU and having a mature conversation about the option of rejoining.

It is notable too that the future relationship between the EU and the UK will not be determined by the outcome of the referendums on the island of Ireland. Instead, considerations of security and defence, relations with the USA and China, trade and investment and migration are likely to be the dominant features in the years and decades ahead.

Both the UK Government and the EU institutions can be expected to act in good faith before, during and after the referendums. Both are committed to supporting the free choice of the people of Ireland to determine their own constitutional future as guaranteed by the Agreement. We accept that there may be scepticism about this given past experience with the UK Government in particular. There have also been criticisms made of the commitment to the right of self-determination of both the EU (with regard to Catalonia) and the UK (in Scotland), but it is suggested they should not arise in the highly distinctive legal context of Irish unity referendums. In this regard, there is considerable merit in differentiating these contexts for the purpose of advancing reunification.

***What plans should be in place to manage the transition to unity?***

There is an obvious responsibility on the Irish Government to take sufficient preparatory steps to ensure that the electorates on the island are presented with a fair, credible and clear choice about what Irish unity will mean. This can be supported by civic society, businesses, academic institutions and other sectors, but there is simply no adequate substitute for extensive government planning. Asking the tough questions now and commencing work on answers that will command majorities north and south can only pay dividends. It is the state machinery of the Republic that can, and should, do the heavy lifting of planning and preparing for Irish unity. As we make clear: That must also be done in dialogue with the EU.

Prior to the holding of the referendums there are many steps which could, and should, be adopted through executive action. Such steps are consistent with the objectives of article 3.1 of Bunreacht na hÉireann. Each government department should undertake a comprehensive assessment of how its competences will change in the event of unity. Such an exercise will need to consider the practical realities, including the benefits and disadvantages to public services and begin to formulate solutions.

The Shared Island Unit, administered by the Department of the Taoiseach, is a welcome but modest programme. As currently envisaged, it could only ever be regarded as an adjunct to the real planning required of the Irish Government in advance of the referendums. Truly national policies on employment, health, social security, pensions, energy, education and regional development are necessary but are still absent. There will also be a requirement for legislative change to be adopted by the Oireachtas and constitutional changes proposed to the electorate. We are concerned that the institutions of the Republic have not yet really sought to anticipate and plan for the integration of the North. Such considerations deserve a greater share of the spotlight than questions around the flag, the anthem and state symbols. We have already highlighted voting rights for British citizens. These essential preparatory steps are part of the Irish Government's role in fully informing the EU about the assistance required.

In our 2019 publication *The EU and Irish Unity: Planning and Preparing for Constitutional Change in Ireland* we examined the applicable international and EU law competences and suggested practical steps that the EU institutions could, and should, take to prepare the EU for the inclusion of a united Ireland as a member state. In our 2022 report, *Making the case for Irish Unity in the EU* we considered the policy reasons why the EU should support and facilitate such an outcome. Both the practical steps and the policy considerations were informed by past experience and current EU policies and objectives. We consider that the suggestions made in those reports are still applicable.

The example of German reunification in 1990 was helpful. It showed how unification of a partitioned nation can be achieved consistent with international law, democratic principles and a member state's obligations under the Treaties. It is clear that the process of reunification was supported by EU (then EEC) membership rather than impeded by it. The EP adopted resolutions on self-determination and expressly recognised that the people of the German Democratic Republic should be entitled to exercise that right and determine the political and economic system which should develop, as well as forming part of a unified Germany in a united Europe.[54] The European Council also endorsed the possibility of German reunification. The European Commission set up working groups and received a mandate to establish a taskforce.[55] The European Council held a special session in Dublin on 28 April 1990, chaired by Taoiseach Charles Haughey, and welcomed the prospect of unity, and that it would be accomplished under a 'European roof'.[56]

The EU engaged with the problem of partition on the island of Cyprus before and after accession. The 'Annan Plan' for confederation of two constituent states was not

[54] European Parliament Resolution on Recent Developments in Central and Eastern Europe, of 23 November 1989, OJ No C 323/109 -110.
[55] The Community and German unification, Communication from the Commission to the Special Session of the European Council', Dublin, 28 April 1990, SEC (90) 751 Final, 20 April 1990, Bulletin of the European Communities, Supplement No. 4/90, 9–16, available at: https://aei.pitt.edu/2931/.
[56] Special Meeting of the European Council, 28 April 1990 in Dublin, available at https://aei.pitt.edu/1397/1/Dublin_april_1990.pdf.

adopted.[57] Nonetheless, the Republic of Cyprus became an EU member state. Its position within the Union is addressed in Protocol 10 to the 2003 Accession Treaty.[58] The whole of Cyprus is regarded as EU territory, although the application of the Union acquis is suspended in the northern area of the island, in which the Cypriot government does not exercise effective control. Union citizenship extends to all Cypriot citizens, and the country is allocated seats in the EP on the basis of the population as a whole. Cross-border movement in persons, goods and services are covered in Regulation (EC) 866/2004 (the Green Line Regulation). Financial aid is provided under Regulation (EC) 389/2006. Both pieces of legislation identify reunification as among their objectives, as do publications concerning the multiannual EU budget. The accession of a partitioned Cyprus to the EU demonstrates the flexibility of the Union's constitutional order and its ability to 'accommodate this territorial contestation by partially extending the application of EU law on an area where the *acquis* is suspended'.[59]

Obviously neither example provides a comprehensive model for Irish unity. Instead, they are instructive in demonstrating the flexibility and solidarity that exists in the institutions and national governments that is highly likely to extend to Ireland.

In the specific context of EMU, the EU institutions and member state groups which have the responsibility of peer review of national economic performance can, and should, begin to consider the impact of Irish unity in subject areas such as economic policy, taxation, public debt and regulation of financial services. These forums are well placed to commence timely, in-depth and continuing expert analysis of the consequences of unity for Ireland, its eurozone partner nations and the ECB. The Commission's Country Report for Ireland should, henceforth, consider and comment upon the economic implications of Irish unity.

With respect to the EP, we would suggest the following practical steps are within the competences of the institution and consistent with the objectives, policy and practice of the Parliament. The following could assist with the transition to Irish unity prior to the referendums:

i. Endorse the statement of the European Council made on 29 April 2017;
ii. Reaffirm the support of the EP to the right of self-determination for Ireland;
iii. Through its committees consider the level of representation in the EP that would be conferred on Ireland;
iv. Consider the position of voting rights for the EP of British citizens resident in the unified Member State. Although such rights are confined to EU citizenship in articles 20 TFEU to nationals of member states this is a

[57] Corinne Deloy and Helen Levy, *Failure of the Referendum on the reunification of Cyprus, (*24 April 2004, Robert Schumann Foundation); available at https://www.robert-schuman.eu/en/monitor/290-failure-of-the-referendum-on-the-reunification-of-the-island.

[58] Protocol 10 to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (2003), OJ L 236, 23.9.2003.

[59] Nikos Skoutaris, 'Accommodating Territorial Contestation and National Constitutional Change' (2025) 36 *Irish Studies in International Affairs* 244, 250.

minimum condition and it is open for national law to extend such rights to third country nationals;

v. Consider the implications of conferring free movement rights on British citizens resident on the island of Ireland (including whether such a proposal, if given effect in Irish national law, could be effected in EU secondary legislation if necessary);
vi. Consider the implications for EMU for Ireland, the member states and the institutions;
vii. Consider the necessity and scope of transitional arrangements and derogations needed for united Ireland.

With respect to the European Commission, we suggested that much of the work would be conducted in its Directorates General, including the Legal Service. The Commission's Northern Ireland Taskforce was established in 2007 and operated under the Commissioner for Regional Policy. During the years 2016 – 2020 the Commission's Article 50 Taskforce took on the role of leading negotiations with the UK Government regarding the terms of British withdrawal. The task force necessarily considered the position of Northern Ireland. It was followed by the Taskforce for Relations with the United Kingdom (UKTF). It concluded its work with the signing of the TCA.

We expect that in the immediate aftermath of the referendums the Commission will establish and appropriately staff a taskforce, with the specific task of leading the process of integration on behalf of the EU. This would be comparable to the Commission's working groups on German unity in 1990. That bespoke body would build on the work undertaken by the task forces described above and the Special EU Programmes Body (SEUPB). At the moment it has the statutory remit for managing EU funding programmes within Northern Ireland and the border counties of Ireland helping to foster peace and prosperity across the region. It reports to the Commission and the UK and Irish Governments.

We reemphasise our existing recommendations that prior to the holding of the referendums the Commission should:

i. Through its Legal Service produce an opinion on the position of Irish reunification under EU law in the light of the statement by the European Council on 29 April 2017. This step was of undoubted assistance to the other institutions and member state governments in the context of German reunification;
ii. Examine the responsibilities of the institutions towards the right of self-determination in this specific context;
iii. Consider and publish recommendations concerning voting rights to the EP for British citizens resident on the island of Ireland;
iv. Consider and publish recommendations for secondary legislation to guarantee the free movement rights of UK citizens resident on the island of Ireland across the territory of the EU. As discussed above, this would need to address whether they are most effectively protected by way under the CRD or by way of TCN rights;

v. Explore the implications for EMU for Ireland in the event of Irish unity;
vi. Identify and address the necessity and scope of transitional arrangements and derogations for Ireland in the immediate aftermath of Irish unity taking effect;
vii. Consider and make recommendations for the Union's legislative processes in the likely event that delegated powers are conferred on the Commission as occurred in the context of German reunification in 1990;
viii. Request sufficient information from the Irish Government to make informed, neutral and credible predictions about the costs and benefits of Irish unity.

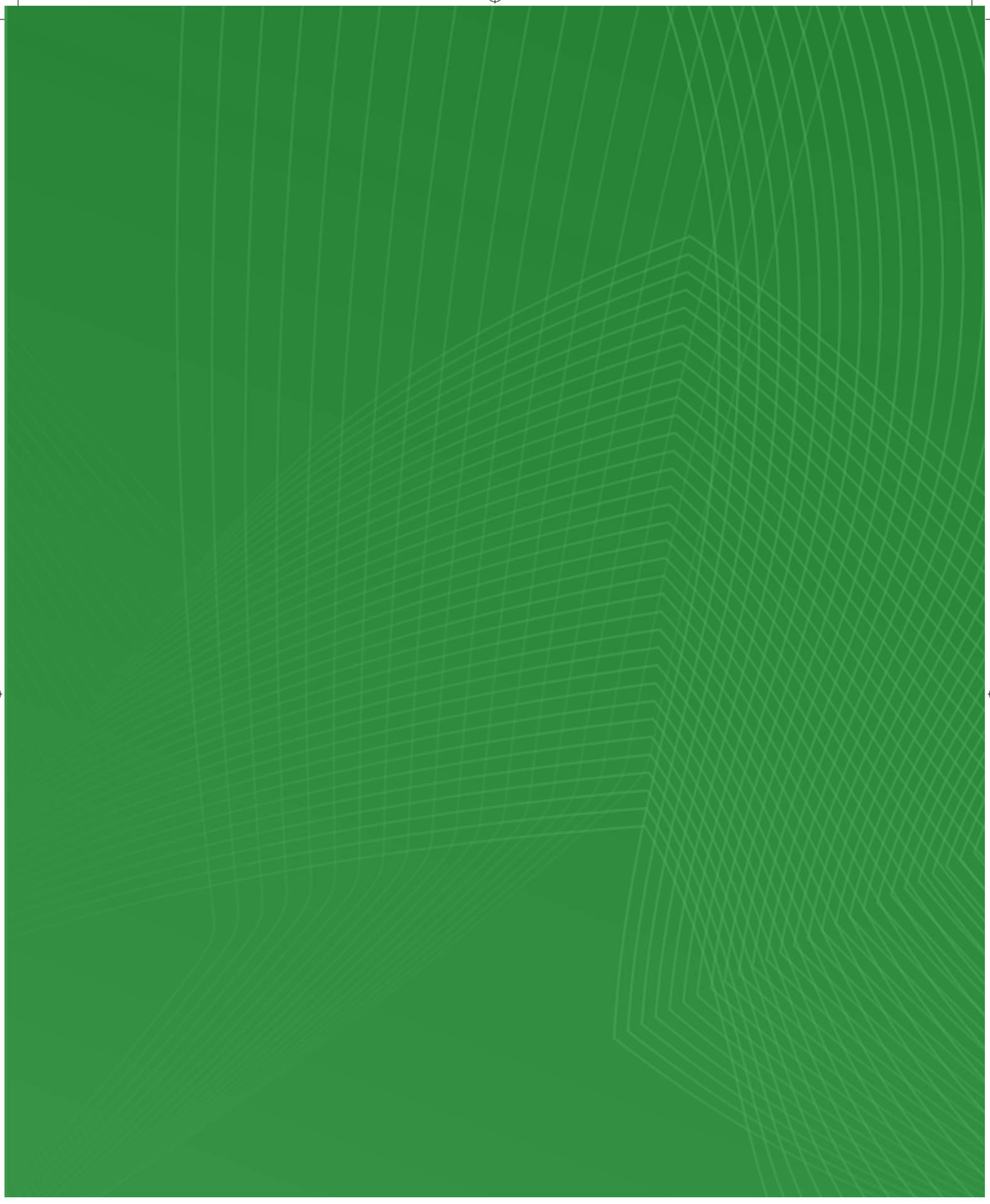
## IV. Ways Forward

Planning and preparation for constitutional change on the island of Ireland is underway. This should not be a surprise to anyone with a reasonable grasp of the post-Brexit law and politics of these islands or who understands the distinct framework that governs the North. The people of the region were removed from the EU against the wishes of the electorate. This is still a remarkable observation in light of extended reflection on the politics of consent in the jurisdiction. There is an accepted, agreed and endorsed way back to the EU for the North. People have a choice.

In this report we underline once again that the EU must be part of those discussions. Irish reunification will take place within an EU member state with practical consequences. Questions will be asked of the EU institutions and of member states that will require answers if there is to be a serious preparatory conversation.

Our latest report addresses questions that will arise and outlines what the necessary steps are to achieve the primary objective of responsible planning that will lead to an informed choice. Ireland's membership of the EU will, in our view, be an inducement to winning referendums and an essential aid to ensuring that reunification is a success. The advantages of this membership status outweigh any disadvantages.





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