





# **POSITIVE NEUTRALITY IN ACTION**

Towards the Achievement of Human Security

A Sinn Féin Policy Document(2004)

***Sinn Féin***  
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## INTRODUCTION

Support for Irish neutrality has been a core republican value since the time of the United Irishmen. But it has never been more relevant than in the 21st century.

Irish military neutrality has been a source of our unique position in the world, a source of strength and legitimacy. Through the pursuit of an independent foreign policy in the past, Ireland has built an internationally respected reputation in UN peacekeeping, promotion of anti-nuclear initiatives and the development rights of post-colonial societies. Our international stature has also been enhanced by our experience of building a peace process at home.

A militarily neutral Ireland actively pursuing a global social justice agenda through peaceful means has more to offer than ever before at this time of volatility in international relations. Since the establishment parties have demonstrated that they are either not fully committed to neutrality or are opposed to it, republicans recognise our responsibility to show leadership in this regard.

Sinn Féin therefore proposes "Positive Neutrality in Action" as an independent policy alternative for expanding Ireland's role in international affairs. We see Positive Neutrality in Action not only as a policy with immediate relevance for the 26 county state, but also propose that it should form the heart of the international relations policy after reunification.

Recent developments have confirmed the need for such a policy. We offer this document as a clear statement of what Positive Neutrality in Action would entail.

# SUMMARY OF SINN FÉIN PROPOSALS

Sinn Féin proposes an independent and progressive Irish international relations policy that opposes military alliances and works for international co-operation and conflict negotiation leading to democratic social change and respect for human rights, universal demilitarisation and nuclear disarmament.

Such a policy of “Positive Neutrality in Action” would require:

- Neutrality to be enshrined in the Irish Constitution and codified in legislation;
- Withdrawal from the EU Rapid Reaction Force and NATO's Partnership for Peace;
- Irish troops to train and serve abroad only under the auspices and leadership of the United Nations, and only with prior Dáil approval;
- No use of Irish airports, airspace, seaports, or territorial waters for preparation for war or other armed conflict by foreign powers;
- An end to Irish involvement in the arms trade and profit from war;
- Clear recognition and legal protection through a binding Protocol of Irish neutrality in any new EU Treaty;
- Active promotion of demilitarisation of the EU;
- Formation of alliances with other progressive, neutral states to promote a Human Security approach to international relations;
- Active promotion of UN primacy, UN reform and capacity-building to create a revitalised UN which is capable of fulfilling the promise of the Charter and Universal Declaration of Human Rights, and of upholding international law.

## WHY POSITIVE NEUTRALITY IN ACTION IS RELEVANT TODAY

### INTERNATIONAL CONTEXT

International relations in the 21st century are proving unexpectedly volatile. Disturbing doctrinal shifts are taking place under the so-called “War on Terror”, which has become the new justification for permanent war. The emergence of a single superpower has encouraged unilateralism. The consequent undermining of the United Nations and international law has further destabilised the global security environment.

The 2001 invasion of Afghanistan as a “retaliation war” in response to the 11 September atrocities set a bad precedent for international order. But the implications of the second war on Iraq are even worse. An invasion and occupation was mounted and supported by major powers (including EU powers) without UN authorisation. This invasion was based on concocted evidence of weapons of mass destruction, and rationalised by a doctrine of pre-emption (and by a post-hoc doctrine of regime change, contrary to international law). Other by-products of this appalling episode include the sabotage of perfectly effective UN weapons inspections and the deliberate sidelining of the UN in the post-war transition and reconstruction process. All those who failed to oppose the war - including the Irish Government who had a seat on the Security Council during the relevant period - bear responsibility.

While the need for non-proliferation of weapons of mass destruction is obvious, the real clear and present danger to international security is posed by the arsenals and stockpiles held by existing nuclear states, including those NATO states who are members of the European Union, despite the evaporation of their rationale with the end of the Cold War nearly 15 years ago.

Meanwhile, there is no doubt that the UN itself is in crisis. In the 1980s and 90s it was subjected to a sustained assault led by big business interests critical of international regulation. With US help a financial crisis was engineered to create pressure on the UN to agree to certain reforms (such as downsizing, programme-slashing and other “market-friendly” measures). The UN was

systematically under-funded and undermined for nearly two decades and then excoriated for its failure to respond effectively to Rwanda and Kosovo. The international community has not responded with the urgency required to remedy the situation. Six years into a comprehensive organisational overhaul and despite considerable achievements, the UN Secretary General was still forced to issue an urgent plea for support for UN reform in August 2003. But those states with the most available resources - the US and EU states - are busy pursuing and paying for their own security agendas. The true effect of development of EU defence capacity, according to the 2000 Report of the Panel on United Nations Peace Operations (known as the Brahimi Report) has been the depletion - not enhancement - of UN peacekeeping capacity.

In a world where the gap between the richest and poorest is a vast and deepening canyon, where annual global military spending massively outstrips aid spending (pre-Iraq war figures: \$800 billion as against \$57 billion - and only \$10 billion on the UN) where the permanent members of the UN Security Council are also the world's biggest arms dealers, nuclear states and empire-builders who between them control most of the world's wealth, the need for a Human Security-based approach to international relations is more urgent than ever. <sup>1</sup>

### EUROPEAN CONTEXT

Successive EU treaties since the Single European Act in 1987 have corroded independent foreign policy to the point where our military neutrality is virtually all we have left. Now there is the twin pressure of the accelerating militarisation of the EU, underway in earnest since the first reference to EU military co-operation and common defence appeared in the Maastricht Treaty. The subsequent treaties have built incrementally on this. These range from the establishment of the European Security and Defence Policy and the Rapid Reaction Force

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1: “Human Security” is a concept formalised by the International Commission on Human Security, established in 2001 following the UN Millennium Summit. It promotes a shift of thinking about what constitutes security, away from an exclusive (invariably militarist) focus on states, and towards the sources of daily insecurity experienced by most people such as poverty, disease, conflict, human rights abuses and economic and environmental uncertainty. According to the Commission, “Human Security” includes “freedom from fear, freedom from want, and freedom to act on one’s own behalf.” Thus democratic and human rights, the elimination of poverty and the raising of living standards through employment and access to basic services become central to achieving security.

following the Amsterdam Treaty to the creation of command and control structures in which Ireland now participates, including an EU military command, as a result of the Nice Treaty. Now we are confronted with the EU federalist drive to use the next Treaty to reconstruct the EU as a military and economic superpower.

Despite all the denials, an EU Army is evolving in increments, and the Constitutional Treaty under negotiation will bring us measurably closer to this. The draft Article 40 enabling provisions direct that:-

- The EU shall frame a Common Defence Policy leading to a Common Defence;
- Common Defence can be the subject of “enhanced co-operation”, or the sub-contracting of defence to a smaller group of states;
- Members shall contribute forces and improve military capabilities, and that the EU shall establish an EU Armaments Agency (the basis for an EU military industrial complex);
- Members shall be required to defend other members in case of attack and to cooperate with NATO in this (the so-called “solidarity clause”).

Many of these next generation developments are already underway, Treaty or no Treaty, as they are being pursued by agreement in the EU Council. For example, while we don’t yet have a new Treaty, we do have:-

- An EU military harmonisation deadline of 2010 and an agreement to establish the EU Armaments Agency;
- An agreed EU Security Doctrine that includes imperatives to increase military spending and an extension of the EU Rapid Reaction Force’s Petersburg Tasks well beyond humanitarian and peacekeeping tasks to include military intervention to assist other states both within and outside the EU in counter-terrorism and counter-insurgency operations;
- An EU-approved enhanced co-operation agreement on defence between the biggest, most powerful states France, Germany, and Britain.

The need for intervention to halt the momentum of EU militarisation has never been more urgent. Yet the Irish Government, on behalf of a supposedly neutral state, has done little if anything to oppose these developments, and has done even less to improve its negotiating position

for the future in an EU that continues to be heavily dominated by NATO states even after enlargement in May 2004.

## DOMESTIC CONTEXT

The Irish Government has repeatedly assured the Irish people that it supports neutrality. Their 2002 Programme for Government also specifically commits to UN primacy. But on many occasions since their election in 1997, this Government have both contradicted and violated their own stated policies.

Far from standing firm on Irish neutrality, they have steadily moved away from it:-

- In 1997 they joined NATO’s Partnership for Peace despite promises to the contrary, and pre-election insistence on a referendum;
- They deployed the first Irish troops on NATO-led missions in Europe (SFOR in Bosnia-Herzegovina in 1997 and KFOR in Kosovo in 1999);
- In 1999 they committed 850 Irish troops to the NATO-aligned EU Rapid Reaction Force (RRF), again without referendum;
- In 2001 they set the precedent of ministerial authorisation for war complicity without the assent of the Dáil in the case of the US-led war on Afghanistan;
- In 2001-2002 they refused to seek a legally binding neutrality Protocol to the Nice Treaty despite public outcry. They delivered instead a series of non-binding declarations. They delivered a Constitutional amendment which only guarantees that a referendum will be held in advance of joining an EU Common Defence. It is silent on neutrality and does not preclude other military alliances such as NATO;
- They told the Irish people to rely on their so-called “triple lock” requiring UN authorisation, Government decision and Dáil approval in advance of overseas troop commitments. But under the present conditions of Government majority it is effectively only a “double lock” since Government support carries every Dáil vote. In addition, it does not address the situation of other forms of assistance for war. It also allows for deployments with non-UN forces including the EU RRF and NATO.
- In 2002-2004 they involved the 26-Counties in supporting an illegal invasion of Iraq based on concocted evidence. In 2003 alone they



allowed more than 3,500 military aircraft to overfly Irish airspace and well over 125,000 US troops to use Shannon Airport as a pit-stop on the way to the war build-up and to the invasion and occupation itself. They repeatedly denied this was so, and refused to put any decision before the Dáil until it was too late.

When questioned by Sinn Féin they claimed that the State does not need to conform to internationally accepted definitions of military neutrality and publicly signalled their intention to review the policy.

Far from asserting and supporting UN primacy, the Government have shifted the centre of their policy away from the UN and towards the EU:-

- In 1999 they expressed the first Irish support for a military action without a UN mandate (the NATO mission in Kosovo);
- They decided that Irish troops committed to the EU Rapid Reaction Force would be drawn from the same pool as the forces previously committed to UN Standby Arrangements System (UNSAS), thereby inevitably reducing the numbers available exclusively for UN-led missions;
- In 2000 the first ever White Paper on Defence broadened the mandate for international force deployment to include deployment with non-UN forces;
- Now the Irish Government have admitted that they support the provisions of the draft EU Constitutional Treaty that will further militarise the EU and enable development of an EU Common Defence.

In sum, the Government have compromised Irish UN commitments through their EU commitment, exploited loopholes in the Defence Acts to allow for Irish Defence Forces to serve in non-UN missions, and more recently said that a UN mandate “may no longer be necessary” for the deployment of Irish Defence Forces overseas.

It is hard to escape the conclusion that 26 county state is no longer a neutral state, and that the Fianna Fáil-PD Government have pursued a covert policy to incrementally abandon the twin policies of neutrality and UN primacy in favour of increased pooling of sovereignty in security and defence at EU-level.

At a time of belt-tightening in healthcare and education, the Government plans to squander €100 million in property divestment revenues on

retooling the Defence Forces to make them EU- and NATO-compliant - a requirement which will also demand an enhanced level of military spending in future.

Yet when questioned on the implications of their policies for neutrality, they flatly deny that there are any implications whatsoever.

Meanwhile, the emergent Fine Gael/ Labour/ Green Party coalition do not present an obvious alternative because their defence policies are totally incompatible with one another. Fine Gael have declared their outright opposition to the policy of neutrality and their support for joining an EU Common Defence, and have tabled legislation to show they mean business. Labour does support constitutional neutrality in some form, and with the other left parties they supported the Sinn Féin Neutrality amendment in 2003.<sup>2</sup> But there are worrying contradictions in Labour’s position. Specifically, their support for an EU defence role (including Irish participation in the EU Rapid Reaction Force) in order to create an EU military counterbalance to the US is not only a throwback it is also a dead-end, a recipe for a rehash of Cold War bipolarism and resulting global instability. In any event the argument is fundamentally flawed in that it fails to take account of the close link between the EU and NATO (a nuclear alliance), the EU’s continuing dependence on NATO in defence terms, NATO’s insistence on compatibility and the degree to which EU-NATO decoupling threatens NATO, who will not allow it. This isolates the Green Party as the only partner supporting neutrality and opposing Irish military involvement with the EU. In the event of a Fine Gael/Labour/Green Party Government, it is not at all clear which policy on neutrality and EU Common Defence would win out.

The massive popular opposition to the war on Iraq - including one of the largest street mobilisations in Irish history - emphatically demonstrated that the Irish public cares about neutrality and wants an alternative to present Irish government policy. We support comprehensive and universal demilitarisation of conflict, and conflict resolution through negotiation and social change and our long-standing commitment to neutrality as an essential component of an independent international relations policy. Sinn Féin is committed to delivering this change.

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2: For the text of the Sinn Féin Neutrality amendment and a list of Dáil deputies supporting and opposing, see Annexes 1 and 2.



## INDEPENDENCE AND MILITARY NEUTRALITY - CORE REPUBLICAN PRINCIPLES

Sinn Féin's support for neutrality is the product of a developed and coherent republican position stretching back over 200 years of Irish history.

The sovereignty of the people and national self-determination includes the freedom to determine one's relationship with other nations. From the beginning, Irish republicans have identified an independent foreign policy as one of the essential characteristics of the independent Irish state to which we aspire. It has always been a fundamental demand of those struggling for Irish freedom. Over time, military neutrality became the cornerstone of this expression of policy independence.

The demand for Irish neutrality in foreign wars became part of the republican lexicon because at key moments in our history the British Government attempted to coerce the Irish nation into support for imperial wars. Poverty forced many thousands of Irish youth to join the British Army where they provided cannon fodder for every imperial conflagration from the Napoleonic wars to the First World War. We as a nation became involved in these conflicts against our interests and against our will. This experience underlined the need to decide our own destiny in the community of nations, and thus became one of the prime motivating factors in our long struggle for independence.

Contrary to what some presume, the Irish impulse to neutrality well-predates the Second World War. One of the first political acts of the founder of Irish republicanism, Theobald Wolfe Tone, was to call for Irish neutrality in the face of an impending war between Britain and Spain. At the start of the last century, Arthur Griffith, who went on to found Sinn Féin, co-founded the Irish Neutrality Association with James Connolly and others, to make the case that the war between Britain and the Boers - a war that was fundamentally about the British Government seizing control of South Africa's mineral resources - was not in the interests of the Irish people. James Connolly also argued vigorously for a policy of neutrality during the First World War. As such

he was one of the few socialist leaders in Europe who refused to be beguiled by jingoism into backing the conflict. When the Irish political establishment was offering support for British imperialism, republicans and socialists campaigned against involvement in that war - just as today when the Government supports the use of Irish airspace and facilities by the world's only superpower, republicans have stood with others in opposing this.

This is not to say that Sinn Féin is a pacifist political party. Consistent with the principles of international law, we believe that the use of force can sometimes be necessary as a last resort to prevent the deaths of others or the oppression of peoples. Sinn Féin make no apologies for having recognised the right of the Irish people to use force against the British occupation, the right of the ANC to use force against the undemocratic South African Government, or that of other genuine liberation struggles such as the East Timorese. We continue to support the right of the Palestinian people to defend themselves against Israeli aggression. Support for struggles for democratic self-determination and support for military neutrality are entirely consistent positions.

Our position on neutrality is also wholly consistent with our demilitarisation agenda. We aspire to the comprehensive demilitarisation of conflict both here and elsewhere. We believe that to be effective, demilitarisation cannot be one-sided. However, demilitarisation in and of itself is also not enough to eliminate conflict, or to prevent future escalations or spirals. Effectiveness demands that non-violent, democratic political alternatives are made an active, viable option for aggrieved parties and peoples. This is the republican analysis, and it has many implications for both domestic and international policy.

## TOWARDS A POLICY OF POSITIVE NEUTRALITY IN ACTION

Sinn Féin does not support Irish involvement in standing military alliances of any kind. We oppose involvement in NATO. We believe that there is no legitimate role for the European Union in military and defence matters, which should be left to individual states. International peacekeeping and conflict resolution should happen under the auspices of the United Nations. We are fully committed to “UN primacy” in this regard.

The policy we propose is “**positive**” in the sense of proposing constructive alternatives to militarism and to military alliances. It goes beyond “just saying no” to membership in formal military alliances.

For us neutrality also does not stop with non-membership of military alliances. It goes further. It means taking fuller responsibility by refusing to facilitate international conflict in any way. The policy therefore proposes “**neutrality**” in keeping with the minimum international definition common to other neutral states, that is, upholding the rights and duties defined in the Hague Convention.<sup>3</sup> Article 2 forbids the movement of foreign troops or convoys of munitions of war or supplies across the territory of a neutral state. Article 3 forbids the establishment of foreign military installations. Article 4 forbids foreign recruitment of combatants. Article 5 instructs that it is the responsibility of the neutral state to ensure that no acts under Articles 2-4 occur on its territory. So for Sinn Féin “neutrality” also includes non-collusion with belligerents. In our view, it must also preclude direct contribution to foreign conflicts through trade (for example: the arms trade, trade in dual-use goods that can be used for torture and other human rights violations, the trade in conflict diamonds, etc).

The policy we propose involves “**action**” in the sense that it requires committed promotion of these principles and of non-military instruments for conflict prevention and resolution at every available opportunity. In keeping with the republican spirit, it is a campaigning approach that goes beyond the lip service of other parties.

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3: The Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land (1910) is part of the canon of international law. It contains the internationally accepted minimal definition of neutrality and as such is the reference point for the constitutionally neutral states Austria, Malta, and Switzerland. For the text of the Hague Convention, see Annex 3.

# Defining “Positive Neutrality in Action”

The policy of “Positive Neutrality in Action” is equally well defined by what it is not, as much as by what it is.

## What it is NOT

- **Pacifism** - We accept that the use of force can sometimes be necessary as a last resort to prevent the deaths of others or the oppression of peoples.
- **Ambivalence** or apathy about conflicts and crises - We believe that Ireland should be actively engaged in conflict resolution.
- **Isolationism**, disengagement, or “free riderism” (i.e. happy to benefit from the protection of others but not willing to reciprocate) - We believe that Ireland should play a full and active part in the United Nations, including in its collective security and peacekeeping role.

We emphatically do not accept the argument that neutrality equals “defencelessness”. No one could characterise the heavily militarised but neutral Switzerland as defenceless. On the other hand, neither military alliance nor military might protected the United States from the unprecedented 11 September attacks. This argument is a red herring.

## What it IS

**1. A commitment to the right to national self-determination, and a recognition that this right is not absolute but rather is subject to the constraints of international law. This involves:-**

- A preference for dialogue, negotiation, co-operation and participatory democratic reform, coupled with a recognition that there are cases where a specific and limited application of force - within the confines of international norms, guided by international law, and under conditions of international legitimacy - may be justified. For example, the international community has a responsibility to act to prevent genocide;
- A recognition that no single state or limited

group of states has the right to impose their will over other states through military force or other means;

- A recognition of the necessity for international consensus at UN level on military intervention;
- A refusal to co-operate with belligerents acting without United Nations authorisation for the use of force;
- A willingness to participate actively in international peacekeeping operations under UN auspices (reflecting international consensus on the need for action).

**2. An acceptance that “Human Security” is the most appropriate doctrine to guide the policy. This involves:**

- A fully inclusive sense of global justice and solidarity that balances respect for international norms including human rights, state sovereignty, and respect for all peoples;
- A recognition that injustice, inequality and discrimination are at the core of many conflicts around the world, and that in such cases conflict resolution will require grievance redress and reform;
- A commitment to harness the political will to eliminate the primary sources of human insecurity: hunger, poverty, disease, debt, inequality, dependence, domination, exploitation, dictatorship, state-clientelism, torture, abuse, and other systemic sources of suffering;
- An active commitment to global social justice, freedom and rights, grounded in a belief in equality and a desire to divert more resources, including human ingenuity, away from profiteering and war and towards the realisation of a better world where all human needs are met;
- A vision of truly common, integrated security, predicated on a refusal to see state security as superior to the security of people, or our own security as ultimately separate from the security of others;
- A recognition of the need for global co-ordination and global solutions to the problem of human insecurity.

### 3. A willingness to assert Ireland's rights and responsibilities as a neutral state. This involves:-

- A refusal to get drawn in to military conflicts as a result of standing military alliances or mutual defence pacts;
- Ending Irish involvement in conflicts by refusing to allow the island to be used as a military base for refuelling warplanes or civilian flights carrying troops to the theatre;
- Enforcing the law banning military overflights and stop-overs;
- Ending Irish profit from war, and introducing human rights-proofing of all government spending and subsidies;
- Ending involvement in the arms trade and instituting adequate and fully transparent export controls on dual-use goods;
- Promotion of the demilitarisation of conflict and challenging militarisation;
- Active campaigning for universal nuclear disarmament and for the permanent destruction of all stocks of weapons of mass destruction - including those held by the NATO states - under UN supervision;
- Active contribution to conflict resolution through dialogue, fully inclusive negotiation, and managed social change directed towards the causes of conflict;
- Pursuit of (non-military) alliances with other progressive neutral states, with those nations struggling with the legacy of colonialism, and with all those peoples within states struggling against social and political oppression and economic exploitation, and for recognition of their common rights;
- Full compliance with all international instruments and agreed norms;
- Active promotion of UN primacy;
- Active promotion of UN reform and capacity-building;
- A commitment to democracy and full inclusion at the both lowest and highest levels of human political organisation.

# POLICY CHANGES REQUIRED BY POSITIVE NEUTRALITY IN ACTION

## DOMESTIC LEGISLATIVE AND POLICY REFORM

There is presently no clear constitutional barrier to the State joining a military alliance. The Seville Declaration does not constitutionally enshrine neutrality and non-participation in military alliances, but only non-participation in an EU Common Defence without prior referendum. Therefore, it currently remains constitutionally open to join NATO, for example.

Consistent with the principles of Positive Neutrality in Action, it is our belief that the Irish Government should:-

- Hold a referendum to give the people the opportunity to introduce an amendment giving constitutional protection to the policy of military neutrality;<sup>4</sup>
- Withdraw from all commitments to proto-military alliances (the EU Rapid Reaction Force and NATO's Partnership for Peace);
- Close the loophole in existing legislation allowing for foreign war complicity by executive decision, and instead require Dáil approval for permission of any non-emergency or non-UN mission-related use of facilities in the State by foreign militaries;<sup>5</sup>
- Amend the Defence Acts and policy to narrow the basis upon which the Permanent Defence Forces can be deployed internationally to UN-led peacekeeping missions only.<sup>6</sup> The present requirement is being interpreted by the Government as "UN-authorized" only, allowing for legal Irish participation in NATO-led and EU-led missions, and allowing the siphoning of Ireland's UNSAS commitments towards EU operations;
- Enforce its existing authority to prevent foreign military overflights and landings or use of Irish ports and territorial waters by those en route to war or other armed conflict or to prepare for war or other armed conflict (including troop and munitions transport using civilian aircraft or seaborne vessels);<sup>7</sup>
- Apply for membership in the Non-Aligned Movement of Nations, and represent this consensus at the EU;<sup>8</sup>

- Underline its anti-nuclear commitment and set a positive example by introducing legislation to make the island a Nuclear Weapons-Free Zone.

Despite what most people assume, Ireland is involved in the arms trade. Since 1997, the 26-Counties has exported €240 million of military goods and €23.7 billion of dual-use goods (which have both military and civilian applications), including technology used by the French and US nuclear programmes. Ireland exported over €2.5 billion worth of military and dual-use goods in 2003 alone. It has been documented that dual-use goods produced in Ireland are being used by human rights violating regimes elsewhere. Unbeknownst to them, Irish taxpayers are actually subsidising the arms trade through payments made by Enterprise Ireland to companies that supply military firms. These aspects of complicity are at odds with the principles of Positive Neutrality in Action. Ireland should end its involvement in the arms trade. In the meantime, Sinn Féin advocates the introduction of a Military and Dual-Use Export Control Act to better regulate the sector and bring in a fully transparent export licensing system, including proper destination and end-use monitoring and controls on brokering and trans-shipment (passage of military and dual-use goods en route to a third country) to prevent transfers that facilitate human rights violations.

## EU REFORM

In keeping with a commitment to UN primacy, demilitarisation and nuclear disarmament, the Irish Government should actively oppose an EU role in defence, the evolution of an EU defence policy, and an EU Common Defence.

In keeping with the principles of Positive Neutrality in Action, at a minimum Ireland should:

- Secure a legally-binding neutrality protocol, similar to the Danish Protocol to the Amsterdam Treaty;<sup>9</sup>
- Secure explicit recognition of the rights and obligations of the EU neutral states in any future Treaty on the basis of parity of esteem with the NATO states;
- Show leadership and co-ordinate with the other EU neutrals in an effort to persuade the other members to drop or reduce the EU military dimension;



- Confidently promote the niche role of the EU neutrals as an asset to the EU rather than an impediment;<sup>10</sup>
- Argue that EU defence involvement can only impair the potential contribution of neutrals to conflict resolution by damaging perceptions of their credible impartiality;
- Continue its positive work building the Human Security Network with other EU and non-EU states;<sup>11</sup>
- Promote the EU's adoption of a Human Security Framework for its external relations policy. There is an enormous positive potential for an EU role in ensuring the realisation of human security as the world's biggest aid and trade bloc;
- Actively promote the United Nations as the most appropriate fully inclusive multilateral forum for promoting international security;
- Promote the redirection of EU defence and peacekeeping resources towards the UN;
- Join with other EU non-nuclear states to campaign to make the European Union a Nuclear Weapons-Free Zone;
- Campaign to strengthen the existing EU Code of Conduct on Arms Transfers to require each state to introduce legislation on licensed production, brokering and trans-shipment, as well as effective and transparent destination and end-use monitoring mechanisms;
- Urge the adoption of the proposed EU Regulation on Trade in Torture Equipment by the Council of Ministers;
- Press for a human rights proofing mechanism for all EU law and policy (including trade policy), and ensure that all human rights tools available to the EU are used to encourage human rights violators and states in conflict to conform with international law and UN resolutions. For example, where appropriate, the EU should activate the relevant Articles of the Euro-Mediterranean Association Agreements allowing for the suspension of preferential trade relationships in the face of persistent human rights violations, such as those by Israel in relation to the construction of the Apartheid Wall.

## UN REFORM AND OTHER INTERNATIONAL ACTION

In keeping with a commitment to UN primacy, conflict resolution through international arbitration, and the attainment of full human security, UN reform towards democratisation and

capacity-building must be elevated to a core priority of Ireland's international relations policy.

UN reform is a highly complex policy area that will be the subject of a further separate Sinn Féin policy document. In brief, the type of reform Sinn Féin advocates would include the following four key areas:-

- An end to the funding crisis - exploring the possibilities for more stable alternative sources of funding and in the interim ensuring that all member states pay their UN dues in full and on time, unconditionally;
- Democratisation of the UN Security Council involving the elimination of permanent membership, reform of decision-making procedures, and the introduction of regional representation;
- Significantly expanding capacity for UN-led peacekeeping operations - possibly involving the establishment of a UN Rapid Reaction Force - to end the trend towards reliance on regional organisations to "subcontract" what

4: As proposed by Sinn Féin in the 27th Amendment of the Constitution Bill 2003 (also known as the Sinn Féin Neutrality Amendment).

5: As would have been provided for by the Sinn Féin Neutrality Amendment.

6: As proposed by Sinn Féin in the party's amendments to the European Scrutiny Act 2002.

7: The Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order, 1973, section 6, paragraph 2 (a) (i) (ii) states that it is against the law to carry munitions of war on an aircraft. The Air Navigation (Foreign Military Aircraft) Order 1952, at paragraphs 3, and 4, states that no foreign military aircraft shall fly over or land in the state without the express permission of the Minister. The Defence Act, 1954, section 317, paragraphs 1 and 2, state that no one can enter or land in the state while wearing any foreign military uniform, save with the express permission in writing of a Minister.

8: The Non-Aligned Movement, formed in 1961, represents the interests and priorities of developing countries, and is presently chaired by South Africa. Its 115 members are all militarily neutral, operate an independent foreign policy, and have signed up to the Bandung Principles which include respect for the UN Charter, respect for the sovereignty and territorial integrity of all nations, recognition of the equality of all races and nations, abstention from intervention, respect for the right to self-defence in conformity with the UN Charter, abstention from the use of collective defence arrangements, refraining from acts of aggression or use or threat of force against another nation; settlement of all disputes by peaceful means in conformity with the UN Charter, respect for international obligations and mutual co-operation.

9: The Danish Protocol explicitly states that Denmark does not participate in the elaboration or implementation of decisions and actions of the EU that have defence implications, and shall therefore neither participate in their adoption nor contribute to their financing.

10: Citing the successful role of Finnish President Marti Ahtisari as EU mediator in the Kosovo conflict.

11: Formed in 1999, the Human Security Network is a group of like-minded countries from all regions of the world that maintain dialogue and identify areas for collective action on questions pertaining to human security. Network members are committed to apply a human security perspective to international problems. Ireland is currently a member, together with Austria, Canada, Chile, Greece, Jordan, Mali, the Netherlands, Norway, Slovenia, South Africa (observer), Switzerland and Thailand.

should be UN peacekeeping duties. We reject the presumption that such “outsourcing” of peacekeeping supports the UN, and believe that it will instead both drain resources and later render UN peacekeeping redundant;

- More powers to the UN Economic and Social Council (ECOSOC) to manage global economic affairs equitably, in the interests of all, and to strengthen the delivery of human security.

In keeping with the commitment to Human Security, the Irish Government should:-

- Promote the elevation of the Millennium Development Goals to the top of the international agenda;
- Explicitly reject the doctrine of preemption and the false premise that the so-called “War on Terror” is an effective security policy;
- Continue to work for the development of the Human Security Network to expand support for this approach to international relations.

To promote demilitarisation at the international level, the Irish Government should:-

- Continue to pursue universal nuclear disarmament through the New Agenda Coalition, including fulfillment of the undertakings by the Nuclear Weapons States agreed in the Final Document of the 2000 Review Conference of the Nuclear Non-Proliferation Treaty towards achieving elimination of nuclear weapons;
- Continue to promote full accession to the NPT, especially by Israel;
- Join with those states who have already taken the lead on calling for an International Arms Trade Treaty<sup>12</sup> to prevent arms exports to destinations where they are likely to be used to commit grave violations of international human rights and humanitarian law.

In addition to UN peacekeeping commitments, Ireland should also make itself available as appropriate and on request to assist with arbitration of international disputes or to share our experience in building a peace process based on inclusive negotiations without preconditions and equality and human rights guarantees for all.

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*12: As of February 2004, these include Brazil, Cambodia, Mali, Macedonia, Costa Rica, Finland and the Netherlands.*



## CONCLUSION

Sinn Féin believes that true security is universal, and based on social justice, fully meeting human needs, and respecting human rights and human equality.

We support full foreign policy independence, underpinned by support for UN primacy and complemented by Positive Neutrality in Action. We believe that neutrality must be enshrined in the Constitution. We see our commitment to demilitarisation of the EU and universal nuclear disarmament as an extension of our commitment to fully demilitarise the conflict on this island.

Positive Neutrality in Action is not about sitting on the fence. It is not about taking no action. It is not about pacifism. It is about actively promoting and participating in conflict resolution, demilitarisation, and making politics work to redress legitimate grievances and achieve needed social changes - at both state and international levels.

Sinn Féin recognises that militarisation does not increase security because the biggest threats to security presently are not military threats; they are poverty, hunger, disease, and injustice. Therefore, our policy of Positive Neutrality in Action recognises the need to adopt a wholistic "Human Security" approach - which means understanding, confronting, and redressing the social, political and economic roots of conflict, including the structural roots.

Sinn Féin also recognises the urgent need for UN reform and a return to the primacy of the UN system, which has been undermined. For all its shortcomings, it remains the most globally representative and inclusive international forum and therefore our best prospect for international peace. We reject both standing military alliances and unilateral action in international relations in favour of collective action at UN level.

We also oppose in principle the outsourcing of peacekeeping to regional groupings such as the EU. This is a negative development that both undermines the development of UN peacekeeping by rendering it redundant and encourages the creation and consolidation of regional military alliances - the very phenomenon that the UN was formed to render obsolete.

Building capacity in a reformed UN, so that it is able to take on the missions that are necessary, so that it can respond early and proactively to prevent genocide, for example, should be a global policy priority. We believe that the creation of an EU Army and the focus on EU Defence undermines this project by diverting energy and resources that should rightfully go directly to the UN system.

These principles and beliefs outlined above have informed Sinn Féin's policy of Positive Neutrality in Action. It is our belief that if Ireland followed this policy our nation could make a highly significant contribution towards the long-held global objective of international peace with justice, and towards the achievement of Human Security, to which everyone has a right.



## ANNEX 1



### TWENTY-SEVENTH AMENDMENT OF THE CONSTITUTION BILL 2003

# BILL

*entitled*

AN ACT TO AMEND THE CONSTITUTION. 5

WHEREAS by virtue of Article 46 of the Constitution the Constitution may be amended in the manner provided by that Article:

AND WHEREAS it is proposed to amend the Constitution:

BE IT THEREFORE ENACTED BY THE OIREACHTAS AS  
FOLLOWS: 10

Amendment of  
Articles 28.3.1° and  
29.3 of the  
Constitution.

**1.**—The Constitution is hereby amended as follows:

- (a) the subsection the text of which is set out in *Part 1* of the  
*First Schedule* to this Act shall be inserted in place of  
subsection 3.1° of Article 28 of the Irish text,
- (b) the subsection the text of which is set out in *Part 2* of the 15  
*First Schedule* to this Act shall be inserted in place of  
subsection 3.1° of Article 28 of the English text,
- (c) the subsection the text of which is set out in *Part 1* of the  
*Second Schedule* to this Act shall be inserted after section  
2 of Article 29 of the Irish text, 20
- (d) the subsection the text of which is set out in *Part 2* of the  
*Second Schedule* to this Act shall be inserted after section  
2 of Article 29 of the English text,
- (e) sections 3, 4, 5, 6, 7 and 8 of Article 29 of both texts shall  
be numbered as sections 4, 5, 6, 7, 8 and 9. 25

Citation.

**2.**—(1) The Amendment of the Constitution effected by this Act  
shall be called the Twenty-seventh Amendment of the Constitution.

(2) This Act may be cited as the Twenty-seventh Amendment of  
the Constitution Act 2003.

## FIRST SCHEDULE

### PART 1

Ní dleathach cogadh a fhógairt ná páirt a bheith ag an Stát in aon  
chogadh nó in aon choinbhleacht eile faoi arm, ná cúnamh a thab- 5  
hairt do chumhachtaí coigríche ar aon slí chun ullmhú le haghaidh  
cogaidh nó coimbhleachta eile faoi arm, nó cogadh nó coimbhleacht  
eile faoi arm a stiúradh, ach amháin le haontú Dháil Éireann.

### PART 2

War shall not be declared and the State shall not participate in any  
war or other armed conflict, nor aid foreign powers in any way in 10  
preparation for war or other armed conflict, or conduct of war or  
other armed conflict, save with the assent of Dáil Éireann.

## SECOND SCHEDULE

### PART 1

Dearbhaíonn Éire gur stát neodrach í. Chun na críche sin, cloífidh 15  
an Stát, go sonrach, le beartas gan a bheith ina bhall de chomh-  
ghuaillíochtaí míleata.

### PART 2

Ireland affirms that it is a neutral state. To this end the State shall, in  
particular, maintain a policy of non-membership of military alliances. 20

## ANNEX 2

Rinne an Dáil vótáil: Tá, 35; Níl, 100.

The Dáil divided: Tá, 35; Níl, 100.

Tá	
Boyle, Dan.	Broughan, Thomas P.
Burton, Joan.	Costello, Joe.
Cowley, Jerry.	Crowe, Seán.
Cuffe, Ciarán.	Ferris, Martin.
Gilmore, Eamon.	Gogarty, Paul.
Gormley, John.	Gregory, Tony.
Harkin, Marian.	Higgins, Joe.
Higgins, Michael D.	Howlin, Brendan.
Lynch, Kathleen.	McGrath, Finian.
McManus, Liz.	Morgan, Arthur.
Moynihan-Cronin, Breeda.	Ó Caoláin, Caoimhghín.
Ó Snodaigh, Aengus.	O'Shea, Brian.
O'Sullivan, Jan.	Pattison, Seamus.
Penrose, Willie.	Quinn, Ruairi.
Rabbitte, Pat.	Ryan, Eamon.
Ryan, Seán.	Sargent, Trevor.
Sherlock, Joe.	Shortall, Róisín.
Stagg, Emmet.	

Níl	
Ahern, Dermot.	Ahern, Michael.
Ahern, Noel.	Allen, Bernard.
Andrews, Barry.	Ardagh, Seán.
Aylward, Liam.	Blaney, Niall.
Brady, Martin.	Breen, James.
Breen, Pat.	Brennan, Seamus.
Browne, John.	Bruton, Richard.
Callanan, Joe.	Callely, Ivor.
Carey, Pat.	Cassidy, Donie.
Collins, Michael.	Connaughton, Paul.
Cooper-Flynn, Beverley.	Coughlan, Mary.
Coveney, Simon.	Crawford, Seymour.
Cregan, John.	Cullen, Martin.
Curran, John.	Davern, Noel.
Deenihan, Jimmy.	Dempsey, Tony.
Dennehy, John.	Devins, Jimmy.
Durkan, Bernard J.	Ellis, John.
Finneran, Michael.	Fitzpatrick, Dermot.

Níl	
Fleming, Seán.	Fox, Mildred.
Gallagher, Pat The Cope.	Grealish, Noel.
Hanafin, Mary.	Haughey, Seán.
Hayes, Tom.	Hoctor, Máire.
Hogan, Phil.	Jacob, Joe.
Keaveney, Cecilia.	Kelleher, Billy.
Kelly, Peter.	Kenny, Enda.
Killeen, Tony.	Kirk, Seamus.
Kitt, Tom.	Lenihan, Brian.
Lenihan, Conor.	McCormack, Padraic.
McCreivy, Charlie.	McDaid, James.
McDowell, Michael.	McEllistrim, Thomas.
McGrath, Paul.	McGuinness, John.
Martin, Micheál.	Mitchell, Olivia.
Moloney, John.	Moynihan, Donal.
Moynihan, Michael.	Mulcahy, Michael.
Murphy, Gerard.	Naughten, Denis.
Neville, Dan.	Nolan, M.J.
Ó Cuív, Éamon.	O'Connor, Charlie.
O'Donnell, Liz.	O'Donovan, Denis.
O'Dowd, Fergus.	O'Flynn, Noel.
O'Keefe, Batt.	O'Keefe, Jim.
O'Keefe, Ned.	O'Malley, Fiona.
O'Malley, Tim.	Parlon, Tom.
Perry, John.	Power, Peter.
Power, Seán.	Ring, Michael.
Ryan, Eoin.	Sexton, Mae.
Smith, Brendan.	Smith, Michael.
Stanton, David.	Timmins, Billy.
Treacy, Noel.	Twomey, Liam.
Wallace, Mary.	Wilkinson, Ollie.
Woods, Michael.	Wright, G.V.

Tellers:

Tá: Deputies Ó Snodaigh and Stagg;

Níl: Deputies Hanafin and Kelleher.



## ANNEX 3

### THE HAGUE CONVENTION

**Hague Convention V (18 October 1907)  
Convention Respecting the Rights and Duties of  
Neutral Powers and Persons in Case of War on  
Land  
Articles 1 - 25  
Entry into Force: 26 January 1910**

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#### (List of Contracting Parties)

With a view to laying down more clearly the  
rights and duties of neutral Powers in case of war  
on land and regulating the position of the  
belligerents who have taken refuge in neutral  
territory;

Being likewise desirous of defining the meaning of  
the term "neutral," pending the possibility of  
settling, in its entirety, the position of neutral  
individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this  
effect, and have, in consequence, appointed the  
following as their Plenipotentiaries:

(Here follow the names of Plenipotentiaries.)

Who, after having deposited their full powers,  
found in good and due form, have agreed upon  
the following provisions:

#### CHAPTER I

##### The Rights and Duties of Neutral Powers

Article 1. The territory of neutral Powers is  
inviolable.

Art. 2. Belligerents are forbidden to move troops  
or convoys of either munitions of war or supplies  
across the territory of a neutral Power.

Art. 3. Belligerents are likewise forbidden to:

(a) Erect on the territory of a neutral Power a  
wireless telegraphy station or other apparatus for  
the purpose of communicating with belligerent  
forces on land or sea;

(b) Use any installation of this kind established by  
them before the war on the territory of a neutral  
Power for purely military purposes, and which has  
not been opened for the service of public  
messages.

Art. 4. Corps of combatants cannot be formed nor  
recruiting agencies opened on the territory of a  
neutral Power to assist the belligerents.

Art. 5. A neutral Power must not allow any of the  
acts referred to in Articles 2 to 4 to occur on its  
territory.

It is not called upon to punish acts in violation of  
its neutrality unless the said acts have been  
committed on its own territory.

Art. 6. The responsibility of a neutral Power is not  
engaged by the fact of persons crossing the  
frontier separately to offer their services to one  
of the belligerents.

Art. 7. A neutral Power is not called upon to  
prevent the export or transport, on behalf of one  
or other of the belligerents, of arms, munitions of  
war, or, in general, of anything which can be of  
use to an army or a fleet.

Art. 8. A neutral Power is not called upon to  
forbid or restrict the use on behalf of the  
belligerents of telegraph or telephone cables or  
of wireless telegraphy apparatus belonging to it  
or to companies or private individuals.

Art. 9. Every measure of restriction or prohibition  
taken by a neutral Power in regard to the matters  
referred to in Articles 7 and 8 must be impartially  
applied by it to both belligerents.



A neutral Power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

Art. 10. The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.

## CHAPTER II

### Belligerents Interned and Wounded Tended in Neutral Territory

Art. 11. A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Art. 12. In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

Art. 13. A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

Art. 14. A neutral Power may authorize the passage over its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under the these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to

ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

Art. 15. The Geneva Convention applies to sick and wounded interned in neutral territory.

## CHAPTER III

### Neutral Persons

Art. 16. The nationals of a State which is not taking part in the war are considered as neutrals.

Art. 17. A neutral cannot avail himself of his neutrality

(a) If he commits hostile acts against a belligerent;

(b) If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

Art. 18. The following acts shall not be considered as committed in favour of one belligerent in the sense of Article 17, letter (b):

(a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

(b) Services rendered in matters of police or civil administration.

## CHAPTER IV

### Railway Material

Art. 19. Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon

possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Compensation shall be paid by one Party or the other in proportion to the material used, and to the period of usage.

## CHAPTER V

### Final Provisions

Art. 20. The provisions of the present Convention do not apply except between Contracting Powers and then only if all the belligerents are Parties to the Convention.

Art. 21. The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers which take part therein and by the Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherlands Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherlands Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

Art. 22. Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherlands Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Art. 23. The present Convention shall come into force, in the case of the Powers which were a Party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherlands Government.

Art. 24. In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherlands Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherlands Government.

Art. 25. A register kept by the Netherlands Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, 18 October 1907, in a single copy, which shall remain deposited in the archives of the Netherlands Government and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.