

Irish Neutrality

May 2023



1 Neutrality Policy Statement

The Green Party, based on its founding principles, is committed to “active military neutrality” as a continued expression of the State’s independent foreign policy and as a key element of our wider Constitutional commitment to the pacific settlement of international disputes. Moreover, the Party views Irish neutrality as an essential platform for our deployment of “soft power”, and for our credible support for multilateralism and the rule of law in a more just and sustainable world.

1. The Green Party recognizes that the so called “Triple Lock” of a) Government, b) Dáil and c) UN Mandate for sending Irish peacekeepers abroad is a mechanism described in a political annex to the 2nd Nice Treaty and as such has no legal effect and is not a solid basis on which to provide legal decision making.

With a view to clarifying the legal mechanism and enhancing the State’s independence and latitude in the deployment of Irish Defence personnel abroad, the Party supports an amendment of the “double lock” as described in the amended Defence Act (2006) to allow Irish troops to be deployed overseas on multilateral missions, providing that the proposed deployment: (a) is approved by Dáil Eireann, (b) has been reviewed by Seanad Eireann, and (c) is either supported by a UN (Security Council or General Assembly) resolution or, failing such resolution, by a decision of a regional organisation and / or regional arrangements authorised under Chapter 8 of the UN Charter, as set out specifically in articles 52, 53 and 54.

It should be made clear that while the considerations mentioned in (c) would represent a prerequisite for Irish personnel to join a multilateral mission, they do not impose an obligation to do so, thus maintaining Ireland’s foreign policy independence.

2. The Party supports the State’s continued involvement in the EU’s Common Security and Defence Policy subject to our “special status”, including participation in the Permanent Structured Cooperation (PESCO), the Coordinated Annual Review of Defence (CARD), and the Partnership for Peace (PFP). However, the Green Party is opposed to and will resist any activities not compatible with the State’s non-aligned and peacekeeping defence tradition.

3. The Green Party reaffirms its opposition to joining NATO, as doing so would be inconsistent with our commitment to active military neutrality and our support for enabling conditions for the pacific settlement of conflict.

We request that the State make public any extant defence agreements and, for any such agreements we rescind, notably those where we have come to rely on defence guarantees proffered by other States, we should set aside the budget to fill those defence capability gaps from our own resources so that the state may defend itself – while noting that domestic investment in defence capacity will always be predicated on a non-provocative posture, though

necessarily pro-active for state or non-state actors engaged, for example, in cyber-attacks or hybrid non-conventional warfare.

4. Recognizing that practically all wars result from the failure of statecraft and building on our own experience of colonialism, and our more recent capabilities developed during the course of the Anglo-Irish peace process, the Green Party re-commits to active neutrality through expanded funding – commensurate with our defence budget – for domestic and international capabilities, with the purpose of non-violent conflict resolution, international justice and peacebuilding.

5. Finally, in the event of any proposed change to our Neutrality status or suggested bilateral defence arrangement, the Party would call for a Citizens Assembly and a Children and Young People’s Assembly to fully consider Ireland’s future strategic contribution to a just and sustainable world on the basis of a foreign policy based on principled neutrality in support of international cooperation and constructive multilateralism, and informed by principles of non-violent conflict resolution, solidarity, equality and regenerative economies.

2 Process, Rationale & Explanatory Notes

2.1 Process

This Policy is a response to a request from the Green Party Leader Eamon Ryan to the Green Party Foreign Policy and Defence Working Group, to develop a draft Green Party policy position on Irish Neutrality, for submission to the Policy Council for review before the end of 2022.

The task of arriving at the draft policy statement above consisted of a three-part process involving the Green Party Foreign Policy and Defence Working Group (consisting of 20-plus active participants). The exercise was initiated by convenor Garret Patrick Kelly and included the following elements:

- i) researching and writing up a series of short, fact-based, briefs, on Neutrality profiles for Ireland and fellow EU member states (Austria, Finland*, Malta, and Sweden*), our “triple lock”, PESCO & EDF, and the difference between being “Neutral” and “Militarily Non-Aligned” (please see below, section 2.4 Reference Research Papers);
- ii) review of a set of Neutrality Principles designed by Dr. Peter Doran, which were subject to a vote and formed the basis of
- iii) a facilitated webinar discussion led by Dr. Harriet Emerson with an indicative poll – open to all participants on or off line - on all the key issues described in the proposed Policy above.

2.2 Rationale

The Green Party is committed to the preservation and development of our “active military neutrality” (2020 Programme for Government) as a core concept of Irish foreign policy, which has enabled our fulfilment of commitments to international peace and security in an increasingly complex and fragmented international environment.

In Government, the Party will scrupulously keep under review the State’s multiple defence commitments and collaborative arrangements to guard against any *de facto* compromise in our commitment to active military neutrality.

The Green Party will guard against policy drift and the opening of any gap between Government policy and popular support for Ireland’s neutrality, including support for our Article 29 (Bunreacht na hÉireann) commitment to “peace and friendly co-operation amongst nations founded on international justice and morality...and the pacific settlement of international disputes...”

2.3 Explanatory Notes

In relation to these overarching aims the policy proposal deals with a number of core issues outlined in some detail below.

Active Military Neutrality

The inclusion of the term “Military” recognizes that we are not politically neutral, and have never been politically neutral, in the sense that we uphold democratic values and democratic principles.

The inclusion of the term “Active” refers to our ambition for “integrated pre-emptive peace diplomacy” (see more below).

The meaning of the entire term “Active Military Neutrality” is defined by the seven paragraphs contained in this Policy Statement.

Triple Lock

The phrase “triple lock” mechanism *(a) a decision of the Government b) requiring the approval of Dáil Eireann and (c) a UN mandate*, though widely referenced, has no basis in law. While it is used to describe the authorizing of the deployment of Irish Defence Force personnel outside the country, the term itself is surprisingly recent, appearing first in 2001. It is used to refer to the supposed three-part process to govern and support Ireland’s neutrality as defined in a non-legally binding annex to the 2nd Nice Treaty. However, in reality, there is only a two-part process which is legally binding, as explained below – i.e. what we have in fact is a “double-lock” and not a “triple-lock”.

There is no reference to the triple-lock *per se* in the Constitution. The Constitution vests the supreme command of the armed forces in the President (section 13.4), and states that it is to be exercised in accordance with the law (section 13.5.1), but for the detailed governance we have to look to the Defence Acts.

The Defence Acts between 1960 and 2006 established the principle that the Defence Forces are allowed to act abroad only after a resolution of the Dáil, and as part of an “international United Nations Force”. The definition of the scope of engagement has become broader over time to include peace enforcement as well as policing operations. Currently, the Defence (Amendment) Act 2006 allows the Defence Forces to be deployed where there is an “international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the Security Council or the General Assembly of the United Nations” - and the Dáil must approve a resolution in order for such a deployment to go ahead.

At the Seville European Council (21–22 June 2002) the other EU14 governments accepted an Irish declaration that spelled out for the first time the triple lock - UN mandate; cabinet approval; Dáil Éireann approval on Irish participation in EU activities of a military nature. The triple lock was nothing new as the Government never deployed Irish defence forces without UN approval to maintain military neutrality, and moreover it would appear the declaration had no legal status, so this measure on the part of the Irish government must be understood primarily as a political signal to the Irish electorate. In response to the Irish declaration, the European Council issued a declaration of its own. It recognised the right of Ireland (and all other member states) to decide in accordance with National Constitutions and laws whether and how to participate in any activities under the European Security and Defence Policy.

The Nice Treaty Appendix

This led to the second Irish referendum on the Treaty of Nice, including an appendix by Ireland, which is reproduced in full below.

National Declaration by Ireland to the EU Council Seville, 21 June 2002

1. Ireland reaffirms its attachment to the aims and principles of Charter of the United Nations, which confers primary responsibility for the maintenance of international peace and security upon the United Nations Security Council.
2. Ireland recalls its commitment to the common foreign and security policy of the European Union as set out in the Treaty on European Union, adopted at Maastricht, amended at Amsterdam and approved on each occasion by the Irish people through referendum.
3. Ireland confirms that its participation in the European Union’s common foreign and security policy does not prejudice its traditional policy of military neutrality. The Treaty on European Union makes clear that the Union's security and defence policy shall not prejudice the specific character of the security and defence policy of certain Member States.
4. In line with its traditional policy of military neutrality, Ireland is not bound by any mutual defence commitment. Nor is Ireland party to any plans to develop a European army. Indeed, the Nice European Council recognised that the development of the Union's capacity to conduct humanitarian and crisis management tasks does not involve the establishment of a European Army.

5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solemnized in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future Treaty which would involve Ireland departing from its traditional policy of military neutrality.

6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.

7. The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Nice. In the event of Ireland's ratification of the Treaty of Nice, this Declaration will be associated with Ireland's instrument of ratification.

The Profoundly Undemocratic UN Security Council (UNSC)

There is at least one example where the UN Security Council veto has prevented Ireland from participating in peacekeeping activities. In 1995, UNPREDEP (United Nations Preventive Deployment Force) was established by Security Council resolution in 1995 to prevent escalation of conflict in the Former Yugoslav Republic of Macedonia (FYROM), now North Macedonia. Ireland participated throughout that period. In 1999, China vetoed extension of UNPREDEP in 1999 because Macedonia had recognised Taiwan. The China veto caused the cessation of the direct UN operation UNPREDEP that year. Although the peacekeeping operation continued (in the first instance, Macedonia requested NATO to step in, until the EU Concordia operation could take over), Ireland could not take part because of our requirement for a direct UN mandate.

Vetoes were common during the Cold War, with the United States and the Soviet Union casting the majority of negative votes. There have been 251 public vetoes since the Security Council's inception in 1946, 238 of which occurred between 1946 and 1990. Of those Cold War vetoes, the United States and the U.S.S.R. accounted for 185 of the totals. France, by contrast, has exercised its veto only 18 times all told. Its last lone veto occurred in 1976, when it killed a resolution that would have recognized the island of Mayotte as part of the Comoros. America last cast a lone veto, refusing to support a resolution that would have condemned the killing of U.N. employees by the Israeli army.

Given the increasingly non-representative nature of the Security Council and the increasing likelihood of bad faith vetoes it is proposed that for Ireland to reassert its independence, and broaden the democratic legitimacy of decision making, regarding the deployment of Irish Defence Force personnel abroad, that we modify the current "Triple Lock" actors to include the approval of Dáil Éireann and review by Seanad Éireann, based on compliance with the relevant articles in Chapter VIII of the UN Charter¹. This is described in more detail below.

Ordinarily there has always been a UN Resolution with the UN Missions, and that includes the classical peacekeeping and stabilization missions including UNIFIL (Lebanon), UNFICYP (Cyprus), and today MINUSMA (Mali) and MONUSCO (Congo). The same applies to the EU's EUFOR CHAD and EUFOR NAV MED (EU COUNCIL decision and UN Resolution) missions and NATO's KFOR.

However, we use the term peacekeeping very broadly to cover every aspect of what is really crisis management; and in that sense the EU training mission in Mali, a capacity building rather than peacekeeping mission, where we have more than 12 personnel, does not have a UN Resolution but an EU Council Decision (and all EU missions are stated as compliant with the principles and guidelines of the UN Charter).

The Practically Ineffective UN General Assembly (UNGA)

In early 1950, the United States pushed through the U.N. Resolution 377, also known as the "Uniting for Peace" Resolution, as a means of circumventing possible Soviet vetoes. The measure states that, in the event that the Security Council cannot maintain international peace, a matter can be taken up by the General Assembly. This procedure requires a two thirds majority by member states regardless of population represented.

U.N. Resolution 377 has been used about a dozen times so far (about once or twice every decade on average since it was adopted), most notably in 1956 to help resolve the Suez Canal crisis. Britain and France, which were occupying parts of the canal at the time, vetoed Security Council resolutions calling for their withdrawal. The United States called for an emergency "Uniting for Peace" session of the General Assembly, which passed a withdrawal resolution. (A simple majority vote is required.) Britain and France pulled out shortly after.

The most recent invocation of Resolution 377 was immediately after the Russian invasion of Ukraine in February 2022, following a Russian veto in the Security Council².

Yet these non-Security Council resolutions are more symbolic pressure tactics than anything else. The council still maintains responsibility for enforcement, so naysayers among the permanent members can likely prevent the actual dispatching of troops. Nor, as history has shown, will all nations buckle like Britain and France did in 1956. In 1980, the General Assembly convened in a "Uniting for Peace" session and passed a resolution demanding the Soviet Union's withdrawal from Afghanistan. The Soviets simply ignored the resolution (and Russia in 2022 did likewise).

Unblocking Potential UN Stalemates

We propose to substitute either a mandate from the Security Council or General Assembly (which is the present law), or else a multilateral mission organised by another regional organisation recognised by the United Nations, consistent with the principles and guidelines of UN peacekeeping. These principles are expressed in detail in the document "United Nations Peacekeeping Operations: Principles and Guidelines³". The specific section of the UN Charter that covers such operations is Chapter VIII, consisting of Articles 52 – 54.

This would resolve the problems caused by our present law which ties Ireland's defence policy to two UN bodies - one of which (the General Assembly) does not in practice mandate peacekeeping missions, and the other (the Security Council) is effectively handcuffed by bad faith actions on the part of its permanent members. We have described above instances where such bad faith actions have obstructed UN peacekeeping or Irish involvement in it (see in particular the North Macedonia incident).

We think that Ireland's peacekeeping activities should support the high principles on which the UN was founded, and the UN Charter already gives us a solution to our problem: Chapter VIII of the United Nations Charter (Ch VIII, Article 52 1) states that: "Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations" and in (Ch VIII, Article 52 3) "...the Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council."

The European Union is an important regional organisation that has organised many peacekeeping missions that Ireland has taken part in, and in future is likely to be the most important multilateral body for Irish peacekeeping. However, it is not the only one, and the Chapter VIII approach leaves open the question of which multilateral missions' Irish peacekeepers can take part in: the simplest and most flexible answer is that it can be any that is consistent with the above chapter of the UN Charter. Along with the EU, another important example is the African Union.

Leaving open the question of which multilateral body may organise the mission, we instead place the emphasis on the principles and doctrine underlying any proposed operation, and on the fact that a multilateral mission organised by a relevant regional organisation is already provided for in the UN Charter. Our proposed wording allows our troops to take part in any multilateral force, providing it is upholding the UN's principles. And as we state, it confers no obligation to take part in any such operation: full control is left in the hands of our own Oireachtas, regulated by law as our constitution provides.

PESCO & Partnership for Peace

The Green Party recognises the vital role that up-to-date training and inter-operability play in allowing our Defence Forces to defend our territory and foster peace worldwide and in this context consents to continued participation in PESCO and PfP while keeping participation under review and will resist any activities not compatible with the State's non-aligned and peacekeeping defence tradition.

Ireland signed up to the EU's Common Security and Defence Policy (CSDP) a decade ago. This is not a military alliance nor a process of militarisation. It is in effect an agreement among the EU states to improve their defences. The CSDP has been enhanced by the "Permanent Structured Cooperation" (PESCO). The purpose of PESCO is preparation for and execution of voluntary participation in crisis management/peace support operations outside the EU. PESCO is concerned

with developing capabilities, national military procurement, improving inter-operability and communication, so important in joint peace-keeping operations.

While the Partnership for Peace (PfP) is a North Atlantic Treaty Organization (NATO) programme, it is aimed at creating trust between the Member states of NATO and other states in Europe, including post-Soviet states. The Green Party has a solemn role in monitoring and reviewing the State's role in such NATO-led arrangements and in bringing the precise modalities and implications of such arrangements into the public realm where they can be scrutinised for compliance with our historic commitment to active military neutrality and an independent, pacific commitment to creating the conditions for peace and security in the world. We shall work closely with civil society, including coalitions such as the Peace and Neutrality Alliance, to protect our legacy and contribution to peace.

NATO & Other Bilateral Military Arrangements

Joining NATO would undermine Ireland's hard won status as a trusted and independent contributor to the United Nations and other multilateral fora. Ireland enjoys trust among the majority of smaller states in the United Nations, many of whom have or continue to struggle with legacies of empire and colonialism, including subjection to the hegemonic ambitions of destabilising power blocks seeking to exert regional influence. As a small neutral country, we punch above our weight in terms of our "soft power", as recognised in *The Economist* magazine, which has described Ireland as one of the world's most diplomatically powerful countries.

Membership of NATO would lead to a sacrifice of our neutrality and relative invisibility with a profound loss of influence. We do consider however that there should be the possibility to enter into other bilateral military defence agreements, on a case-by-case basis, and make public any extant agreements. The latter point is relevant in so far as we would like to see any existing confidential arrangements (such as the much discussed - though unconfirmed - military arrangement with the UK on defence) publicly acknowledged.

For any defence agreements we rescind we should set aside the budget to fill those gaps from our own resources.

Soft Power

Irish Ambassadors often observe that most UN member states are small states, many of them former colonies. These states identify with Ireland's size and history, and with Ireland's commitment to the rule of law, equality, justice and multilateralism and the country's interventions and voting positions on decolonisation and disarmament at the United Nations. Ireland has used its position on the UN Security Council to advance consideration of the transition from peace keeping to peace building.

The country's soft power has been constructed on this honourable history and is an extremely valuable – cost effective – geopolitical asset that must be protected and developed to secure and deepen global peace and sustainable prosperity in an era marked by the failure of conventional militarist and geopolitical interventions and stand-offs.

Greater Impact Through Integrated Pre-emptive Peace Diplomacy

One of the positives of being perceived to as a militarily neutral non-NATO country is the opportunity to act as an honest broker. When we added to that our colonial past, our experience with the Northern Ireland Peace Process, our Defence Forces peacekeeping tradition stretching back to Jadotville and our new found commitment to concrete climate action – arguably due to the Greens being in Government – it is not surprising that Ireland rates highly in any soft power ranking. We however believe that more structured, publicly visible, properly resourced inter-agency coordination and delivery mechanism between DFA & Irish Aid, Department of Defence, and Department of Climate & Environment would help to better leverage this crucial melange of riches.

Budget Commitments

Global military expenditure surpassed US\$2 trillion for the first time in 2021 and is expected to increase again in 2022. The war in Ukraine has led to increased investment in European military spending, and there has been an exponential growth in finance channelled through the European Defence Fund. The Green Party in Government will ensure that new funding for military purposes is balanced by equal and enhanced investment in the peaceful resolution of conflict and inclusive security platforms such as the Organisation for Security and Cooperation in Europe. The Party will seek to ensure that defence and security spending priorities are increasingly re-cast in terms of preventive diplomacy, and a wider systemic understanding of self-generated security threats such as climate change and other breaches in the thresholds defined by the internationally-recognised Planetary Boundaries (Rockstrom et al, 2009).

Constitutional Enshrinement & Citizens Assembly

The placing of neutrality in the Irish constitution has been advocated, making it a core element not just of defence policy but of foreign policy also; presently it is a policy, rather than a principle. Doing this would be a major constitutional change, since it would deprive the executive of the power to make foreign policy, altering the constitutional balance of power, putting the interpretation of a neutrality clause in the hands of lawyers and requiring a lengthy decision-making process and thus policy paralysis. In this context the Green Party would strongly advocate for a discussion on such a serious issue, if demanded, to take place within the context of a citizen's assembly.

Founding Principles

The Green Party's seven founding principles:

1. The impact of society on the environment should not be ecologically disruptive.
2. All political, social and economic decisions should be taken at the lowest effective level.
3. As caretakers of the Earth, we have the responsibility to pass it on in a fit and healthy state.
4. Society should be guided by self-reliance and co-operation at all levels.
5. Conservation of resources is vital to a sustainable society.
6. The need for world peace overrides national and commercial interests.
7. The poverty of two-thirds of the world's family demands a redistribution of the world's resources.

