

# Ireland's Triple Lock Political Pantomime

## *A Result of Decades Old Government Untruths*



The cosseting of Irish citizens on security, defence and false neutrality truths have come back to haunt the Government and have led directly to the current Triple Lock debate debacle, writes Independent **Senator Gerard Craughwell**, a member of the Joint Oireachtas Committee on Defence and National Security.

Ireland is not now and never has been a neutral country. My fervent wish, a wish that I know to be widely shared by Irish citizens who truly understand the responsibilities of states that declare neutrality, is for Ireland, for the first time since independence, to become a truthful, honourable and militarily resourced neutral state as required by Customary International Law, a law that is codified in the Hague Conventions of 1907. Thus, Falsehood One.

Customary International Law's byword is "*states practice over time*". It's astonishing that our politicians, commentators, and citizens continue to insist that Ireland should not abide by this Customary International Law requirement. In fact, the majority of those still suggesting that Ireland is a neutral state most probably are unaware of Hague 1907.

While Hague 1907 predates Ireland's independence, it's a brave Irish Government Minister, Civil Service Mandarin or Irish diplomat who might suggest that

Hague 1907 should not be complied with.

Austria and Switzerland, the currently only remaining European neutral states, are in full compliance with Hague 1907, while Finland and Sweden, neutral states until 2023/2024 respectively, fully complied with neutral states obligations.

Falsehood Two is a more recent invention by Government, politicians, commentators and an increasingly naïve 'the king has no clothes', citizenry. This falsehood brazenly suggests that Ireland is concurrently Militarily Neutral but not Politically Neutral. No such sub-division of neutrality exists in international law; a state is either neutral or it is not.

It's an Irish 'makey-upey' invention, the tragedy of which is that it has remained unchallenged in any political, academic or journalistic commentary. It's shallow posturing that is internationally embarrassing. But on these issues, Ireland has long been devoid of shame. Our international colleagues just privately roll their eyes at this Irish fable.

**Falsehoods One and Two plus now, Ireland is Non-Aligned!**

A subset of Falsehood One and Falsehood Two, or an expansion of either, or both, is the throwing in for good measure that Ireland's international positioning is one of being Non-Aligned. The *Non-Aligned Movement*, in existence since the 1950s, is some 120 UN Member State strong. Ireland is not now or never has been non-aligned in the internationally accepted meaning of the word.

To make matters worse, Ireland's senior government leaders not alone suggest this additional falsehood publicly, and in Dáil debates, but use neutrality and non-aligned interchangeably, often in the same sentence. Neutrality and Non-Aligned are polar opposite positions in international relations. It's astounding that our ministerial advisers and Irish diplomats continue with silence on this.

A well established, oft cited anecdote, on Ireland and non-alignment is worth repeating. Noel Dorr, much-admired retired Irish diplomat was a junior posted to the UN Irish Delegation when the late Garrett Fitzgerald was Ireland's Foreign Minister during the 1973-77 coalition government. It was the occasion of the annual September General Assembly and Minister Fitzgerald was in New York for the Assembly.

One day, along a corridor at UN Headquarters, Fitzgerald and Dorr encountered the wily and long-standing Foreign Minister of the then Soviet Union, Mr. Andrei Gromyko and his delegation.

The two groups chatted, and then Gromyko confronted Fitzgerald; thus, "I don't understand you Irish, you say you are non-aligned, yet you are not aligned with the non-aligned". How true and apt.

At the recent first meeting of the Oireachtas *Joint Committee on Defence and National Security*, the nonsense of Ireland being both neutral and non-aligned was again uttered. It's despairing to see such a lack of basic knowledge by those purporting to be engaged in such an urgent and import issue as the safety and security of the State.

**The Smoking gun of Ireland's first ever White Paper on Foreign Policy**

Astonishingly, Ireland's first ever White Paper on Foreign Policy was not published until 1995, a full 73 years after independence. This policy document '*Challenges and Opportunities Abroad, White Paper on Foreign Policy (1995)*' is now almost a collector's item as it has disappeared from online searches or state reference sources.

It's not surprising as it contains a lot of truths that both government and departmental mandarins may be uncomfortable should its contents on international security, defence and peacekeeping were to become publicly available.

Chapter 4, International Security, Paragraph 4.5 states: "*In the strict sense of international law and practice, neutrality, and its attendant rights and duties, do not exist in peacetime; they arise only during a state of war. Neutrality represents an attitude of impartiality adopted by a state towards the participants in a conflict and recognised as such by the belligerents. Such an attitude creates certain rights and duties between the neutral state and the belligerents which commence at the outbreak of war and end with its cessation.*"

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The 'Triple Lock' mechanism governs Ireland's participation in UNIFIL's peacekeeping mission overseas, which requires UN authorisation, Government approval, and Dáil approval before deployment.

Two certainties arise from this factual statement; firstly, Ireland did NOT comply with its obligations as a supposed neutral during World War 2 from 1939-45 as it provided unqualified support, publicly and secretly, for the Allies; and secondly, the text cited from the White Paper is absolutely in keeping with that of Hague, 1907, for true neutrals.

On 28 April 2003, Mr. Justice Kearns of the High Court, delivered his judgement in a case brought by *Edward Horgan against An Taoiseach, the Minister for Foreign Affairs, the Minister for Transport, the Government of Ireland, Ireland, and the Attorney General.*

Horgan claimed, *inter alia*, that "..... permissions granted whereby military and civil aircraft of the United States of America are and will be permitted to fly over and through the air space of the State and to land at airports, and in particular, Shannon Airport, Co. Clare within the State and to refuel there and to move troops or convoys of either munitions of war or supplies across the territory of the State constitutes a breach by the State as a neutral State of the customary rules of international

*law and is thereby unconstitutional, unlawful, and void by virtue of the Constitution and in particular Article 29.3 of the Constitution.*

Mr. Justice Kearns found against Horgan on a myriad of grounds, but pertinently, that Ireland, to date, has not imported Hague 1907 into its domestic law. One asks, was failure to import Hague 1907 into domestic law by design or neglect?

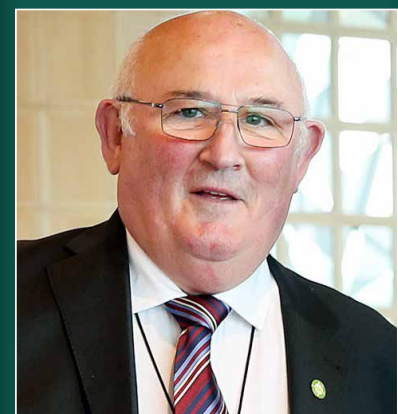
**Irish Citizens fed utter falsehoods, particularly since 1939, has led directly to current Triple Lock debate debacle**

The widespread attachment of Irish citizens to 'neutrality' over the decades is bizarre given that few citizens neither know nor understand the true requirements of neutral states, and obligations arising from that positioning in international affairs.

Neutrality is not established by stating it; actions and reactions are required. Nowhere in international law or practice is neutrality cited, addressed or associated with membership or non-membership of military alliances. In fact, when the Hague Conventions of 1907 were established, no *Regional*

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Independent Senator Gerard Craughwell is a member of the Joint Oireachtas Committee on Defence and National Security. He was first elected in the 2014 Seanad by-election to the Cultural and Education Panel and was subsequently re-elected to the Seanad in 2016 and 2020 to the Labour Panel. Before working in politics, he served in the British Army and the Irish Army. He was also President of the Teachers' Union of Ireland between 2012 and 2014.



*Organisations* referenced in Chapter 8 of the UN Charter such as the EU, NATO, AU, ASEAN, ECOWAS or IGAD, for instance, were in existence.

The sacred cow of Ireland's alleged neutrality was created and perpetuated for reasons that, in retrospect, could be construed as opportunistic. Ireland's stated position of neutrality between 1939-45 is argued as being necessary as to officially side with the Allies would require siding with the UK when a part of the island remained 'not free'.

#### **'OCCASIONAL NEUTRAL STATE'**

After World War 2, Ireland's luck with the victory of the Allies required a continuation of the subterfuge of being as 'occasional neutral state', in order to have a fig leaf justification of meagre budget expenditure on its Defence Forces. There was nothing noble in that posture, it was blatant opportunism, couched in preciousness.

Ireland, and its citizens, take comfort with what for them is a moral high ground of 'neutrality'. That subterfuge remains overwhelmingly uncontested as to its accuracy or meaning. Constant recitation of the *Falsehoods* by government, politicians, commentators, and what passes for our 'Think Tanks', have succeeded in perpetuating the neutrality myth.

Outside Ireland, our positioning is tolerated as being merely the eccentricity of the

Irish. What began as a false expediency became a political trump card to be played out with an agnostic and willingly compliant electorate. It became a welcome vote getter for politicians. That remains true to this day.

However, this longstanding misleading of its citizens is now severely testing the wishes of our government to dispense with the red herring Triple Lock issue. Over the decades it has provided the Neutrality Stick to those who now wish to attach itself permanently to an idealised fantasy called Ireland's neutrality. Chickens coming home to roost, perhaps!

