

**Neutrality** Irish Experience European Experience

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Dublin Monthly Meeting  
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# Contents //////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////////

Maurice Hayes	Foreward	4
Iain Atack	Introduction	5
Speakers		
Paddy Smyth	Neutrality	6
Senator Déirdre de Búrca	The Place of Neutrality in Irish Politics	7
Senator Ivana Bacik	Irish Neutrality and International Law	10
Martina Weitsch	Neutrality in the European Union – what does it mean in practice?	12
Prof. Edward Dommen	Neutrality: A Swiss Slant	19
Dr. Magnus Petersson	Neutrality in Swedish Foreign Policy from the Napoleonic Wars to the “War on Terror”: A policy of power balancing, fall back and war-time	21
Dr. Noel Dorr	The significance of neutrality in Irish foreign policy	23
Prof. John Maguire	Neutrality: A Politically Contested Concept	26
Dr. Karen Devine	Irish Neutrality and the Lisbon Treaty	29
Seán McCrum	Questions Arising	33
Curricula Vitae		34
Abbreviations		35



# Introduction

Iain Atack //////////////////////////////////////////////////////////////////

The status and significance of neutrality as a feature of our foreign policy is a hotly debated topic in the Republic of Ireland. This is especially the case in connection with Ireland's place within the European Union, particularly during referendum campaigns concerning the ratification of EU treaties, where these treaties have implications in the areas of foreign policy and security. Worries about threats to Irish neutrality have been important and perhaps decisive factors for those who choose to vote against these treaties.

Discussions or debates about Irish neutrality in the context of the European Union take place at two levels. On the one hand, they involve interpretations of the meaning and significance of Irish neutrality. On the other hand, they concern the military and foreign policy components of particular EU treaties, institutions and policies. It is important to be as clear as we can about both the Irish and the EU aspects of this discussion, in order to assess the implications of changes or developments at the EU level for Irish foreign policy, and specifically for the status of Irish neutrality.

Those who follow or participate in these discussions are also aware of the level of confusion that often surrounds them. In particular, the meaning and content of Irish neutrality often remains obscure and unclear. The purpose of this conference was to provide a forum in which the different dimensions of Irish neutrality could be explored, away from the pressures and perhaps distractions of immediate political agendas. Thus, while the conference took place in the interlude between two referenda on the Lisbon Treaty, it was also intended to contribute to the larger debate about the meaning and significance of neutrality as a central component of Irish foreign policy.

We also felt it would be helpful to compare the Irish experience of neutrality with the experience of some of the other European neutrals in order to place Irish neutrality in a broader international context and to avoid the sometimes parochial and insular nature of the discussion here. For this reason, we included speakers from Austria, Sweden and Switzerland, and from the Quaker Council for European Affairs' office in Brussels, in addition to speakers representing a range of different viewpoints in Ireland.

The conference took place over two days in May 2009, and consisted of an evening public meeting followed by a day-long seminar. The day-long seminar in particular allowed us to explore the different aspects of neutrality in some depth, and included plenary discussions as well as smaller afternoon workshops on specific themes. The papers presented by the speakers at both the public meeting and the day-long seminar have been collected together in this volume. Thus, these papers, like the conference itself, represent a broad range of views on both Irish neutrality, and neutrality in a wider European context.

The conference was organised by the International Peace Studies programme of the Irish School of Ecumenics, Trinity College Dublin and the Peace Committee of Dublin Monthly Meeting of the Religious Society of Friends (Quakers) in Ireland. These groups have a shared interest in facilitating and supporting an open-ended examination of the significance of neutrality for Irish foreign policy, for the European Union, and for the wider issues of peace and war in international politics. We are also grateful to the Royal Irish Academy for providing us with a venue for the public meeting.

The speakers at the conference, as well as the participants, reflect the wide constituency of those interested in or concerned about neutrality in Ireland and in Europe.

They included politicians, academics, journalists and civil society groups, and some with involvement in more than one of these spheres. We were delighted to be able to include speakers from Ireland of the calibre of Déirdre de Búrca, Ivana Bacik, Noel Dorr, John Maguire, Karen Devine and Paddy Smyth. Each of these speakers brought their particular expertise on the issue of neutrality and Irish foreign policy to the discussion. They were ably complemented by Edward Dommen from Switzerland, Magnus Petersson from Sweden, Wiglef Pürschel from Austria and Martina Weitsch from the Quaker Council for European Affairs in Brussels. We are extremely grateful to each of these speakers for the time they have taken to prepare their papers and to participate in the conference.

Irish contributors to the conference continue to attach importance to neutrality as a feature of Irish foreign policy. Divisions arise, however, over their interpretation of what this neutrality requires or entails, and in particular about the implications of the evolution of the EU's foreign and security policy (in the shape of the CFSP) for Irish neutrality. To some extent, although not completely, such divisions reflect distinctions between what might be viewed as broad and narrow views of neutrality, sometimes referred to as the distinction between military and active neutrality. In other words, there are those who feel that Ireland can continue to call itself neutral so long as it does not become a member of a military alliance, such as NATO, with specified mutual defence obligations. On the other hand, there are those who feel that a policy of neutrality involves much more, such as the active promotion of peaceful, non-military approaches to international conflict.

Thus, some feel that EU foreign and security policy is moving in the direction of increased militarisation, and in particular increased integration or at least cooperation with NATO military capabilities. Others, on the other hand, feel that closer involvement with EU foreign and security policy can strengthen member states' (including Ireland's) capacity to deliver on aspects of active neutrality, such as international conflict prevention and conflict management and support for human rights.

This is where an examination of the experience of other European neutrals becomes helpful, as provided through the contributions of conference speakers from Austria, Sweden and Switzerland. It becomes obvious that neutrality has a different origin, meaning and status for each of these countries, and that this is dependent upon the particularities of each country's history, geography and political circumstances. Thus, Switzerland's neutrality is a feature of international law, going back centuries, derived from the strategic interests of surrounding powers. Austria's neutrality, on the other hand, is grounded in domestic law, in the form of the Austrian constitution, reflecting the exigencies of post-World War II politics in Europe. And Irish neutrality is essentially a matter of government policy, not explicitly formulated in either domestic legislation or the Irish Constitution, although it also seems to be deeply rooted in the self-identity of the country's citizens.

Martina Weitsch's paper is particularly sobering in the way it brings together different aspects of what might be considered active neutrality at the EU level. Her comparison of specific features of foreign policy in the four EU neutrals with other EU members shows little or no difference between them, indicating perhaps that a self-proclaimed status of neutrality does not mean much beyond the narrow military definition of non-membership in a military alliance. These results can be taken two ways, of course. They can be taken as evidence that neutrality has ceased to be relevant as a defining feature of a country's foreign policy in anything but the narrowest, military sense. Or we can take Karen Devine's point, made during the conference, that "neutrality

is what states make of it" (paraphrasing Alexander Wendt). In other words, states can still choose to use neutrality as a platform for an active foreign policy promoting an alternative to conventional approaches to international politics based ultimately on the threat or use of military force. It is hoped that the papers from this conference, collected in this volume, will provide a framework for informed reflection upon and discussion of important questions in Irish, European and international politics.

## Neutrality

Paddy Smyth //////////////////////////////////////

Thank you for the invitation to address this meeting and first I must stress that I am speaking for myself and my personal view and not the Irish Times. If there is an overlap it is purely coincidental.

I want to reflect on both macro and micro approaches to the issue of neutrality, the global context and the specific challenges to Ireland's position, and more widely on the way the issue impinges on broader security debates. Firstly, however, to definitions – what is and is not neutrality: in truth issues like the degree to which we are prepared to use force - "peace enforcing" - or what we feel about the democratic inadequacies of multilateral institutions like the UN, the EU or OECD, or concepts such as "militarising", often embroiled in the debate, are really only "neutrality" issues if we accept the broadest definition of the latter. It is a definition so broad as to encompass all of foreign policy. In this conception the sacred cow of "neutrality" becomes code for "foreign policy", and of course, a very specific, politically loaded, foreign policy outlook often imbued with strong elements of pacifism and isolationism under a guise of "anti-imperialism". In this idealised view of neutrality Ireland is always on the side of the angels and the developing world. And it becomes an impossible yardstick by which all is measured.

I share that anti-imperialist outlook, but my attitude to neutrality is partly shaped by my campaigning days as a student against Francoism – in studying the history of that struggle against fascism I am still struck by and empathise with the left's denunciation of the refusal of the European "democratic powers" (and America) to come to the aid militarily of the Spanish Republic. Communists and socialists campaigned for such intervention – there was no UN to lead the charge – and they would have participated willingly in the "imperialist" forces, all the while warning about their motives. It was necessary, they argued, in the interest of defending democracy, to sup with the devil, albeit with a long spoon. It was an argument they made in the second world war (not here of course). And today many NGOs similarly have called for international peacemaking engagement in places like Sudan, or East Timor... or Kosovo.

In preparing for my speech I came across in my old notes from the mid-1990s a letter from the Ireland Kosovo Solidarity Group to the Minister for Foreign Affairs arguing that Ireland should support Nato attempts to curb Serb excesses in that country at a time when both the EU and UN were immobilised by Greek and Russian vetos: "Concerning those of us who are citizens of this State which has espoused a policy of neutrality, we absolutely reject the notion that such a policy prevents proactive support by all political and military means for such a policy [the use of force against Serbia] in present circumstances. . . . Adherence to a policy of principled neutrality - reliant as it must be on a system of global security based on human rights and the fullest implementation of the spirit of international law - imposes a particular obligation to see those fundamental principles

enshrined, fully implemented and where necessary enforced for all humanity."

Now I suppose I would call myself an internationalist and be described as a liberal interventionist, a supporter of the idea that the global community has the right and responsibility to defend human rights and prevent genocide, even at the expense of the "national sovereignty" of states. That view was reinforced by the genocide in Rwanda and the international inaction that led to the fall of Srebrenica in July 1995. Preferably such international intervention should be carried out under the aegis of the UN, but sometimes that requirement – tragically too often, it has to be said – is in reality a counsel for inaction in the face of a UN unable to act because of the vetos of "great powers" on the Security Council. And so the international community sits on its hands while the *genocidaires* continue their work. A case of making the perfect the enemy of the good.

But notwithstanding such an attitude I am still for neutrality – and regard it as an important political expression of national independence.

It is a neutrality that is not an end in itself but a means, an element of foreign policy not foreign policy itself.

It is a neutrality that is defined in narrow terms

– **not** joining a military alliance (NATO)

– **not** participating in the establishment of common defence (in EU)

– and **refusing** to sign up to an Article 5 guarantee automatically to come to the defence of another state if it is attacked.

(I do not share the view held by Dr Karen Devine or Peace and Neutrality Alliance (PANA) that the Lisbon Treaty's injunctions that member states should aid each other when they come under terrorist attack constitutes anywhere near such an obligation. There is no military commitment at all, and the obligation is subject to the Treaty's protection of the "special character" of our defence position. We can simply decline to act.)

This definition of neutrality does not mean rejecting engagement with international military organisations or operations but quite simply ensuring all decisions to engage with or deploy are sovereign decisions of the Irish people in the Dáil. It is compatible in theory with the most vigorous and extensive of international military engagement, each assessed on a case-by-case basis. In truth, in some important respects, whether we acknowledge it or not, we—by which I mean all the European Union states—are all neutral now.

Article 5 commitments were very much the creature of the bipolar world of the Cold War when territorial defence was at the core of security. And, while NATO retains it as a price of admission, it is largely in practice now a *pro-forma* commitment as the *raison d'être* of the organisation is now a fundamentally different kind of security challenge. (Exceptionally—maybe the exception that proves the rule—is the issue of Georgian membership of NATO. Many of the NATO members would like to bring Georgia in, to embrace it politically in the West, but whisper *sotto voce* that to do so they will have to give maverick Saakashvili a carte blanche to provoke Russian intervention, safe in the knowledge others will stand behind him. Georgia will remain in the cold).

In the context of the EU's emerging security dimension the truth is that the post-Amsterdam Treaty evolution has been driven, like the global environment, by a new strategic reality of threats arising from internal ethnic conflicts or external terrorist attack and by a definition of EU security that placed expanded Petersberg tasks (peacemaking, peacemaking, humanitarian intervention and crisis management) at the centre. The rationale was formulated in 1996 by the Swedes and Finns when they proposed a shift of paradigm from traditional security thinking. Although the British and French were to push the development of an EU

military dimension, its character was to be defined in practice by the paper produced by Foreign Ministers, Ms Lena Hjelm Wallen and Ms Tarja Halone, supported by Ireland.

Their challenge, they said, was “to develop the potential of the EU as a peace project”. It involves, they argued, distinguishing clearly between, on the one hand, “territorial defence and obligations under military alliances”, obligations incompatible with neutrality, and on the other, “co-operation in crisis management”, which it regarded as an imperative for the EU in Europe’s new security environment. Above all, they insisted that any such role for the EU must be “credible” and hence have real clout both in terms of effective decision-making procedures and, if necessary, the ability to deliver military punch. Both soft and hard power dimensions were to be combined and remain a defining and distinguishing characteristic of the new EU model. “The most important question,” they argued, “we must ask ourselves in connection with the Inter-Governmental Conference is how we can enhance the EU’s role in promoting peace and security. To a greater extent than hitherto, the member states must be a driving force in the prevention of conflicts and crises and be involved in the early management of such situations when they do arise.”

The rationale, although then premised on the use of the Western European Union (WEU), was the basis of the subsequent architecture of European Security and Defence Policy (ESDP) and its decision-making procedures. It shaped the Nice Treaty. It was and is a specific alternative to the territorial defence military alliance model of NATO and the Cold War. It is the alternative of the neutrals – neutrality’s response to the challenge of global collective security and accepting regional responsibilities in response to our UN obligations.

This is the meaning of “active neutrality” as Patrick Keatinge and others argued in a recent contribution to the *Irish Times* in response to Karen Devine. That position is guaranteed in the Lisbon Treaty guarantee to “the specific character of the security and defence policy of certain member states”, a formulation that while criticised for omitting the word “neutrality” actually encompasses all national self-definitions of neutrality without imposing a uniform one, and provides for the distinctive position of NATO member Denmark.

Moreover, the maintenance of the national veto on matters of foreign, security and defence policy ensures that the Lisbon Treaty aspiration to common defence can only be an aspiration while this country maintains its position. Any further reassurance to Irish voters in another protocol to Lisbon will really only be a matter of optics, particularly given the 2003 Nice constitutional amendment that prohibits Irish involvement in European common defence.

For the above reasons I also wholeheartedly support the Government’s determination to remain a full part of the decision-making structure of ESDP (unlike the Danes) .

Ultimately, however, much of the most crucial discussion about Ireland’s security policy will not be about whether or not involvement in a particular institutional structure or with a particular mission is compatible with the narrow definition of military neutrality, it will be about the political desirability of particular missions framed in the context of the wide definition. It is a discussion which is usually premised by opponents of Ireland’s involvement in ESDP on the basis of the inherent *a priori* obnoxiousness of American/NATO-led operations.

Such discussions often take little account however of Ireland’s automatic obligations to the United Nations arising from the UN Charter. Of course, at times, the UN makes decisions we do not like, and fails to make decisions or to act when we want it to, yet what is forgotten often in the debates about Iraq and Afghanistan and elsewhere is

that our obligations do not change whether we approve of missions or not. Article 2 of the UN Charter is most explicit: “All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.”

And Articles 43 and 49 continue in a similar vein: “All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security...The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.”

These military/security obligations are in truth far more onerous and compelling on us than any undertakings so far made to the EU by Ireland. And, ironically perhaps, if one were to accept the broad definitions of neutrality—one that incorporates notions of pacifism and isolationism—they would appear to be completely incompatible with our underlying values. But as I have argued, such broad all-encompassing definitions of neutrality engender self-fulfilling arguments which bring little clarity or rigour to the debate.

## The Place of Neutrality in Irish Politics

Senator Déirdre de Búrca //////////////////////////////////////

I am happy to have been invited to speak on this issue at your conference this morning because, in preparing this paper, I have been obliged to consider once again the very complex question of Irish neutrality in the wider context of Ireland’s membership of the European Union, and the latter’s emerging Security and Defence policy.

I am the Defence Spokesperson of the Irish Green Party. Like many other people who are interested in the subject of Irish neutrality, I find myself in regular debates on the subject with those who dismiss the idea that Irish neutrality is a credible concept, and indeed who often denounce the very notion of neutrality as morally indefensible.

So I think it’s important to begin this morning with a renewed attempt to define what it is we mean by neutrality, and to examine what popular understandings of Irish neutrality are in this country. This is particularly necessary as we face into a second referendum campaign on the Lisbon Treaty this autumn and the issue of our neutrality is likely to feature prominently in the public debate surrounding it.

The only internationally recognised legal definition of neutrality is that laid out in the customary international law of the Hague Conventions of 1899 and 1907. The legal definition provided differentiates neutrality from most other foreign and security policy concepts. According to the Conventions, neutral states are required not to participate in wars either directly or indirectly. They should not support or favour warring parties with military forces. Nor should they make their territory available to them, supply them with weapons or credits, or restrict private weapons exports in a one-sided way. Neutrals are also required to defend themselves against violations of their neutrality. So-called ‘permanently’ neutral states must conduct a foreign and security policy enabling them to remain neutral in a potential conflict; they should not take part in a military alliance or allow foreign powers to establish military bases on their territory, and they should possess adequate military forces.

Some of the academic literature on the subject of neutrality has made an interesting differentiation between

what is seen as the narrower legal dimension of neutrality and the fuller political concept of neutrality. It is argued that in order to understand the deeper meaning of neutrality, it is necessary to be aware of its roots. Neutrality as a foreign and security policy concept is seen to have originated at the same time as the concept of state sovereignty, which dates from the end of the Middle Ages. Sovereignty meant authority over all matters, and foremost the right of states to wage war whenever they thought this would fit their interests. Additionally, neutrality represented the right of states to abstain from war whenever this seemed to better fit their interests. Its original purpose therefore was to help states defend their interests in an international environment marked by conflicts. Therefore one of the important political functions of neutrality was its guarantee of a country's political independence. Neutrality also had to enable a country to maintain its basic trade relationships during times of war. However, beside these realistic functions, neutrality is also seen to have an idealistic side, which is held to have originated from neutral states' renunciation of their own military power projection, and from their commitment to restrict and regulate the use of force in international relations (Joenniemi, 1993:289). During World War I the Swiss elaborated the concept of neutrality from non-participation and impartiality to the vocation of justice and arbitration. Switzerland, standing aside from major power rivalries, was seen as a country entrusted with an active role and a moral obligation to establish justice, law and peace. Since then other neutral states have tried to underline their policy's usefulness for the international system – they have seen themselves as uniquely qualified for arbitration and mediation duties as well as being initiators and bridge-builders. A well-known example of this was the group of Neutral and Non-Aligned States in the Conference for Security and Co-operation in Europe (CSCE), latterly known as the OSCE.

So where does Irish neutrality fit into all of this? Much modern history and politics literature on Irish neutrality suggests that Ireland's 'security identity' (ie its neutrality) is tied to a strong sense of nationalism, and independence from British hegemony. It has also been suggested that a British proposal to introduce conscription in Ireland during the World War I was a contributory factor that led to the Easter Rising. Many academics also recall the British government's attempts to involve Ireland in the World War II by floating reunification proposals that Eamon de Valera consistently refused. Robert Fisk dubbed Ireland's neutrality in the World War II "a publicly non-aligned independence that finally demonstrated the sovereignty of de Valera's state and her break with the Empire" (Fisk 1983). The well known Irish historian Ronan Fanning claimed that "by the end of the World War II neutrality had become what it largely remains in the popular mind until today: the hallmark of independence, a badge of patriotic honour inextricably linked with the popular perception of Irish national identity". (Fanning 1996: 137). More recent academic studies on the subject of Irish neutrality, however, differentiate between a 'realist' concept of Irish neutrality supported and promoted by successive Irish governments and a more active and broader public concept of Irish neutrality.

The realist concept of Irish neutrality, as reflected by government discourse, is seen to amount to a commitment to stay out of military alliances. Indeed, Garret FitzGerald, a former Taoiseach and leader of the Fine Gael party, stated "Irish neutrality is, of course, as the main political parties have made clear, military neutrality viz non-participation in a military alliance" (1988:28). The 1996 White Paper on Foreign Policy made very clear that Ireland would not be seeking membership of NATO or the Western European Union, or the assumption of their mutual defence guarantees (1996:147); this was because the then Irish government

specified that as "both alliances contain in their founding Treaties provisions committing the parties to collective action in the event of armed attack against one or more of them" and "membership of either would not be compatible with an intention to remain neutral" (Government of Ireland 1996:120). Another section of the White Paper on Foreign Policy concerning the Petersberg Tasks shows that the Irish Government viewed defence commitments of any kind under the WEU's Treaty as having implications for the concept of military neutrality: as it stated "Participation in humanitarian and peacekeeping operations through the WEU would not involve Ireland in defence commitments of any kind under the WEU Treaty and would not therefore have any implications for our policy of military neutrality". The White Paper also stated that "our international reputation for impartiality has enabled us to play a meaningful role in the preservation of peace in the world".

Critical social constructivist writers have argued that beliefs, identity and the agency of the public in foreign policy also provide a strong impulse to the maintenance of neutrality. They point out that international relations realists such as Hans Morgenthau have ignored public opinion as a variable of foreign policy, believing the public to be ill-informed, inattentive and generally lacking the qualities needed to formulate "rational" foreign policy preferences (Morgenthau 1978). However, empirical analyses have found public opinion to be structured, "reflecting underlying values and beliefs". Normative democratic theory also supports the view that citizens are a wise source of foreign policy, preventing foreign policy designed solely in the interests of elites and even restraining leaders' war-making proclivities (Holsti 1992).

Certainly in Ireland the public response to the requirement to ratify successive European Treaties over the years highlights the concerns that many people share over the threat that they believe deeper European integration poses to the policy of Irish neutrality. Despite the fact that most political parties, leaders and a majority of interests groups supported a "yes" vote in the first EU Nice Treaty referendum held in Ireland on June 7th 2001, the referendum proposal was defeated. This was in part because the voters who turned out perceived threats to Irish neutrality arising from the Treaty. In response, the Irish Government asked the EU Heads of State and Government to declare that the Nice Treaty did not affect Irish "military" neutrality and the Government added a protocol promising to hold a referendum on joining a European Union military alliance in the future. In this instance, the Irish public had a direct influence on international affairs in an attempt to maintain their conception of Irish neutrality. That conception of neutrality, although it is often difficult to capture, appears to reflect a belief in the force of law rather than the law of force, as well as a healthy suspicion of big post-imperial states. The foreign policy orientation that the Irish public appears to associate with neutrality includes peace-keeping, a general stance of anti-militarism, support for the peaceful resolution of disputes, pursuing disarmament and non-proliferation, the upholding of international law, the promotion of human security and human rights, and the resolution of justice and development issues, etc. The Irish Social and Political Attitudes Survey (ISPAS) conducted by the Economic and Social Research Institute in 2001/2002 on behalf of UCD/TCDC Departments of Political Science/Politics showed that the most strongly supported public concepts of neutrality were those that resembled the wider "active" concept of neutrality that embodies characteristics such as peace promotion, nonaggression, the primacy of the UN and the confinement of state military activity to UN peacekeeping, not being involved in wars and maintaining Ireland's independence, identity and independent foreign

policy making in the context of big-power pressure.

And this brings us to the question of Ireland's membership of the European Union and the public's growing fears that as a supposedly 'neutral' country, we are allowing ourselves to become integrated into the security and defence structures that are emerging through the Union. Many Irish people have supported our membership of the EU to date because they have perceived it as a Peace Project, one that has delivered 50 years of peace on what was a divided continent. In the past there appeared to be little conflict between our membership of the European Union and the preservation and protection of Irish neutrality. Irish people are extremely supportive of the kind of "soft power" that the Union has been seen to use to date on the international stage – involving policy instruments such as aid, trade and diplomacy, in order to achieve its overall foreign policy objectives. Furthermore, of the 23 ESDP missions so far, less than one third, or seven, have been military peacekeeping operations. However the most recent European Treaty, the Lisbon Treaty, which Irish people rejected in June 2008 during a popular referendum, contains much more muscular Security and Defence provisions than did previous EU treaties. Firstly these Security and Defence provisions have been written in such way as to apply to both NATO Members (of whom there are 21) and the six neutral or non-aligned countries. There is no mention of neutrality in the Treaty – the furthest it goes is to refer to the "specific character of particular member states". There is a requirement in the Treaty that member states unreservedly support the EU's Common Foreign and Security Policy (CFSP), and that they commit to progressively improve their military capabilities. There is an expansion of the Petersberg Tasks to which Ireland has signed up and the new tasks involve joint disarmament operations and combatting terrorism in third countries. The Treaty gives a legal basis to the European Defence Agency which, no matter what one's opinion of it, will certainly create and consolidate a European armaments industry. The new mechanism of Permanent Structured Co-operation allows a group of member states who wish to go further in terms of developing their military equipment and capabilities to do so. The solidarity and mutual assistance clauses in the Treaty also oblige all member states to go to each other's assistance in the event of a natural disaster or a military attack, but does allow member states discretion as to what form that assistance should take. There is also the stated intention within the Lisbon Treaty that at some stage in the future the European Union shall develop a common defence policy. While this will require a referendum in Ireland, one can imagine how unenviable a position this country could find itself in, in the future, if it were the only impediment to the creation of a European Common Defence that was supported by all other Member States. Outside of the Lisbon Treaty altogether, there are also concerns about clear moves within the EU to further develop the existing relationship between NATO and the EU, making them ever more integrated, reducing duplication and creating permanent joint structures of co-operation, although respecting the independent nature of both organisations.

It is clear that Ireland's position as a neutral member of the European Union is not an uncomplicated one. While we have adopted a somewhat "à la carte" approach to the ESDP policy to date, this may prove more difficult into the future as pressures grow for a more cohesive and unified foreign policy response across all EU Member States. Certainly there is nothing in the Lisbon Treaty that will legally oblige Ireland to participate in any mission or activity which its government does not support. However, as the missions become more militarily robust, as the scope of the EU's interventions broadens to include, for example, peace-making and combating terrorism in third countries, Ireland may find

it more difficult to continue insisting that it is a "neutral" country, certainly as it is perceived by the rest of the world. The differences that exist between popular and government understandings of Irish neutrality in this country may also prove problematic in the future. The popular conception of our neutrality appears to be much broader than the more minimalist government position of non-participation in military alliances. In fact, prominent members of one of the main political parties in Ireland have expressed their support for Ireland's membership of NATO in the future and for its participation in an EU Common Defence arrangement. Whilst the discretion given to the Irish government under the EU treaties in the area of ESDP has until now served our interests in many ways, it has become a major cause of concern for those who are committed to the protection of Irish neutrality.

On a personal note, I feel that a wide-ranging, comprehensive and honest debate in this country on the subject of Irish neutrality is long overdue and is something that would help to clarify what our membership of the European Union is likely to mean for that position in the future. I believe that Ireland needs to have a clear and positive sense of our neutrality which could then be used to the advantage of the EU. As a traditionally neutral country free of much of the colonial baggage that applies to other EU Member States, Ireland could be seen as a very important asset for the Union. Our experience of conflict resolution in Northern Ireland could be used to great effect by the EU in situations of international conflict. Ireland is also well placed to encourage the EU to take more seriously issues such as nuclear non-proliferation and disarmament, human security, diplomacy and conflict resolution.

Some authors on the subject of neutrality have suggested that, whereas the legal definition of neutrality may have become an outdated one, what has been called its "normative political core" remains valuable as a security identity. They have argued that, as Europe today represents a region with an unknown degree of institutionalised co-operation among states which share their role as international actors, neutrality's main task is not securing individual state sovereignty as it might have been in the past, but building upon sixty years of European inter-state peace as real and achievable. It is proposed that the central objectives of collective security and neutrality are similar, as both aim to regulate and limit the use of force in interstate relations, and also to promote peaceful resolution of conflicts. They are seen to differ mainly in regard to the means favoured towards attaining these objectives: whereas collective security suggests active involvement of all states, neutrality used to be based largely on individual abstention. The role that Ireland might play in using the values that have informed its security identity as a neutral country to promote collective security within the EU and internationally, is something that should be included in any national debate on the issue of our neutrality.

Finally I think we are all aware that the future we face at an international level is an increasingly uncertain one. The issues of climate change, of competition over scarce resources, of Islamic fundamentalism and international terrorism are all issues with which the EU and its Member States will have to grapple. Security emergencies within the EU in the future may make it very difficult for Ireland to try to maintain a so-called 'neutral position'.

It is my hope that the moral authority which I believe Ireland has gained over the years due to its neutral status and proud record of UN peace-keeping will not be undermined over time due to our involvement in EU Security and Defence activities. Rather, I hope that a clear and positive sense of what our neutrality means will allow us to maintain that identity and those values both through times of peace and times of political and security turbulence within the EU and

internationally.

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Nice Treaty referendum in 2001. A second Nice referendum was passed in November 2002, along with the following provision, now Article 29.4.9:

*The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 1.2 of the Treaty referred to in subsection 7 of this section where that common defence would include the State.*

(subsection 7 refers to the Treaty of Nice, 26 February 2001).

The 2003 Horgan case confirmed that Ireland's neutrality is only a matter of government policy, not of constitutional principle.

**The Horgan and Dubsy cases**

*Horgan v. An Taoiseach* [2003] 2 IR 468 – High Court, 28 April 2003 (Kearns J)

Ed Horgan, the plaintiff, alleged that a Government decision to permit the overflight, landing and refuelling at Shannon airport of military and civilian aircraft carrying US troops and munitions to Iraq by the US and its allies, constituted participation by the State in the war being waged against Iraq by the US and its allies and that this decision was illegal in that Dáil Éireann had not sanctioned participation in the war pursuant to Article 28.3.1. He also relied on Article 29. He lost on both arguments.

Kearns J noted that:

*Despite the great historic value attached by Ireland to the concept of neutrality, that status is nowhere reflected in Bunreacht na hÉireann, or elsewhere in any domestic legislation. It is effectively a matter of government policy only, albeit a policy to which, traditionally at least, considerable importance was attached. Ireland is thus in a different position than certain other States, who have incorporated a permanent status of neutrality in their domestic laws...*

In a concession to the Plaintiff, he agreed that the legal concept of neutrality does exist in international law:

*I am satisfied that there does still exist in international law a legal concept of neutrality whereunder co-relative rights and duties arise for both belligerents and neutrals alike in times of war in circumstances where the use of force is not 'UN led'..... The court is prepared to hold therefore that there is an identifiable rule of customary law in relation to the status of neutrality whereunder a neutral state may not permit the movement of large numbers of troops or munitions of one belligerent State through its territory en route to a theatre of war with another.*

However, as a principle of international law it is subject to domestic law:

*... principles of international law enter domestic law only to the extent that no constitutional, statutory or other judge-made law is inconsistent with the principle in question. Where a conflict arises, the rule of international law must in every case yield to domestic law.*

*If executive powers conferred on the Executive by the Constitution can only be depleted or removed by referendum, can it ever be said that the wide discretion so accorded to it in foreign policy and conduct in international relations can be curtailed by the operation of some general principle of customary law? In my view the answer can only be in the negative.*

*I accept and hold with the submission of the defendants that the provisions of Article 29.1 – 3 are to be seen therefore as statements of principle or guidelines ...*

**Irish Neutrality and International Law**

Senator Ivana Bacik //////////////////////////////////////

**IRISH NEUTRALITY**

While Ireland has traditionally pursued a policy of neutrality as regards international conflict, this policy is not grounded in the Constitution or legislation and is a matter of government policy only. Since Irish admission to the United Nations in 1955, the Defence Forces have participated in peace-keeping missions under UN auspices. Government policy is that Ireland will not participate in war or conflict unless it is approved by the 'triple-lock' - the Government, Dáil Éireann, and the UN Security Council.

**Relevant Constitutional Articles**

Article 28.3.1:

*War shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann.*

Article 29:

1. Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality.
2. Ireland affirms its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination.
3. Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States.

The Constitution Review Group (Report, May 1996, p.93) recommended one change to Article 28.3.1; references to 'war' should be extended to include 'or other armed conflict'. The Group recommended no other change, stating that since Article 29 commits the State to the ideal of peace and friendly co-operation amongst nations and to the principle of the pacific settlement of international disputes, and since Article 28.3.1 establishes Dáil control over the State's involvement in armed conflict, no further amendment would be necessary to retain the policy of neutrality. The Group noted that 'Neutrality in Ireland has always been a policy as distinct from a fundamental law or principle and the Review Group sees no adequate reason to propose a change in this position.'

However, concern about Irish neutrality arising from the proposed adoption of a common foreign and security policy by the EU was instrumental in the defeat of the first

Finally, on the question of whether the granting of facilities at Shannon amounted to 'participation' in war, as the Plaintiff alleged, the Judge again ruled against him:

*The issue of 'participation' is not a black and white issue. It may well ultimately be, as stated by the Taoiseach, a matter of "substance and degree". However, that is quintessentially a matter for the Government and the elected public representatives in Dáil Éireann to determine and resolve. In even an extreme case, the court would be still obliged to extend a considerable margin of appreciation to those organs of State when exercising their functions and responsibilities under Article 28. The plaintiff is effectively asking that the Dáil be told by this court to resolve afresh on a matter on which it has already resolved on the presumed basis that the court is better suited than the Dáil for deciding what constitutes 'participation' in a war. The court cannot without proof of quite exceptional circumstances, accept this contention and accordingly the plaintiff's claim under Article 28 of the Constitution also fails.*

The *Horgan* case was considered in the later case of *Dubsky v. Ireland* [2007] 1 IR 63, where the applicant challenged the practice whereby planes en route to Afghanistan from the US either were in flight over Ireland, or stopped to refuel at Shannon, as being in breach of Article 28.3.1. Macken J in the High Court ruled against the applicant on the basis that, first, he had not established the existence of a war in Afghanistan, such that Article 28.3.1 came into play, or such that the issue of any participation in such an alleged war required to be considered. Second, she was not satisfied that there was any standard recognised legal definition of war in national or international law. Further, she noted that while permitting certain activities during a war might jeopardise the neutral status of a state, it did not necessarily follow that such acts constituted participation in a war. Following *Horgan*, she held that the question of neutrality was predominantly one of policy. It did not follow either in logic or in law that there was a necessary equivalence between the loss of the status of neutrality for alleged failure to comply with norms of neutrality in international law and the establishment of participation in a war.

Having regard to the absence of any clear line of authority as to the correct or appropriate legal definition of war, or as to what constituted participation in any such war, or even as to what consequences flowed from the failure to comply with invoked principles of international law on issues of neutrality, she concluded that it was appropriate for the courts to adopt a highly restrained approach to the question of whether and in what circumstances the executive arm of a government should take decisions relating to war or armed conflict or hostilities of whatever nature. Similarly, it was appropriate that, in considering the manner in which a constitution provided, in favour of the elected representatives, the possibility of applying checks to any overreaching by the executive arm of a state, the judicial arm should adopt the same restrained approach to interference.

So Irish neutrality lacks constitutional protection; indeed, in 2003 a private member's bill seeking to insert constitutional protection for neutrality was defeated in the Dáil, the Minister for Defence saying that he did not believe that the Irish people would want to remain militarily neutral in the face of international terrorism or the shocking atrocities that occurred in the Balkans.

Our ambiguous neutrality status may be contrasted with the more secure legal basis for neutrality of other EU member states, notably Austria.

## PROTECTIONS FOR NEUTRALITY INTERNATIONALLY

There are four neutral EU member states: Austria, Finland, Ireland and Sweden. I will deal with those other than Ireland, and then consider non-EU Switzerland.

### Austria

Austrian neutrality was incorporated into the Austrian constitution by the Federal Constitutional Law of October 26, 1955, on the Neutrality of Austria, which declared the country's permanent neutrality and prohibited it from entering into military alliances or allowing foreign countries to establish military bases within the borders of Austria. The relevant text is as follows: (*Article 1*)

*(1) For the purpose of the permanent maintenance of her external independence and for the purpose of the inviolability of her territory, Austria, of her own free will, declares herewith her permanent neutrality which she is resolved to maintain and defend with all the means at her disposal.*

*(2) In order to secure these purposes, Austria will never in the future accede to any military alliances nor permit the establishment of military bases of foreign States on her territory.*

### Finland

Finnish neutrality derives from the period directly following the World War II. Its interest in remaining neutral in conflicts between great powers was first recognised in a treaty between Finland and the USSR in 1948 (the Treaty of Friendship, Co-operation and Mutual Assistance).

The treaty forbids the signatories to join a military alliance against the other, and hence Finland could not allow its territory to be used for an attack on the USSR.

### Sweden

Swedish neutrality is based on tradition rather than on an international treaty. During military conflicts in the first half of the 19th century Sweden maintained its neutral status. Neutrality was formally proclaimed in 1834. Sweden had long been a strong military power, but it adapted the policy of neutrality to its own political interests. In 1941 it allowed German forces transit through Swedish territory to the Finnish front, and at the same time protected refugees from Nazism. After 1945 Sweden opted to preserve its neutral status.

Finally, although it is not in the EU, Switzerland is a most interesting example of a neutral state whose neutrality is firmly rooted in international law – rooted in the Final Act of the Congress of Vienna and the Second Treaty of Paris of 20 November 1815. Under these treaties, European powers recognised that "the neutrality and inviolability of Switzerland, and its independence from all foreign influence, [were] in the true political interests of all of Europe" and guaranteed the country's permanent neutrality.

### International Law on Neutrality

Customary international law dictates the obligations of a neutral State, summarised in the 1907 Hague Convention V (Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land) in the following terms:

*Article 1: the territory of neutral powers is inviolable*

*Article 2: belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral power*

*Article 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.*

Thus, the legal status of neutral countries is governed to some extent by international treaties, notably the Hague Convention; and by customary law. There is little 'hard law' on which to base any analysis of meanings of neutrality and of war; rather, this is an area that is often governed by government policy. Neutral status changes; Belgium and the Netherlands for example were neutral at different times. Few states have the sort of perpetual neutrality guaranteed to Switzerland; some states are better described as non-aligned rather than neutral.

## CONCLUSION

Here in Ireland we need to have a more in-depth debate about the meaning of our neutrality. Are we serious about being neutral – or do we prefer to remain in an ambivalent position on the status of neutrality?

## Neutrality in the European Union – what does it mean in practice?

Martina Weitsch //////////////////////////////////////////////////////////////////

### Introduction

This article is part of an ongoing research study on the question of 'what drives EU foreign policy?' It looks at some indicators which might shed light on that question but with a particular focus on whether there are differences between the so-called 'neutral' Member States of the EU and other Member States. The article is *work in progress* and should not be understood to be exhaustive or final in terms of conclusions to be drawn. However, there are some indications which may lead the readers to their own conclusions.

### The Neutral Member States of the European Union

There is no simple definition of neutrality. In political terms, there are a number of countries that consider themselves or are considered by other states to be neutral. What that means in detail for each country is a political question and varies from country to country. This is not the place to discuss definitions of neutrality in detail. Beyond the definition in the Hague Convention of 1907<sup>1</sup>, which is set out in Chapter V (in relation to war on land) and in Chapter XIII (in relation to naval war) definitions or descriptions of what neutrality means must be found in constitutions and in policy decisions.

For the purpose of this article, the neutral countries under discussion are the neutral Member States of the European Union: Austria, Finland, Ireland and Sweden. It must be said that each of these four countries has a different approach to the issue of neutrality and in the case of Finland it is arguable that neutrality was abandoned when it joined the European Union.

The only one of these four countries which has a direct reference to neutrality in its constitution is Austria. Here, neutrality was not a choice but imposed by the Allies after World War II as a *quid pro quo* for sovereignty. It is implied in the Austrian State Treaty of 1955<sup>2</sup> but subsequently spelled out in the Austrian Constitution (Article 9(a)(1))<sup>3</sup>.

The Irish Constitution has two articles which are commonly quoted with regard to neutrality. They are: Article 28.3.1 which states that 'War shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann'<sup>4</sup> and Article 29<sup>5</sup>. I have not been able to find any reference to neutrality in either the Swedish or the Finnish Constitution.

I will also highlight the actions of Denmark in the context of this article because Denmark, though not a neutral

country, does not participate in the military aspects of the European Security and Defence Policy. It may be interesting to note that Austria, Denmark, Finland, Ireland and Sweden are all observers in the Western European Union (the Security and Defence Union set up in Western Europe in 1948 by the Treaty of Brussels) and whilst Denmark is a member of NATO, the four neutral countries are not.

### Neutrality and the Treaties

The European Union is both an intergovernmental and a supranational structure. It is based exclusively on Treaties between the Member States; nothing can happen within the EU without there being a Treaty basis. The key Treaties which might impact on the question of neutrality of some of the Member States are:

- The Accession Treaty (1972) – UK, Ireland, Denmark
- The Single European Act (1987)
- The Maastricht Treaty (1992)
- The Accession Treaty (1995) – Austria, Finland, Sweden
- The Amsterdam Treaty (1997)
- The Nice Treaty (2001)
- *The Lisbon Treaty (2009?)*

The Founding Treaties (of Rome) which were concluded in 1957, would not have had any reference to neutrality, as none of the founding Member States were neutral countries. A word-search of all of the Treaties listed above reveals no meaningful reference to the neutrality of those Member States which consider themselves and are considered by others as neutral.

During the accession negotiations with Austria, Finland and Sweden, neutrality was discussed in various fora; however, this was not reflected significantly in any of the Council Conclusions or the Commission Opinion on these accessions. The then Austrian Chancellor addressed the issue in one of his speeches and made it clear that neutrality would not be an obstacle for Austria in the context of the emerging foreign policy of the EU. In the conclusions of the negotiations the Council stated clearly that the acceding neutral countries would be bound by Chapter V of the Treaty which outlines foreign policy; and the European Parliament, in its reports and discussion noted the issue of neutrality but found this not to be an obstacle to accession. Questions were raised by the media rather than as part of the political decision-making process.

### Neutrality and the Common Foreign and Security Policy

The Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) are set out in Title V of the Nice Treaty; they were introduced into the European Union originally in the Maastricht Treaty in 1992 and elaborated further in the Amsterdam Treaty. In fact, ESDP is an integral part of CFSP. Both of these policy areas are intergovernmental in nature. This means that:

- Sovereignty in these areas has not been delegated to the EU
- The Council of the European Union (i.e. the Member States) shares the right of initiative with the European Commission
- The European Parliament has no decision-making role in this area with the exception of the budget for this policy area insofar as it does not relate to military expenditure
- Decisions in this area are made by unanimity—i.e. each Member State has a veto.

### The Lisbon Treaty

The Lisbon Treaty does not bring significant new substance to this policy area. There are a number of points to note however:

**Common Foreign and Security Policy**

- The post of High Representative of the Union for Foreign Affairs and Security Policy is given a new name and considerably wider responsibilities than before; however, the current post-holder (under the title of Secretary-General, High Representative for CFSP) has been exercising many of these responsibilities already. In the current situation, there is a difficult balance between the post-holder and the rotating Presidency; this is eliminated in the Lisbon Treaty.
- There is express reference to the requirement for the Union's strategic interests to be defined by the European Council.
- There is reference to a European External Action Service – this is not elaborated and discussions about what this will entail are still not clear..
- There are a number of smaller changes which all lead to the greater importance of the CFSP in terms of the commitment of Member States to operate within it, inform each other of issues of national interest, and the need for consultation on these issues.
- Where there is an EU position on an issue before the UN Security Council, the Member States on the UNSC are obliged to request that the High Representative is invited to present the EU position.
- The role of the European Parliament (EP) in relation to the CFSP is broadly unchanged; however, the responsibility of consulting the EP will rest with the High Representative; EU Special Representatives can be involved in briefing the EP; and the EP is to hold debates on the CFSP twice a year (as opposed to once a year under the current Treaty).

**Common Security and Defence Policy (formerly ESDP)**

- Member States are committed to progressively improve their military capabilities.
- The European Defence Agency is incorporated into the Treaty (though it already exists) and its remit is defined.
- Member States will be obliged to provide aid and assistance by all the means in their power to any Member State that is a victim of armed aggression on its territory. This is put in the context of a caveat about not prejudicing the specific character of the security and

defence policies of certain Member States, a reference to the neutral Member States. A separate sentence also acknowledges the commitments within NATO of those Member States that are also members of NATO.

- The tasks that can be undertaken by CSDP (formerly ESDP) missions are widened to include those which have already been added on a *de facto* basis, and now include the following list:
  - o Joint disarmament operations (not in Nice Treaty)
  - o Humanitarian and rescue tasks
  - o Military advice and assistance tasks (not in Nice Treaty)
  - o Conflict prevention (not in Nice Treaty)
  - o Peace-keeping tasks
  - o Tasks of combat forces in crisis management, including peace-making
  - o Post-conflict stabilisation (not in Nice Treaty)
  - o Contributing to the fight against terrorism (not in Nice Treaty)
  - o Supporting third countries in combating terrorism in their territories (not in Nice Treaty)
- Certain tasks or missions can be entrusted by the Council to a group of Member States able and willing to do them. This is, however, current practice, in any event.

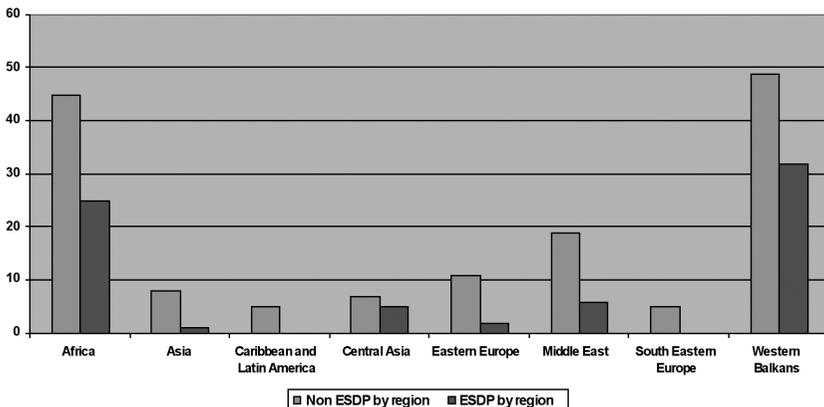
**CFSP and ESDP Actions**

Under CFSP and ESDP the EU can take a range of actions/decisions<sup>6</sup> including:

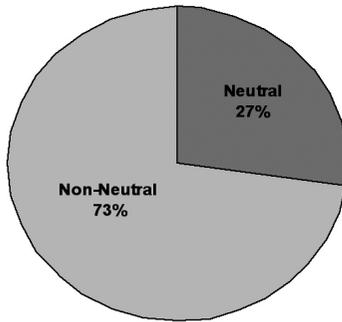
- Agreements with third countries (87)
- Council Decisions (85)
- Common Positions (76)
- Joint Actions (64)
- Decisions of the Political and Security Committee (43)
- Council Regulations (23)

The extent to which these do or do not relate directly to crisis management missions under ESDP varies. For Agreements with third countries, nearly 80% related to ESDP missions and were principally agreements with third countries about participation in ESDP missions. In other words, there are relatively few agreements between the EU and third countries on other matters. For the other types of decisions the proportions are nearly reversed, with 77% of the actions/decisions not relating to ESDP.

**Regional Analysis of CFSP actions/decisions relating to specific countries or regions**



### EUSRs from neutral /non-neutral MS



Looking at the geographical focus of these actions/decisions, the following picture emerges:

This shows that CFSP and ESDP actions are focussed heavily on the Western Balkans and Africa and to a much lesser extent on other parts of the world.

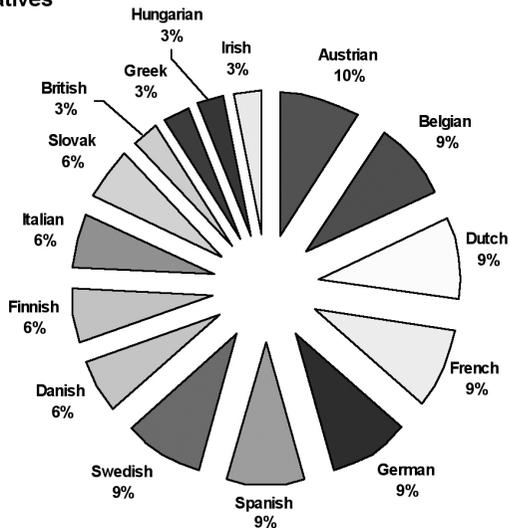
regions. In the majority of cases, these have been countries or regions experiencing some form of conflict or crisis. Since the beginning of the CFSP, there have been a total of 33 such Special Representatives.

It is interesting to consider whether the neutral and non-neutral Member States show significantly different levels of participation in this area of action. The following graph shows the level of participation of the neutral and non-neutral Member States:

### EU Special Representatives?

One particular type of action the EU can and does take is to send Special Representatives to certain countries or

### EU Special Representatives by Nationality



Viewed by nationality, the picture is as follows:

**ESDP Missions<sup>8</sup>**

Under the terms of the ESDP, the EU undertakes crisis management missions in third countries. This instrument has been available to the EU since 2001 and has been implemented since 2003. Since then, there have been a total of 23 missions. Of these 12 are currently ongoing and 11 have been completed.

These missions fall into several categories and the breakdown is as follows:

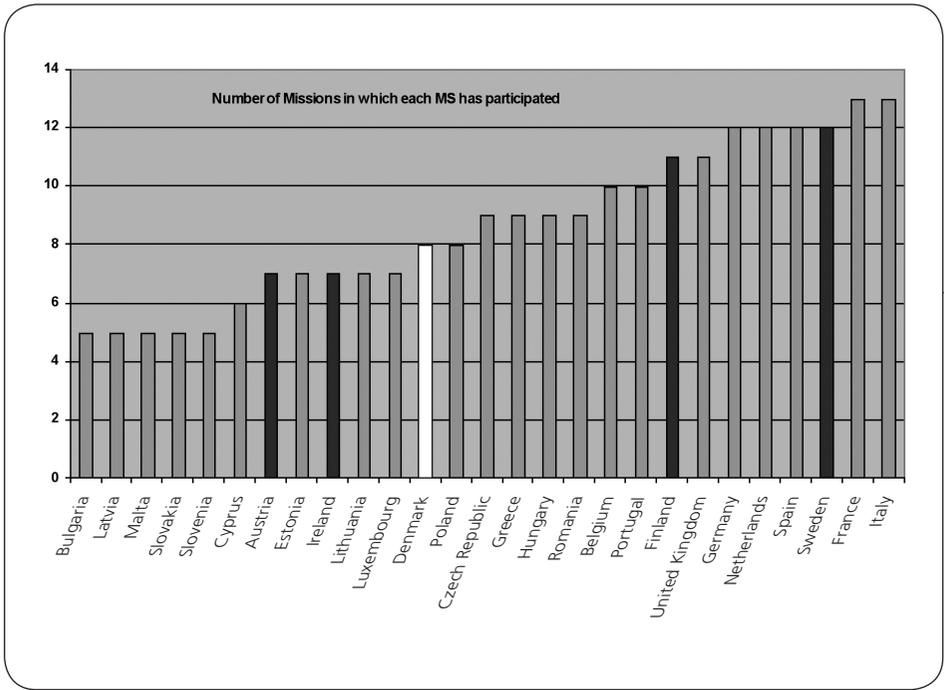
Type of Mission	Ongoing	Completed
Military	2	4
Civilian/Military	2	1
Police	4	3
Civilian	4	3

It is extremely difficult to find out detailed information

about the mission personnel even in statistical form. The information we have been trying to establish has been:

- The number, nationality, and rank of senior personnel (i.e. heads and deputy heads of mission). This is relatively easy for current mission and current heads of missions but as heads of mission and their deputies change from time to time, it is difficult to trace this.
  - The number by nationality of mission staff. This has been possible only for some of the missions.
- The information provided therefore represents the best information we have and is not exhaustive.

We were able to establish data for 53 senior mission staff (heads of mission, deputy heads of mission, or heads of sections of missions). Of these, three came from neutral Member States and of these two came from Ireland, one of whom was head of a military mission. With regard to the distribution of participation in missions more generally, the picture looks relatively unsurprising:



First, it is clear that all Member States have participated in some missions. Second, it is clear that there is no indication that the factor of neutrality has an impact on the level of participation, either positively or negatively. Third, there is no indication that Denmark's non-participation in ESDP missions which are military in nature, has impacted on the overall level of Denmark's participation. In addition, it is worth noting that nearly half the missions have had personnel from non-EU countries, most notably Norway, Turkey, Russia, Canada, and Japan.

**UN Peacekeeping Missions<sup>9</sup>**

Participation of EU Member States in UN Peacekeeping missions may also be an indicator of EU Member States' willingness to engage in conflict and crisis issues in third countries. Here, too, neutrality might be expected to be a factor. Most of the EU Member States participate in such missions. Participation by the neutral Member States may even be higher than would be expected on the basis of their size. And whilst Ireland, Finland and Sweden provide more military observers and police than troops, Austria provides considerable numbers of troops to the missions in which it participates.

**Public Opinion and Foreign Policy**

It is possible that foreign policy is – at least in part – driven by public opinion and media perceptions. Here, we will consider the results of the European Commission's biannual opinion survey called 'Eurobarometer'<sup>10</sup> and the results this shows for key foreign policy questions. The results are taken from the spring 2008 survey.

Asked whether certain policy areas should be decided at European or national level, and in response to the specific policy area of defence and foreign affairs, the response was:

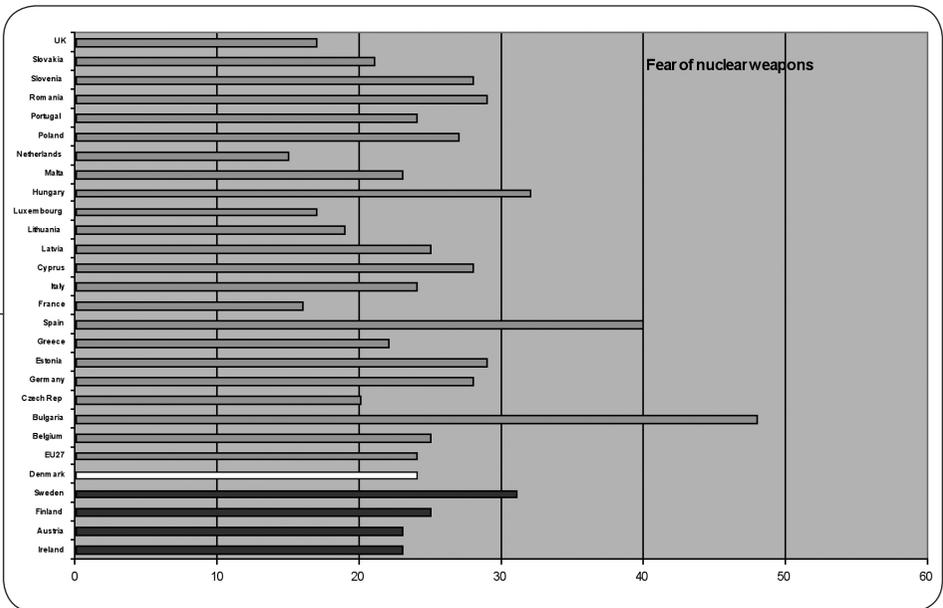
- 1 on average 68% of EU citizens would have defence and foreign policy decided at EU level;
- 2 The neutral Member States are all slightly above the EU average favouring decision-making at national level but apart from Finland and Sweden, they are not very much out of line with the average.
- 3 Finland, Sweden, and the UK are at the top end where half or more of the population would have these decisions made at national level.

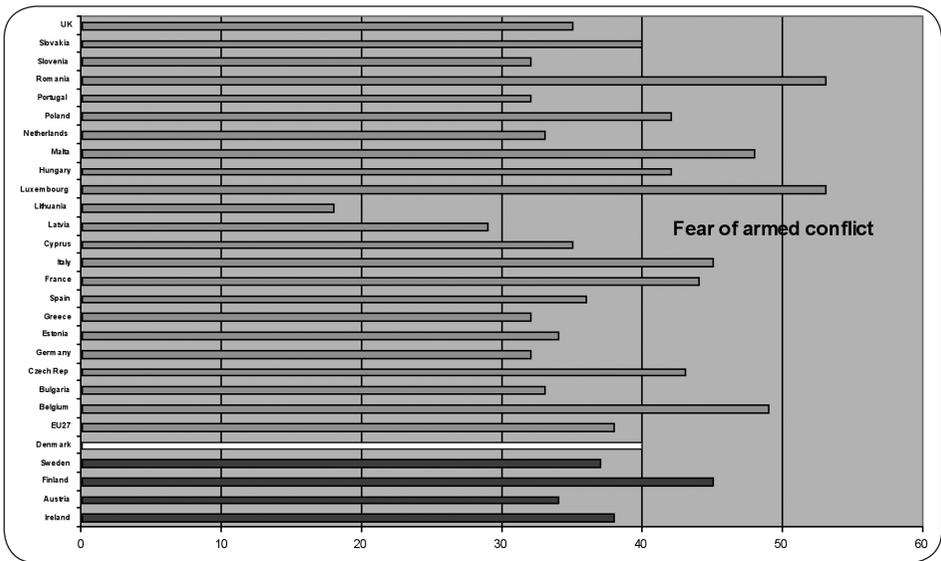
It would seem that whilst there are differences in perception, these are not explained by the neutrality factor.

Asked whether globalisation helps peace, this is the percentage of people either agreeing or agreeing strongly that it does. The EU average would suggest that the majority of citizens (just over 55%) don't see things that way. Ireland and Austria would appear to be even more sceptical about the positive influence of globalisation on peace. Finland and Sweden are much more positive, as is Denmark. Again, neutrality is not an explanation for the differences within the EU.

Asked what they saw as the most pressing threats, EU citizens named nuclear weapons and armed conflicts among their top concerns. The EU average for a fear of armed conflicts is 38% and for nuclear weapons it is 24%. Looking at this country by country, there appears to be little difference in perception between Member States and what differences there are do not correlate with neutrality.

A European foreign policy might well be affected by





or built upon a sense of common values which European citizens might want to maintain for themselves and defend against others or which they might want to spread.

About 60% of the citizens of the EU would assert that there are such common values. In three of the neutral countries the perception of this is marginally below the EU average; in Finland it is above the average. But none of the Member States falls below the 50% mark; the conclusion is therefore that a majority of citizens in all Member States see that there are common European values. Neutrality, again, makes no difference to the responses.

### Development Assistance

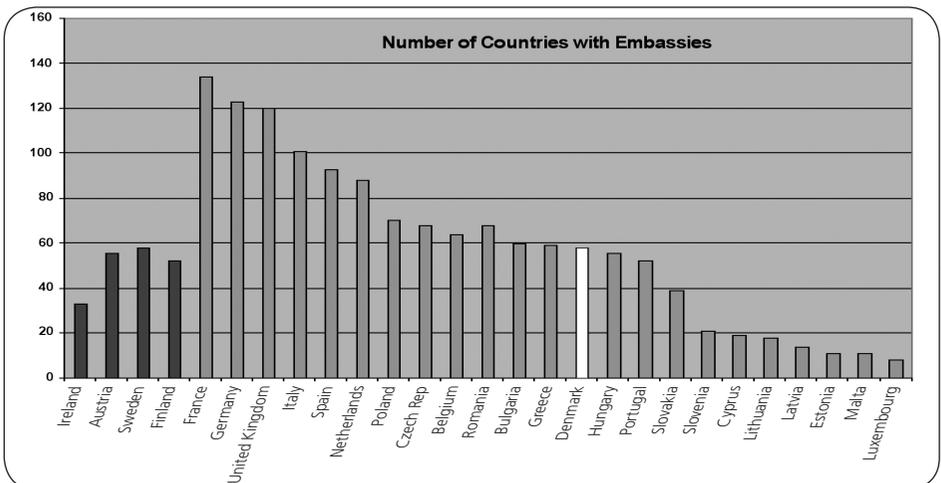
It could be argued that as providing development assistance is one form of engagement with third countries there could be differences between the neutral and other Member States in the way development assistance is distributed. This might affect the number of countries to which development assistance is directed or the specific countries receiving development assistance from specific donor countries.

Information about development assistance is available

in significant detail from the Organisation for Economic Cooperation and Development (OECD); however, the information is provided in such detail that it is difficult to draw conclusions. All neutral EU Member States are donor countries; there is a small number of countries which appear in the top 15 recipient countries for all the neutral EU Member States. They are Iraq, the DR Congo, and the Occupied Palestinian Territories; but the DRC and Iraq also rank among the top 15 recipient countries for 8 and 11 other EU Member States (MS) respectively.<sup>11</sup> Again, there are no clearly identifiable differences in the approach of the neutral and other EU Member States.

### Bilateral Diplomatic Relationships

The number of bilateral relationships any one country has can indicate the intensity of its foreign policy; there are some caveats in terms of explaining differences, though; first, larger countries will almost of necessity have a larger number of bilateral relationships; second, countries with a strong colonial past, will have relationships which arise from that past.



The graph shows the number of countries in which EU MS have a diplomatic presence (excluding those diplomatic presences in other EU MS or with international organisations).<sup>12</sup> Although the four so-called neutral countries are at the lower end of the scale for this indicator, this can be explained with reference to factors other than neutrality, such as size. It may, however, indicate a situation where bilateral relationships with countries outside of the EU are possibly lower down the policy agenda than in some other countries.

**Military Expenditure and Arms Exports**  
**Military Expenditure**

Is military expenditure or the degree to which a country exports arms an indicator of how neutral or not that country sees itself? In fact, given that neutrality can be understood in some senses as a particular form of security policy, then at least military expenditure might be considered essential by the government to ensure that territorial security can be guaranteed outside any alliances. However, the following graph indicates that at least among the neutral countries in the EU lower than average military expenditure appears to be compatible with neutrality.

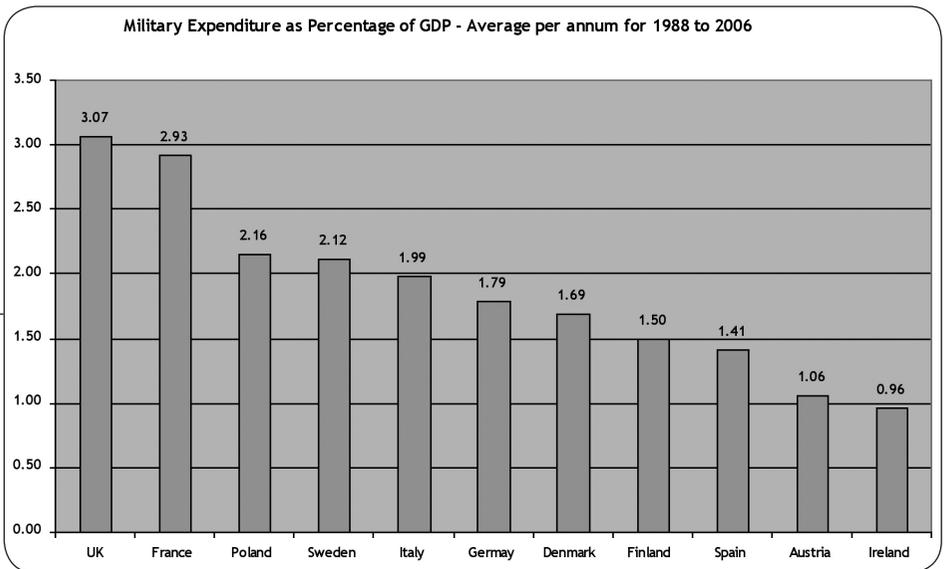
Looking at the military expenditure<sup>13</sup> of the four neutral countries, Denmark and selected other Member States as a percentage of GDP, three of the neutral countries are clearly at the bottom of the league (Ireland, Austria and Finland), though in recent years Finland shows a marginal upward trend. Sweden is higher up in the league, but with a downward trend.

**The Arms Trade**

It can be argued that trading in arms to some extent stimulates conflict, even if controls are in place. This applies to almost all categories of arms and munitions. Among the top 20 arms exporting countries in the world, there are seven EU Member States, one of which is a neutral country.

- France
- UK
- Germany
- Italy
- Netherlands
- Spain
- Sweden

However, these are not the only EU Member States involved in the arms trade; they are just the ones in the top 20 in the world. Of all the EU Member States, only three





KFOR—the military peacekeeping forces in Kosovo—on the pair of grounds, both of which are indispensable, that the forces are operating under a UN mandate and that both belligerent parties agreed to KFOR.

Military neutrality has been less rigorously applied with respect to more distant countries. Switzerland has shut its eyes to recent violations of its military neutrality by the United States. There seems to be little doubt that Switzerland cooperated militarily as well as economically with South Africa at the time of apartheid. The Swiss government-owned arms manufacturer RUAG collaborates with Israel Military Industries (IMI). In those circumstances it is difficult for Switzerland to claim neutrality between Israel and its neighbours or Palestine.

Switzerland has a merchant navy. The ships are registered in Basle. Some of them are at risk from Somali pirates. It seems elementary that Switzerland has a duty to protect its own merchant vessels; this kind of task normally falls to the armed services. However shipping experts, and the ship owners themselves, argue that placing Swiss troops on Swiss ships is not only technically ineffective, but could be counterproductive. It is argued that the only way the Swiss armed forces could function effectively would be for them to work within the international arrangements already in place. Indeed the other countries concerned are urging this action, since at present Switzerland is free-riding on their efforts. However, the extreme Right (which represents over 20% of the vote in Switzerland) argues that such cooperative action would violate Swiss neutrality even though its aim is to protect Swiss "territory".

Neutrality may be **economic**, a refusal to allow one's international trade relations to be influenced by political considerations. There is debate about whether Switzerland abandoned economic neutrality when it agreed to join in economic sanctions imposed by the United Nations, or whether on the contrary neutrality required going along with a formal decision of the international community as such.

Neutrality may be **ideological**. Switzerland has never claimed to be ideologically neutral. Throughout the Cold War it was firmly in the Western camp. **Political** neutrality undoubtedly runs somehow through the preceding three types.

Early in the Nazi period Switzerland maintained that **freedom of opinion** was a form of neutrality: the State was neutral between the opinions which its various citizens might hold. It argued on the basis of freedom of opinion that it could not stand in the way of the expression of opinions either for or against Nazism. Under German pressure however, in due course it introduced censorship. There is a lively debate under way at present on the confessional neutrality of the State within its own borders, more accurately described by the French term *laïcité*.

Swiss experience seems to show that neutrality is contextual. A State can be neutral with respect to particular forms of international relations or to a particular geographical area or to a particular conflict or type of conflict. It is difficult to determine a technical meaning of neutrality without some such specification.

Nowadays in Europe, neutrality is generally considered to be incompatible with membership of NATO. It might therefore be taken as marking a certain independence from the United States. Switzerland rather disproves the assumption. In military terms, Swiss military procurement aims at NATO-compatibility.

The Swiss authorities were recently preparing to prosecute members of the Tinner family who were accused of engaging in illegal international trade in nuclear technology. Since the Tinnings' trade involved activities with

the US government which the latter wants to keep secret, the Swiss Ministry of Justice - leaping across the separation of powers between the executive and the judicial branches of Government - destroyed prosecution files, thereby ending the possibility of bringing the accused to trial.<sup>1</sup> The country has chosen to adjust important parts of its policy to an alignment with the US.

Neutrality is essentially a **foundation myth** for the Swiss. The rugged mountain people of the Northern approaches to the passes over the Alps wrested control of them from the feudal powers, thus establishing their independence at the same time. Alternatively, but not contradictorily in the universe of myths, it suited the various powers around the Alps that no one of them controlled the passes because free passage was in the end in the best interests of all of them. They therefore allowed the local people to look after them. The passes were neutralised.

Springing from this myth is that of the virile soldier defending his womenfolk, children and land against all comers. That leads naturally into the glorification of the egalitarian citizen army ready to defend the home territory. Nonetheless Switzerland was an expansionist power until its military defeat at Marignano (in Italy) in 1515. At that point, rather like a sulking child, it picked up its marbles and said it wouldn't play any more, declaring itself neutral. Neutrality did not interfere with the mercenary service of military units which were private enterprises of Swiss nobles hired out to a variety of foreign States and potentates. Since the late 19th century Swiss citizens are not allowed to engage in military service in foreign armed forces. The Vatican's Swiss Guard is an exception.

Switzerland has put its neutrality myth to effective use by developing offering its good offices for negotiations, including tricky ones between parties who don't want to be seen talking to each other. Among those which are known to the public, one can mention the discussions between Turkey and Armenia currently under way in Berne.

Geneva houses the UN's main centre of conference activities as well as a large number of UN and other intergovernmental agencies with their nimbus of non-governmental organisations. Indeed one of the factors which attracted them in the first place was the host country's neutrality. Their presence in turn both reinforces the image of neutrality and increases the range of skills and facilities, as well as multiplying occasions, for negotiations. These activities are not confined only to Geneva within Switzerland, and they occasionally spill over into neighbouring France.

There are always those like George W. Bush who fling at neutrals the phrase *He that is not with me is against me* (Matthew 12.30; cf. Luke 11.23), ignoring Jesus' other phrase *He that is not against us is for us* (Luke 9.50; cf. Mark 9.40). Switzerland is proud of its neutrality, but outside observers sometimes see it differently. Switzerland's neutrality during the two World Wars has been perceived as getting fat on the day of carnage (Cf. James 5.5). Its present-day neutrality has been described as a cop-out for free-riders. Nonetheless, the world needs peacemakers including small actors who can offer their disinterested services to adversaries trying to come to terms with each other. Like so many things in life neutrality has a sunny side and a shadow side; it is complicated to manage, yet when it is skillfully juggled it can be invaluable not only to the neutral country itself but to the world at large.

<sup>1</sup> The joke is that copies of the documents destroyed have now come to light, to the further embarrassment of the government.

# Neutrality in Swedish Foreign Policy from the Napoleonic Wars to the “War on Terror”: A policy of power balancing, fall-back and wartime

Magnus Petersson //////////////////////////////////////////////////////////////////

## 1. Introduction

In 2008, the Swedish professor of international law, Ove Bring, published a very impressive and competent book on Swedish neutrality policy. Unfortunately it is written in Swedish; an English translation of the title would probably be *The Rise and Fall of Neutrality*. Bring elegantly relates the two concepts of “neutrality” and “collective security” to each other. He claims that the two concepts are dialectical and he uses the sandglass as a metaphor to illustrate it; the more sand that pours out of the cloche of neutrality, the more pours into collective security and vice versa.<sup>1</sup>

Bring does not only mean that *all* the sand in the Swedish sandglass now is in the cloche of collective security, he also means that the sand is cemented there; that the Swedish neutrality policy is dead and buried. “It is obvious”, Bring states,

*that the policy of alienation has been trumped by the philosophy and policy of collective security, not only globally in relation to the UN and the Euro-Atlantic OSCE, but also regionally in relation to the EU and NATO. The European mechanisms for crisis management and the development of a European security structure have made neutrality policy practically obsolete.*<sup>2</sup>

In his book, Bring first draws up the general history of the neutrality policy, and then the general history of collective security. In both chronological parts Swedish security policy is discussed and related to the general picture. I am a great admirer of Bring and his book, but I do not want my speech to be a summary of it, so I will present three historical perspectives on Swedish neutrality policy instead: neutrality policy as an instrument of power balancing, neutrality policy as a fall-back position, and neutrality policy as a wartime policy. I will finally sum up with some critical remarks.

## 2. A policy of power balancing

Until 1814 one of Sweden’s (including today’s Finland at that time) most serious security problems was that it could be surrounded and threatened from several directions, especially if the Swedish arch-enemies Russia and Denmark (including today’s Norway at that time) allied against Sweden. The long borders in the East and the West were very hard to defend effectively, and when Sweden lost Finland to Russia in the war of 1808–1809 it became a priority for the new crown prince, Jean Baptiste Bernadotte and later Charles the XIV John of Sweden, who was one of Napoleon’s marshals, to seek peace with Russia and so get a free hand to secure the Western border.<sup>3</sup>

That goal was realized after the battle of Leipzig in 1813 (where Bernadotte took part in the defeat of his former master), the following peace treaty between Denmark and Sweden in Kiel in 1814, and the Swedish military campaign against Norway the same summer. The Scandinavian Peninsula, a geographically well defined military-strategic unit, was secured by the Swedish-Norwegian Union with a common foreign policy.

After the Napoleonic Wars a very long period of peace ensued for Sweden (it is almost 200 years now). During that period, foreign policy has been much more cautious than before. Krister Wahlbäck—professor, ambassador, and one of the leading experts on Swedish foreign policy—has claimed

that Sweden has a “natural unwillingness to take risks”.<sup>4</sup>

It can be argued that the most prominent feature of the policy after 1814 has been to try to balance between the great powers—or the great power blocs—in the Nordic-Baltic region. The aim was to reduce the risks of getting drawn into war and enhance Sweden’s freedom of action. It is reasonable to claim that the neutrality policy has been one of the most important instruments of this overarching “power balancing policy”.

During almost the whole period from 1814 until today, Russia and later the Soviet Union, has been seen as the main threat against Swedish security, i.e. the great power in the region that had to be balanced.<sup>5</sup> During most of the 19th Century the Swedish government “used” the UK to counter-balance the perceived threat. During the 20th Century it was first Germany, and then the US that were seen as the balancing powers and potential defenders of Swedish sovereignty, should the neutrality policy fail.

It can be argued that Swedish neutrality policy was definitely established in 1834, when a declaration of unilateral neutrality was sent to the British and Russian governments. The two great powers had different interests in many parts of the world, and the Swedish king, Charles the XIV John, was of the opinion that a war between the two could harm Swedish political, economic and military interests in the Baltic Sea. Better then to declare Swedish neutrality and good intentions beforehand.

The Swedish neutrality declaration of 1834 was generous to both parties, but it can be argued that it was more advantageous to the UK than to Russia.<sup>6</sup> Sweden was, at that time, worried about the Russian military build-up on the Åland Islands North East of its capital Stockholm. The neutrality declaration can thus be seen as a tool both for lowering the risk of being drawn into a war between the two great powers, and for balancing Russia’s perceived ambitions in the Baltic Sea Region.

In December 1853, three months before the Anglo-French declaration of war on Russia in the Crimean War, a declaration of unilateral Swedish neutrality was made once again. And once again it became advantageous for the enemies of Russia. The Anglo-French maritime operations in the Baltic Sea were conducted from the “neutral” harbour Färösund on the Swedish Island of Gotland. From that base the forces could cut off the Russian Baltic Fleet, and destroy the Russian military installations on the Åland Islands. After the war a treaty was signed between the UK, France, and Russia, which forbade military installations on the Islands.<sup>7</sup> Swedish neutrality policy had once again been used as a tool for power balancing. It had been more risky this time, but it had also paid off.<sup>8</sup>

Many additional examples of Swedish neutrality policy as a tool for balancing the great powers in the Baltic Sea region could be mentioned, but only one more will be mentioned, namely Sweden “using” a “US-friendly” neutrality policy to “balance” the Soviet Union during the Cold War (and especially the first part of it). Quite extensive preparations for wartime collaboration were made between Sweden and the US (and other NATO countries), and the US exported high technology to Sweden, for example missiles, that must have made it quite clear to the Soviet Union that Sweden’s neutrality policy was pro-Western, and that hostilities towards Sweden could lead to Western reactions.<sup>9</sup>

## 3. A policy of fall-back

It can also be claimed that the Swedish neutrality policy, at least since the 1920s, has been a policy of fall-back, and that the desirable policy has been collective security within a global institutional framework. In other words the first

policy option is *solidarity* instead of *neutrality*, to paraphrase Östen Undén, former Swedish Labour Party Foreign Minister and one of the central figures of Swedish foreign policy.<sup>10</sup> Neutrality policy is only preferred by Swedish governments when great power rivalry make the mechanisms for solidarity unworkable.

It can be argued that Sweden abandoned the neutrality policy for membership in the League of Nations in 1920. Sweden became one of the League's most active members, especially during the years 1922–1926 when Sweden was also a member of its Council, and did important and self-sacrificing work, inter alia in connection with the Corfu Incident in 1923, the integration of Germany in the League in 1925, and concerning disarmament.<sup>11</sup>

But when the international tensions again increased in the 1930s—Nazi Germany left the League in 1933, Italy attacked Abyssinia in 1935, and the civil war broke out in Spain in 1936—the situation became untenable. In July 1938 Sweden, together with six other countries, declared that the League's sanction system was no longer binding, and in the League's Assembly the Swedish foreign minister, Rickard Sandler, declared that neutrality was no longer incompatible with membership in the League.<sup>12</sup> Sweden had eventually been "forced" to its fall-back policy, the neutrality policy.

A similar development can be observed after the World War II, and after the Cold War. Swedish UN membership after the Second World War was natural, and can be seen as a return to the preferred policy of solidarity and a new abandonment of the neutrality policy. In the discussion before the UN membership, the soon-to-be Foreign Minister Undén emphasized that a membership "in a more definitive way than in 1920 is obligating Sweden to a policy of solidarity that is not compatible with a policy of neutrality"<sup>13</sup>.

But already in 1947 there were quite obvious signs of suspicion and rivalry between the East and West, and the West started to organize the resistance against what was perceived as Soviet expansionism. In February 1948, the Swedish Government declared that it was not going to take part in the ongoing creation of alliances and blocs. Sweden would obey the will of the UN, as long as it functioned along the lines that it was supposed to, but if it did not, the Government underlined, "our country must have the freedom to choose a policy of neutrality".<sup>14</sup> That was a clear signal. Sweden had reverted to its fall-back position, the policy of neutrality, and maintained it until the collapse of the Soviet Union and the end of the Cold War.

After the Cold War Sweden has again, this time gradually, moved towards a policy of solidarity. Quite clear examples are membership in the EU in 1995 and NATO's Partnership for Peace (PFP) in 1994, military operations under the command of NATO in the former Yugoslavia and in Afghanistan, an active engagement in the creation of an EU military capability (including the Nordic Battle Group), and a language from the government in which the word "neutrality" has not been used for a long time. Given this development, it can be argued that Sweden has returned to its first policy option, the policy of solidarity.

#### 4. A policy of wartime

The third and final perspective on Swedish neutrality policy is the policy of wartime. A policy of neutrality has been Swedish wartime policy in both World Wars. The policy was under quite strong pressure both times, and the policy can be said to be benevolent towards the side that has held the upper hand. But other factors did of course also influence the policy.

During the years before the World War I Sweden was so German-oriented that Russia was close to attacking Swedish maritime forces when the war broke out. The pro-German

neutrality policy eventually led to British countermeasures that harmed Swedish imports of vital goods. There were soon domestic expressions of dissatisfaction with the government's policy, and it was forced to resign in May 1917. But it was not until the autumn of 1917, when a liberal-labour government was installed, that the neutrality policy shifted in favour of the Allies, and relations with Britain were stabilized.<sup>15</sup>

During the World War II, Sweden's policy of neutrality was under even harder pressure, and the concessions to the belligerent great powers were even more extensive. But there are at least two very important differences. *One* is that Denmark and Norway were occupied by Nazi Germany. Sweden was thereby surrounded by a great power and potential enemy. This made German pressure hard to resist, at least until 1943, and it led to several decisions that clearly favoured German war efforts during the first part of the war, for example systematic transport of German troops and military equipment on Swedish railways in 1940–1943, including the spectacular transport of a whole German division from Norway to Finland and the Eastern front in the midsummer of 1941.<sup>16</sup>

*The other* important difference for Sweden during the World War II, compared to the World War I, is the attitude towards Nazi Germany and the conflict between democracy and totalitarianism. It can be argued that Sweden would have been allied with Germany if had it been forced to take part in the World War I. In the Second World War that is unimaginable.<sup>17</sup> As soon as the German military pressure on Sweden decreased, the Government started to act in the interest of the Allies. The Swedish historian Göran Andolf has expressed the Government's principal approach to concessions in a very pertinent way: "Concessions to the Germans were only made if they were considered necessary while all concessions that were considered possible were made to the Allies."<sup>18</sup>

In 1943 the Swedish-German agreement on transport on Swedish railways was discontinued, Danish and Norwegian paramilitary forces were trained in Sweden, Sweden took a very tolerant view of allied bombers using Swedish airspace on their way to bomb German cities; there are many other examples of how Sweden's policy of neutrality gradually favoured the Allies more and more.<sup>19</sup>

#### 5. Some critical remarks

First of all I would like to underscore that Swedish neutrality policy, like that of Ireland but unlike the Swiss and Austrian neutrality policies, has always been unilaterally declared and not codified in any way – neither in the constitution, nor by international treaties. Sweden has never allowed any other state to define the Swedish neutrality policy.<sup>20</sup> It can be argued that the flexibility of the policy, as we have seen through the three perspectives, is made possible by that fact. But the "flexibility" of the policy has also been criticised.

It has been argued that the quite "flexible" Swedish neutrality policy, especially during the Cold War, has been costly for Sweden, that it might have included the risks connected to membership of NATO (i.e. to be engaged in a war automatically) without the benefits of such membership (i.e. to get support if attacked). It has also been argued that it might have been more expensive and less democratic than NATO-membership.<sup>21</sup>

The logic behind the economic argument is that neutrality policy often leads to higher defence budgets than alliance policy. The logic behind the democratic argument is that the Swedish people were not fully informed of the quite extensive military cooperation with the US and other NATO countries. In an article from 1998 Kjell Goldmann, a Swedish professor of Political Science, wrote that the



Up to the late 19th century at least, European States seem to have been always ready to go to war for territorial or dynastic reasons or to maintain the 'balance of power' and war was accepted as a normal part of international life. There were however exceptions. Not all European states took part in all wars—at any one time some states were neutral in the sense that they took no part in a particular war. Some smaller countries however went beyond that and were either neutralised by international agreement or voluntarily adopted a policy of permanent neutrality. The major powers at the Congress of Vienna in 1815 for example agreed to the permanent neutrality of Switzerland—a status which that country has maintained ever since. Similarly, they agreed also to respect the neutrality of Belgium, a new State which came into existence in the 1830s.

At the Second Hague Peace Conference in 1907 the rights and duties of neutral states were set out clearly in an international convention which was ratified subsequently by the participating powers. It is interesting that it appears from the convention that neutrality does not mean a complete renunciation of the use of armed force—a neutral State is entitled to resist attack. Article 10 says: *'The fact of a neutral resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.'*

Seven years later in 1914, a flagrant breach of Belgian neutrality by Germany was the immediate *casus belli* for the outbreak of the World War I. By the time the war ended there was a yearning for peace among the peoples of the world. Older concepts in international relations, and the idea that peace could be based on a 'balance of power', were utterly discredited. At the Peace Conference at Versailles in 1919, the US President, Woodrow Wilson, a man of high moral principle, drew on his enormous prestige to press for a wholly new and radically different approach to international relations and he convinced the more cautious and reluctant European powers to set up the 'League of Nations'.

This was a new and radically different approach. The new organisation was to be based on the concept of 'collective security'. A 'community of power' was to replace older discredited ideas of a 'balance of power'.

Under the Covenant Member States were to act in a coordinated way against any Member State which went to war in breach of its provisions. The Covenant did not impose an absolute obligation to take military action to defend a Member State which came under attack although that could be said to be the underlying concept.

Now I would argue that the setting up of these new international structures and in particular the commitment of states to the Covenant of the League and later the Charter of the United Nations colours in a very different way the older concept of 'neutrality' deriving from 19th century Europe which had been codified in detail in the Hague Convention of 1907. I do not mean to say that the older concept was discredited: neutrality still involves a policy decision to stay out of alliances and to endeavour to stay out of wars. But by becoming members of the League, and later the UN, States accepted new obligations and commitments in regard to 'collective security' which would have to be taken into account in conjunction with the provisions of the 1907 Convention.

A similar and even stronger situation prevails today in regard to membership of the United Nations. Member States 'confer primary responsibility' for international peace and security on the Security Council. The Charter gives the Council strong enforcement powers which allow it, on behalf of the UN as a whole, to order sanctions or even the use of armed force against an offending state; and Member States 'agree to accept and carry out the decisions of the Security Council [Article 25] and to 'join in affording mutual assistance in carrying out the measures decided upon [Article

49].

All of this means, I suggest, that Member States of the United Nations today, like Member States of the League after the World War I, have entered into commitments in regard to international peace and security that do not allow them any longer to remain wholly aloof from international crises to the extent that was characteristic of the older, 19th century concept of absolute and permanent neutrality.

I have been speaking so far in general terms about neutrality and war. I want to turn now to the particular issue of neutrality in Irish foreign policy on which I have been asked to speak here today.

A new Irish State came into being just as the League of Nations was set up in the years following the end of the World War I. The First Dáil, which proclaimed independence in January 1919 was from the start interested in the new multilateral 'collective security' approach to international relations embodied in the League of Nations. In February 1919, a month after the Dáil first met, its representative in Paris, Sean T. Ó Ceallaigh, wrote formally to the Chairman of the Peace Conference, the French Prime Minister Georges Clemenceau to ask that the Irish delegates be heard in order to establish 'Ireland's indisputable right to international recognition for her independence and the propriety of her claim to enter the League of Nations as one of its constituent members'.<sup>1</sup>

Unfortunately for Irish republican aspirations at the time, the Irish delegation was not admitted to, or heard, at the Peace Conference. Nevertheless, despite that rebuff, the Dáil passed a resolution two months later, on 11 April 1919 expressing Ireland's readiness 'to enter a World League of Nations based on equality of rights' and 'to accept all the duties, responsibilities and burdens which inclusion in such a League implies'.<sup>2</sup>

The issue of League membership continued to be a subject of internal discussion when the Free State Government was formed in 1922. Eventually the new Irish Government applied formally for admission and on 10 September 1923 its application was approved unanimously by the League Assembly.<sup>3</sup> Irish representatives played an active role in the League in the 1920s and again in the 1930s after Eamon de Valera came to power.

The new Irish Constitution adopted by referendum in 1937 proclaimed a set of values and principles which were to guide the State in its international relations. It is interesting however that the Constitution makes no reference to neutrality. On the contrary it envisages the possibility of a declaration of war by the State: Article 28.3.1 stipulates that *'War shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann'*.

At the outset of the World War II, de Valera declared that Ireland would seek to remain neutral. Was this inconsistent with his earlier policy of support for the League of Nations, an organisation based on 'collective security'? Not as he would have seen it. For two decades small countries like Ireland had put their trust in the concepts of collective security and a 'community of power' which had been embodied in the League. But now that the League had collapsed and war was imminent he believed that every State had to look to its own interest. He must also have feared that direct involvement by Ireland in the war alongside Britain would fan the embers of civil war at home. So he followed the approach of other small European countries and committed the State to remaining neutral unless it was attacked.

In view of Ireland's strong support for the League of Nations in the inter-war years it was to be expected that once the war ended it would quickly apply to join its successor, the United Nations. In a Dáil debate in July 1946, the Taoiseach, Eamon de Valera spoke very realistically about what

membership might involve. The UN was an organisation which might, as he put it, have to go to war to prevent war. This was so because the underlying concept was that Member States would combine if necessary against any State which engaged in aggression. In such a case, the Security Council, acting on behalf of the whole membership, would act forcefully by applying sanctions and, in the extreme case, could authorise the use of military force.

In the event our application to join the UN in 1946 was vetoed by the Soviet Union. It was nine more years before Ireland was admitted to membership at the end of 1955. In the meantime Sean MacBride, the Minister for External Affairs in the Coalition Government, rejected a US approach about joining NATO saying that while we agreed with its aims, a partitioned Ireland could not become a member of an organisation which involved acceptance of the territorial integrity of its member states.<sup>4</sup> Instead he proposed a bilateral defence pact with the USA but this was not taken up.<sup>5</sup>

Ireland eventually took its seat in the United Nations in 1955. Although not a member of the Non-Aligned Movement it took an independent approach as far as possible in debates in the UN General Assembly especially under the leadership of Frank Aiken as Minister for External Affairs and cooperated with other smaller States in trying to moderate Cold War antagonisms.

In the late 1950s Ireland was asked to live up to its rhetoric by supplying contingents to serve with UN peacekeeping forces. A group of Irish officers served with an unarmed UN observer group in Lebanon in 1958. Two years later in July 1960 Ireland sent a battalion to serve with ONUC, the newly established UN Force in the Congo. This was the first time the forces of an Irish State served abroad under arms. In carrying out its mandate the force found itself engaged in combat at times and the Irish contingent suffered significant losses. Since then Ireland has contributed substantially to other UN peacekeeping forces including forces which may have to act robustly in a protective role in carrying out their mandate. This is not seen as compromising Ireland's neutrality in any way—indeed a willingness to participate actively in UN peacekeeping is now a settled part of what we have come to call 'Ireland's traditional policy of neutrality'.

In July 1961, Ireland applied for membership of the EEC, created by the Treaty of Rome four years before. We were the only State among the original Six and the three applicants which was not a member of NATO. Although the two organisations were quite distinct Irish leaders, anxious to allay any possible fears that this somehow disadvantaged us as a candidate for EEC membership, made some statements which went so far as to disclaim neutral status for Ireland.

The Taoiseach, Sean Lemass for example at a press conference on 5 September 1962 said very specifically 'We do not wish, in the conflict between the free democracies and the communist empires, to be thought of as neutral. We are not neutral and do not wish to be regarded as such, even though we have not got specific commitments of a military kind under any international agreements.'<sup>6</sup> His successor, Jack Lynch, in the Dáil in July 1969 said 'We have no traditional policy of neutrality in this country like countries such as Sweden, Switzerland and Austria'. Once in the EEC, he said, 'we would naturally be interested in the defence of the territories embraced by the communities. There is no question of neutrality there.'<sup>7</sup> I would be greatly surprised if any Irish Government today would speak in similar terms.

Negotiations with the three applicant States, including Ireland, were halted in January 1963 when the French President, de Gaulle, in effect vetoed the UK application. An effort to re-open negotiations was made later in the 1960s and eventually the three applicant States were admitted to

membership in January 1973.

In addition to formal treaty commitments, the three new Member States also agreed to participate in a looser political arrangement called 'European Political Cooperation' under which Member States aimed to coordinate their positions on foreign policy issues as far as possible. In successive EU treaties since then this political agreement has been given treaty status and developed further into the Common Foreign and Security Policy (CFSP). The Lisbon Treaty, if and when it comes into effect, will make the 'Common Security and Defence Policy' (CSDP) 'an integral part' of the CFSP.

One of the earlier speakers at this conference has commented in greater detail on these provisions so I will not dwell on them here in this general survey of neutrality in Irish foreign policy. I will limit myself to four points which I think are relevant to our position:

(1) *The existing EU Treaties already provide explicitly that the policies of the Union 'shall not prejudice the specific character of the security and defence policies of certain Member States.'* This was inserted in the Maastricht Treaty in 1992 at the request of Ireland as a safeguard for our particular position and it is repeated in the Lisbon Treaty.

(2) *A formal statement by the Heads of State and Government meeting as the European Council, to be incorporated eventually into a legally-binding Protocol, will say, among other things, 'The Lisbon Treaty does not affect or prejudice Ireland's traditional policy of military neutrality'; and also that it will be for Ireland itself 'acting in a spirit of solidarity and without prejudice to its traditional policy of military neutrality' to determine the nature of any help to be given to a fellow-Member State if it comes under attack.*

(3) *Since 2002 the Irish Constitution (Article 29.4.9) provides explicitly that 'The State shall not adopt a decision taken by the European Council to establish a common defence ... where that common defence would include the State'.*

(4) *Any decision to allow contingents of the Irish Defence Forces to take part in overseas operations, including those under the CSDP of the EU, remains subject to a 'triple lock'. That is to say the operation must be under a UN mandate; and it must be agreed to by the Irish Government and by the Dáil.*

I conclude by asking whether, in view of these points, the provisions of the existing EU Treaties—or, if we should ratify it, of the Lisbon Treaty—would lead to a change in what we have come to call 'Ireland's traditional policy of neutrality'? I would argue very strongly that the answer is no. There is no threat to what we have come to call 'our traditional policy of military neutrality'—provided that that policy is understood, not in the 19th or early 20th century sense of virtually complete aloofness from international involvement but as I have outlined it here—that is as a decision that Ireland should remain outside alliances while cooperating actively with our EU partners and other like-minded States to advance our values and participating with them, when we choose to do so, in crisis resolution and in UN-mandated peacekeeping operations.

1 Fanning, Kennedy, Keogh and O'Halpin (eds), Documents on Irish Foreign Policy: Volume 1 1919-1922 (Royal Irish Academy and Department of Foreign Affairs, Dublin, 1998) p. 6.

2 Maurice Moynihan (ed.), Speeches and Statements by Eamon de Valera 1917-1973 (Gill and Macmillan, Dublin, 1980) p. 26.

3 See the very detailed account given in Michael Kennedy, Ireland and the League of Nations 1919-1946, (Irish Academic Press, Dublin, 1996)

p. 18-42.

4 Elizabeth Keane, Sean MacBride: A Life (Gill and Macmillan, Dublin, 2007) pp. 152-162; Ian McCabe, A Diplomatic History of Ireland, 1948-49: The Republic, The Commonwealth and NATO (Irish Academic Press, Dublin, 1991) pp. 105-114.

5 Keane, p. 158; McCabe, p. 113.

6 D.J. Maher, The Tortuous Path: The Course of Ireland's Entry into the EEC 1948-73 (Institute of Public Administration, Dublin, 1986) pp. 156-157.

7 Quoted by Patrick Keatinge in A Singular Stance: Irish Neutrality in the 1980s (Institute of Public Administration, Dublin, 1984), p. 28.

## Neutrality: A Politically Contested Concept

John Maguire //////////////////////////////////////////////////////////////////

The immediate context of our discussion is the forthcoming second referendum on the Lisbon Treaty, where the details of the European Union's "European Security and Defence Policy" (ESDP), and their implications for Irish foreign and defence policy, will be dissected. In the calm before that storm it is worthwhile to stand back a little, and to attempt to identify the longer-term process emerging through the succession of (allegedly always minor, not to say routine) developments dating from the Single European Act (SEA) referendum of 1987 to the Lisbon proposals. My focus in identifying and assessing this process, as in my book *Defending Peace*,<sup>1</sup> is on the role and impact of military force and its relationship to democracy.

In *Defending Peace*, I puzzled over what I called the "paradox of democracy": whereas we might expect that, the nearer our societies come to threatening and applying lethal force, the more strictly we would exert democratic control, the exact opposite so often obtains; thus, apparently paradoxically, we apply democracy least effectively where it is most vital – as our societies move towards inflicting harm, even death. I still register the phenomenon, but no longer consider it a paradox: it is, rather, an index of the historical novelty, and fragility, of our democracies. Without subscribing to theories of automatic progress, we can discern in the modern age a growth towards democratisation – but that is all it is: a new growth, in alien territory.

We usually like to think we live in democracies, in which there are admittedly some residual – or even newly emerging – problems or "deficits"; but a radically different story can be told. This is, that most of history has indeed consisted of "kings and battles" – a succession of ruling groups which, however diverse their natures and self-images, have shared and bequeathed one single unbroken conviction: that there are indeed "men who know", and that they have a right, dressed up of course as a duty, to shape the world of the rest of us who don't, by persuasion if possible or by (regrettably "inevitable") coercion if not.

Max Weber's classic attribution to the state of the monopoly of legitimate force has the virtue of highlighting this central truth: states have violence at their very core, and their authority in the last instance rests on the threat or use of that violence. This may be a good thing, or a bad one, but it is undoubtedly an important and frightening one. Democracy – the notion that authority should issue from the *demoi*, the people, rather than be imposed on them – at first glance sits oddly with such a notion of the state: in the world of pomp and force, democracy is a late-flowering, delicate and sparsely-rooted plant. Somewhat like a farmer who has discovered the attractions of organic production, we can at best call ourselves "democratic-in-conversion".

We in Ireland have had particular reason to be aware—and beware—of these tensions, living as we do in

the aftermath of an armed revolution fought in the name of democracy. The sense of these issues fed into an evolving sense of citizenship, of who we were, and how we wanted to live with one another and with the wider world. One important stage in this emergent process was the 1937 Constitution, *Bunreacht na hÉireann*; with amendments, it provides the framework within which we live today. Crucial to its architecture is a notion of citizenship, founded in Article 6.1:

*All powers of government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate the rulers of the State and, in final appeal, to decide all questions of national policy, according to the requirements of the common good.*

This is a hugely important statement, particularly in the midst of the dark decade of totalitarianism from which the Second World War was so soon to issue: whatever powers, even hierarchies, it may contain, the Republic of Ireland was and is ruled ultimately by the people.

This requirement of vigilant citizenship informs the explicit provisions of Article 28:

*3.1 War shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann.*

Not only did we submit the use of military force to the authority of the people through their representatives in Dáil Éireann; we also bound ourselves and our representatives by Article 29:

*2. Ireland affirms its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination.*

*3. Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States.*

Thus the Constitution adopted in 1937 envisaged a republic whose authority flowed from the citizens, who had committed themselves and their republic to be good citizens of the wider world.

Much is rightly made these days of the "*acquis communautaire*", the bundle of established arrangements and practices handed on by the European Union to any newly joining member. I would suggest that we could also consider the orientation of Irish foreign and defence policy in the post-war years, lasting at least though the 1960s, as an "*acquis irlandais*". It is often overlooked today that the Republic emerged from the war years, having successfully asserted its sovereignty through neutrality under extremely difficult circumstances, with its own hard-won understanding of how that sovereignty should be exercised in foreign policy.

We thus had something to offer on the international stage, as emerged particularly after our joining the United Nations in 1955. This was shown for example in our approach to peacekeeping and nuclear disarmament, in an emphasis on peaceful conflict resolution, and in a readiness to work – even somewhat to identify – with the Neutral and Non-aligned (NNA) group in the expanding post-colonial UN. This approach flowed plausibly from a commitment to citizenship, to democratic control of defence forces, and to international law. These, as much as any other commitments and considerations, were ingredients in an emergent foreign policy tradition, which was frequently given the general label of "Neutrality".

The question which confronts us immediately in a re-run of the Lisbon Treaty referendum is also the longer-run and deeper question of whether, during our developing integration in the EEC/EC/EU, we have also done enough to preserve the integrity, and enhance the contribution, of this *acquis irlandais*. This question is not premised on exclusive nationalism: we were and are neither holier nor wiser than

other nations, but we have had our own history, and have learnt certain painful lessons from it. Have we had the courage, as adult members of world society, to value what we have learnt, and to offer it confidently to others? This of course does not preclude our learning from those others at the same time, but it does rule out treating our identity as something awkward, which we want to play down and quietly slough off as soon as possible.

I believe that we have done the latter, and that the misrepresentation of Neutrality by our political elites has been central to that regrettable process. Successive governments, from at least the 1987 SEA referendum onwards, have subjected neutrality to a three-pronged abuse. They have simultaneously conveyed (a) that neutrality is an inadequate, even a shameful, stance in the contemporary world, (b) that the only tradition of neutrality we ever had was a minimalist one, of non-membership in military alliances, and (c) that anyway there's nothing to worry about, because nothing is happening to endanger neutrality in any case.

The fact that these three messages are gloriously incompatible with one another seems not to perturb their purveyors – and, in one very important sense, they are quite correct in their insouciance. Political debate is in fact a matter of constant definition and redefinition of concepts, which are given practical meaning not merely from some abstract lexicon but also from the give-and-take of different groups and interests. This means that at any given point there will indeed be disputes and inconsistencies in our use of these concepts; what matters is how, and in what direction, we “tidy them up”. Adapting W. B. Gallie's notion of “essentially contested concepts”<sup>2</sup>, I would propose that we see Neutrality as a *politically contested concept*, whose precise meaning and implications at any stage are to be established through informed debate.

What is wrong is not that we might have an imperfect, contestable notion of a concept like ‘Justice’, ‘Freedom’, or indeed ‘Neutrality’, but rather that we might pretend otherwise, and that therefore any ‘confusion’ is entirely on the part of other people. That is exactly what our political elites have done over the last few decades, whittling all the meaning of Neutrality down to one narrow, but ill-defined, “military” notion, and denying that it has or ever had other, wider and deeper, implications. As elites are always tempted to do, they misrepresent a restricted viewpoint as superior clarity of vision, and display a disregard, even contempt, for alternative, allegedly “confused” accounts. It is evident, however, that many of their fellow-citizens adhere to a quite coherent alternative: an understanding of neutrality more “active”, “positive” or “fundamental” than the mere avoidance of military alliance.

This has been pointed out by Dr Karen Devine in a series of excellent articles on the implications of Lisbon, which I will not attempt to summarise here but heartily recommend as a guide to the forthcoming debate.<sup>3</sup> Dr Devine shows that there is a widening gulf between the people's understanding of the values and policies implied by Neutrality, and the attenuated legalistic version of it that has been crafted by Irish governments in their anxiety not to cause problems for the emerging ESDP. This gulf is matched, and disguised, by the “two-level game” in which successive governments, and the broader political establishment, have engaged.

*Having agreed to the supra-state level demands of ESDP... parties in government try to convince the sub-state constituency of public opinion that their neutrality agenda has been safeguarded through a combined strategy of minimising discussion of ESDP and reformulating concepts of military neutrality, in order to avoid punishment at the polls and to ensure EU treaty referendum amendments are passed.<sup>4</sup>*

Not only does this betray the Constitution's foundations in citizens' sovereignty, but it does so in the literally vital area of security and defence, thus fostering precisely that culture of power, *raison d'état* and militarism which the Constitution was concerned to counter. On this point, I must respond to my colleagues from other European neutral states at our conference, who have asked me pointedly whether I am not over-stretching the concept of neutrality, or confusing it with other concepts such as democracy or pacifism. My answer to this charge is a firm no – and yes! There is a danger that those of us who prize neutrality, and seek more than a minimal legalistic interpretation of it, may ourselves develop an over-precise, ivory-tower focus on conceptual niceties.

For example, those who insist that under international law a state laying claim to neutrality has an obligation itself to be able to defend that claim have a point, but are in danger of missing the main point. The central statement being made in a declaration of neutrality during a war is that the state in question does not want – for whatever reasons – to be a party to the war. The primary obligation is on belligerent states not to attack neutrals, rather than to lay down conditions on which they are willing to sanction or tolerate the neutrals' non-participation. As Ivan Illich eloquently argues, we are all-too-ready to allow a conceptual and even moral primacy to war, which inflicts even such notions as the Roman *pax*. “*Pax*” is in fact an imposed law and order resting on military might, and is very far from much richer concepts of peace such as *shalom/salaam*:

*Through two thousand years of use by governing elites, pax has become a polemical catchall.<sup>5</sup>*

Equally, it is impossible to give a full treatment of the motivation and practice of neutrality without pondering the pacifists' insistence that war in itself is the problem, not the solution. Again, we cannot do the subject justice if we do not recognise that war always and everywhere calls democracy into question, precisely because it replaces the *authority* of the people as such by the *dominance* of those better able to kill or coerce others. This latter point emerges strikingly from the exposition by Prof. Ivana Bacik of the international-law context of Irish Neutrality: at a stroke, we are plunged into the controversy over whether there is a war on, whether Ireland is complicit in it, and who has the ultimate right to decide such questions. Neutrality is of course not synonymous with pacifism and democracy, but it cannot be understood or practised without having an adequately evolving position on the intrinsic evil and irrationality of war and the challenge of effective democracy.

On the question of international law and Irish Neutrality, a central case, discussed by Prof. Bacik, is Edward Horgan's challenge to the use of Shannon for the Iraq war and occupation. It has not been adequately recognised that the High Court's judgement in that case found that there were indeed international-law obligations on a professedly neutral state, and that Ireland had failed to fulfil these. One reason why this hugely significant finding has been played down is another, quite bizarre, element of the judgement. It draws a distinction between the Constitution's articles on domestic and on international law, arguing that for the latter to bind the state as strictly as do the domestic articles would fetter the state's hands, and impede its necessary freedom, in foreign policy.

The implications of this argument are staggering, particularly in view of the historical experiences from which the Constitution emerged, and the clear thrust towards deliberately “fettering” the state under the sovereignty of the people and within international law which informs that document. To accept something akin to Bagehot's distinction between “dignified” and “useful” sections of the constitution – which will in future presumably necessitate printing various articles in bold type so that the rest can be

seen clearly as “constitution-lite” – is a denial of the central thrust not only of de Valera’s opposition to great-power machinations in the League of Nations, but also of the document which, on his government’s proposal, the people adopted in 1937.<sup>6</sup>

Edward Horgan’s case was one central step in the attempt to counter the process of combined misrepresentation and erosion undergone by neutrality, and the foreign policy values and policies related to it, in recent decades. I have attempted to characterise that process in *Defending Peace*, and here I will focus on one key aspect of it: our relationship to the UN. To those who might question what the UN has to do with neutrality, my response is that the UN was set up with the express aim of saving future generations from the scourge of war, by ensuring that military force could not be employed by any of its members save with the authority of the Security Council or General Assembly, or in self-defence under Chapter V of its Charter; the UN, and neutrality – particularly any active concept of neutrality – are precisely about when, how and by whom force may be used.

It is therefore crucial to see how our relationship to the authority of the UN has fared during the decades of the emerging EU policy. Our government and establishment maintain that we are as committed to the UN as ever, and even that our involvement in ESDP is in fact an up-to-date enhancement of that commitment, through the agency of “regional bodies” such as the EU. What such assurances wickedly camouflage is the process of undermining, sidelining and scapegoating the UN in which they have acquiesced over recent decades, which has resulted in the UN’s enforced dependence on bodies such as the EU and its “compatible framework”, NATO. The disingenuousness of this argument is reminiscent of the story of the young man who murdered both his parents and then pleaded for mercy since he was an orphan.

I have summarised, in *Defending Peace*, the sequence of debacles through which the “failure” of the UN has been constructed.<sup>7</sup> Ireland has been explicitly complicit in this process, as for example by signing an EU declaration falsely stating “[t]he international community has done its utmost to find a peaceful solution to the Kosovo conflict” on the eve of the onslaught on Serbia and Kosovo, which had no UN authorisation and was therefore illegal.<sup>8</sup> I cannot simply dismiss the view of many critics that the UN has in fact been so damaged that it is worse than useless, although I persist in hoping for a patient reform of its structure and an insistent reclamation of its authority; what cannot be countenanced is the pretence, put forward by successive governments and the Establishment, that EU/NATO developments to date have in fact supported and expanded, rather than undermined, the UN’s efficacy.

This dilution of our support for the UN can be traced through the labyrinth of Lisbon. We start with a grandiloquent statement of “respect for the principles of the United Nations Charter.” (Art. 3.5), and are told that military missions outside the EU shall be “in accordance with the principles of the United Nations Charter” (Art. 42.1), an assurance repeated in Protocol 10. But Article 42 also tells us that the ESDP “shall... be compatible with the common security and defence policy established within [the NATO] framework” (Art. 42.2), and Protocol 10 gushes that “a more assertive Union [i.e., EU] role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance” – i.e., NATO.

So we have on one hand a promise of compatibility with NATO’s operational framework and a prospect of enhancing its “vitality” [sic] – and on the other hand a series of statements of “respect”, not even for the UN Charter as such, but for its *principles*... It would of course

be grossly unfair to over-extrapolate from NATO’s record of aggression and illegality, but one does wonder whether, for example, our Minister for Defence, a TD for Limerick, would be content to be reassured that that city’s armed gangsters “respected the principles” of the Garda, the courts and the state itself.

Lest such observations be dismissed as paranoid hair-splitting, we should note a curious distinction between all the articles and provisions cited so far, and Declaration 13, which manages to inch towards a somewhat less grudging formula:

*The [Lisbon treaty] Conference... stresses that the European Union and its Member States will remain bound by the provisions of the Charter of the United Nations and, in particular, by the primary responsibility of the Security Council and of its Members for the maintenance of international peace and security.*

Dashed civil of them, one must first observe. One might then also observe that, as has at long last been teased out from the thicket of Establishment obfuscation, Declarations – unlike Articles and Protocols – are merely political comments or aspirations, and have no binding legal force. There can be no doubt, particularly after the agonising build-up to the “assurances” sought by the Irish Government for a second Lisbon referendum, of the amount of effort and time that goes into framing these statements: as ever, it’s a matter not just of what you say, but also of where and how you say it – and don’t.

It would be refreshing if for once, eschewing the threadbare cliché about the devil and the details, we focussed instead on who invited him in and made him so much at home there. I am prompted to this reflection by the contribution of Martina Weitsch, with its depressing findings on how little difference the professed policies of the “EU Neutrals” have actually made to their behaviour within the EU framework. I am reminded of the anecdote about the young boy who pulled all the legs off an insect and then, noticing that it remained still when he shouted at it to jump, concluded that if all its legs were removed it became deaf: the question is, why have the “neutrals” made such little impact?

The sad truth seems to be that Ireland at least, if not all the smaller countries in question, simply failed effectively to articulate our policy values during the last couple of decades. Lulled by runic opacities about “the specific character of the security and defence policy of certain Member States” (Art. 42.3), we have chosen not to know what was really happening as NATO, with its aggressive nuclear-based framework, was adopted as the cornerstone of EU “security” and “defence” policy. What is particularly disturbing in this regard is Dr Karen Devine’s conclusion:

*[The] strategies, first employed by the Irish government, were adopted by the governments of other neutral states forced to play the same two-level game, caught between their constituencies of public opinion at home in favour of active neutrality and the demands at the EU level for a European common defence.<sup>9</sup>*

We should not, of course, hog all the discredit: the failure hitherto of the “neutrals”, and of other critics of the evolving EU framework, is a collective one; but we have clearly played a central role in it. The failure, I would suggest, is one which appears depressingly often and widely in Irish society and policy – a failure of *adulthood*. We have recently seen heart-rending evidence of the toleration and concealment of grotesque abuse over decades in institutions allegedly devoted to the care of vulnerable children. Without wishing in any way to trivialise or exploit this tragedy, I would respectfully suggest that what lies at its core is the failure of citizens in Irish society over the past century to see

ourselves, respect ourselves and take care of ourselves as adults; without this, we cannot even envisage taking care of anyone else.

We have not wanted to see either ourselves or our world clearly, and we have failed to speak truth to ourselves, let alone to power. This is what underlies the failure of voice, and ultimately even of perception, which can “normalise” the brutalisation of thousands of defenceless children, just as it ignores the “extraordinary rendition” of defenceless captives in which Shannon Warport is implicated. It is what might also mislead us into accepting the “guarantees” which the government will serve up with the second helping of Lisbon. Even if they had all the efficacy that will be claimed for them, they represent at very best an attempt to wriggle out of the implications of the EU militarisation which they have so cravenly failed to challenge: at very best, an explicit admission that active neutrality has been betrayed, and an attempt to pass off an increasingly bedraggled “traditional policy of military neutrality” as a meaningful or valid substitute.

1 John Maguire, *Defending Peace: Ireland's Role in a Changing Europe* (Cork UP 2002). The present paper is based on notes prepared for, and remarks delivered at the Shannon Peace Forum, 21st March 2009; “Neutrality: Irish Experience, European Experience”, a conference held at The Royal Irish Academy, Dublin, 8th May 2009, and at the Irish School of Ecumenics, Dublin, 9th May, 2009. I would like to thank the organisers of these occasions for the invitations to speak, and for their hospitality.

2 W.B. Gallie, ‘Essentially Contested Concepts’, in *Proceedings of the Aristotelian Society*, 56 (1955-56), pp. 167-98; discussed in Lukes, S.M., *Power: A Radical View* (Macmillan, London, 1974), Chapter 5.

3 See Karen Devine, ‘Neither Friend nor Foe: The Irish Position’; ‘Tug of War between People and Political Elites’, and ‘Protecting Neutrality in a Militarised EU’, in *Irish Times*, 25/26/27 November 2008.

4 See *Irish Times*, 26th November 2008.

5 Ivan Illich, ‘Peace is a Way of Life’, in John Button (ed.) *The Best of Resurgence* (Lilliput Press, Dublin, 1991), pp. 89-96; the quotation is from p. 89.

6 This contention is strengthened by the fact that Article 45, containing “Directive Principles of Social Policy”, is quite explicitly distinguished from all the rest, as being merely “for the general guidance of the Oireachtas”, and not “cognisable by any Court”. Had the government, or the people, wished to make any similar distinction in respect of, for example, Article 29 on international law they clearly could have done so; this was not done. It would be entirely inappropriate to read the 1937 Constitution as conferring on the state an unfettered freedom in precisely the area – international relations – where it could arguably do most harm.

7 See *Defending Peace*, pp. 43-63.

8 See *Defending Peace*, p. 81.

9 See *Irish Times*, 26th November 2009.

## Irish Neutrality and the Lisbon Treaty

Karen Devine //////////////////////////////////////////////////////////////////

One of the main themes of the conference focused on the definition of neutrality. The convenors of the conference frequently raised the question, “what do we mean when we talk of ‘neutrality’?” This paper explains the differences between the public concept of neutrality and government concepts of ‘military neutrality’ and evaluates whether the Lisbon Treaty, including the June 2009 ‘clarification’ declarations, contravene or protect neutrality.

### Irish public concepts of neutrality

Opinion polls have shown that Irish neutrality is the first or second substantive policy reason given by Irish people for voting against the Single European Act (Jones 1987), the

Maastricht Treaty (Coghlan 1992), the Amsterdam Treaty (Sinnott 1998) and the Nice Treaty (Sinnott 2001; Jupp 2002) referenda. In the Lisbon Treaty referendum, neutrality emerged as the most divisive issue in referendum debates (IMS/DFA, 2008: 25) and was the second most important reason why people voted ‘no’ (IMS/DFA, 2008: 14). Evidently, many Irish people have consistently demonstrated a belief through their voting behaviour that further integration in the area of EU foreign, security and defence policy is incompatible with the concept of neutrality they support.

The ISPAS data shows that 4 in 10 voters in Ireland very strongly support Irish neutrality. Voters professing above average support for neutrality regard it as having the following characteristics and foreign policy goals: peace promotion, non-aggression, the primacy of the UN and the confinement of state military activity to UN peacekeeping, not being involved in wars, impartiality and maintaining Ireland’s independence, identity and independent foreign policy decision-making (especially in the context of “big power” pressure) (Devine, 2008a: 471). These characteristics reflect the concept of ‘active’ neutrality, also known as ‘positive’ or ‘fundamental’ neutrality. Many of the eight percent of the electorate that very strongly reject neutrality opted to state their disagreement with it when asked to define it, whilst a smaller proportion reported that neutrality means ‘nothing’ to them, or that it means ‘sitting on the fence’ (Devine, 2006a: 115).

‘Active’ neutrality embodies a commitment to the legal definition of neutrality as described by the Second Hague Convention, as well as the above set of values and foreign policy goals – attributes that are distinctly different to the concept of ‘military’ neutrality which successive Irish governments have sought to embrace.

### Irish governments’ concepts of military neutrality

Governing parties’ positions on neutrality have shifted over the past 35 years of Ireland’s membership of the EC/EU. An examination of government discourse shows a move away from active neutrality (see Devine, 2009) and the meaning of neutrality has become highly politicised at the elite level (see Devine, 2006b, 2008b). The meaning of ‘military neutrality’ articulated by Fine Gael from the 1980s (FitzGerald *Dáil Éireann* 327 (11 March 1981)1424; Taylor-Quinn *Dáil Éireann* 420 (9 June 1992) 2047) and the Labour Party from the 1990s (Quinn *Dáil Éireann* 506 (15 June 1999) 190) was non-membership of military alliances, including the Western European Union (WEU), and non-assumption of the relevant mutual defence clause (MDC) i.e. in the case of the WEU, Article V of the Modified Brussels Treaty (MBT). Fianna Fáil shared the same definition of military neutrality, reflected in their desire to avoid signalling “that Ireland is moving away from its neutrality and towards gradual incorporation into NATO and WEU in due course” (Ahern, 29 March 1996; *Dáil Éireann* 473 (19 December 1996) 608; 506 (15 June 1999) 180) and in discourses on joining Partnership for Peace (PfP) (Andrews *Dáil Éireann* 509 (13 October 1999) 370-1; Ireland, 1999: 7).

The meaning and policy prescriptions of ‘military neutrality’ can be changed by government decree because ‘military neutrality’ is not defined in Irish legislation. I argue, with respect to the Irish government’s most recent revisions to ‘military neutrality’ in context of ensuring ratification of the Lisbon Treaty, that ‘military neutrality’ has been redefined to mean joining a military alliance under certain circumstances i.e. joining the WEU through the ‘back door’ in a WEU-EU merger (Laursen, 1997: 16) and assuming its mutual defence clause (MDC), even though this definition contravenes previous government definitions and the legal concept of ‘neutrality’ in the Second Hague Convention. This term, ‘military neutrality’, is used by the government

in a strategic 'two-level game' to agree to developments in ESDP at the European Union supranational level that might violate the 'active neutrality' supported by the public at the domestic level.

The meaning of 'military neutrality' changed in parallel with discussions over ways to incorporate the WEU's mutual defence clause—Article V MBT—into the EU Constitution/Lisbon Treaty. On 19th December 2002, Minister Dick Roche noted "aspects of the [draft ESDP provisions in the Defence Working Group 'Barnier'] Report which raise issues for Ireland. These include reference to a mutual assistance or mutual defence clause". The report of the Convention on the Future of Europe suggested a counter-proposal to put Article V MBT into an 'opt-in' protocol to the Constitution/Lisbon Treaty (20 December 2002: 12). Thereafter, Minister Michael Smith was reported as saying, "There is no such thing as, if you like, complete military neutrality" (Irish Times, 18 January 2003) and the Government re-formulated their military neutrality concept to mean "non-membership of military alliance, and specifically, non-membership of an alliance with a mutual defence commitment" (emphasis added) Cowen, *Dáil Éireann* 563 (20 March 2003) 722).

The four neutral-state governments in the Intergovernmental Conference (IGC) on the EU Constitution attempted to render the mutual defence clause non-binding by amending the first part of the Article to read "If a Member State is victim of armed aggression, it may request that the other Member States give it aid and assistance by all the means in their power, military or other, in accordance with article 51 of the UN Charter" (Cowen, 5 December 2003). Thereafter, the Irish government redefined neutrality as non-membership of "pre-existing military alliances with mutual automatic obligations", stating that Ireland's foreign policy tradition is only "partly described as neutrality". (Mansergh, 24 January 2004) The neutrals' proposal was rejected and a modified (with "military and other" deleted and the "Irish clause" added) WEU MDC was included by the governments in the Intergovernmental Conference (IGC) proposed European Constitution signed on 29 October 2004. Although neutral state governments argue that 'military neutrality' is protected under this formulation, academic experts concluded that "The term 'military non-alliance' has been defined in such a way that it has close to no meaning at all." (Ojanen, 2005: 410)

### **Joining the WEU and assuming its mutual defence clause through the Lisbon Treaty**

The long-standing plans for the EU to subsume the WEU's institutions, functions and responsibilities, including its mutual defence clause, were rarely acknowledged in Irish government discourses, although neutrality advocates raised the issue as far back as 1963 (Corish *Dáil Éireann* 199 (5 February 1963) 1044) and continued to raise it in the 1980s and the 1990s in the context of European Political Cooperation (McCartan/MacGiolla/Higgins *Dáil Éireann* 382 (21 June 1988) 1007-8) and in relation to the Maastricht Treaty (de Rossa *Dáil Éireann* 418 (8 April 1992) 1089 - 1090). Successive Irish governments claimed there was no intention to join the WEU or to assume its mutual defence clause e.g. "the Government will not be proposing that Ireland should seek membership of NATO or the Western European Union, or the assumption of their mutual defence guarantees" (Ireland, 1996: 147) and rejected plans for the WEU-EU merger (Ahern (in opposition) *Dáil Éireann* 473 (19 December 1996) 608; Andrews *Dáil Éireann* 506 (15 June 1999) 197-198). Nonetheless, the WEU-EU merger process started in the aftermath of decisions taken by the European Council at the Cologne (June 1999) and Helsinki (December

1999) summits and will be completed once the Lisbon Treaty is ratified in the aftermath of a required 'yes' vote in the second Irish referendum on 2 October 2009: Ireland will effectively become a full member of the WEU and will assume its MDC, putting an end to 'military neutrality' as defined in the 1996 White Paper on Foreign Policy and the possibility of adhering to 'neutrality' based on the Hague Conventions.

The Amsterdam Treaty's WEU-EU merger clause (Article 17.1) mandated the EU to "foster closer institutional relations with the WEU with a view to the possibility of the integration of WEU into the Union should the European Council so decide") was repealed in the Nice Treaty. This 'deletion' reflected the ongoing process of the transfer of WEU capabilities and institutions to the EU and was considered the most significant treaty change in relation to ESDP (Trybus 2005: 101).

The Marseille Declaration (13 November 2000) of the WEU Ministerial Council detailed the active transition process, noting, for example, the WEU Military Staff preparations to cease its activities (point 3); several WEU military staff had informally transferred to the EU by the June 2001 cessation date (House of Commons, 9 January 2002). The WEU Institute for Security Studies in Paris was transferred to the EU through a Council Joint Action (20 July 2001) establishing a European Union Institute for Security Studies mandated to "contribute to the development of the CFSP, in particular the ESDP, in coherence with the European Security Strategy". The Institute replaced the WEU as the employer of staff serving on 31 December 2001. By 1 January 2002, all functions and institutions of the WEU other than the Western European Armaments Group (WEAG), the Article V mutual defence clause, and the WEU assembly had been transferred to the EU. Subsequently, the functions of the WEAG were transferred to the European Defence Agency (EDA) established by a Council Joint Action (12 July 2004) (WEU, 2004). In June 2000, the WEU Assembly agreed to be re-named "Assembly of the Western European Union-the Interim European Security and Defence Assembly" (European Parliament, 23/02/2001) and noted that in the aftermath of the transfer of WEU's operational activities to the EU, the Assembly's main focus is the scrutiny of the EU's European Security and Defence Policy (ESDP). However, the so-called "double democratic deficit" (European Parliament, 21/02/2006; Hänggi, 2004: 16) still remains whereby national parliaments and the European Parliament have no roles in ESDP scrutiny.

A 2007 WEU report outlined other aspects of the merger transfers in operational terms:

*Following the transfer of WEU's operational activities to the EU...the Ambassadors representing member states on the ESDP's main political steering body, the EU Political and Security Committee (PSC), also make up the WEU Permanent Council...Foreign Affairs and Defence Ministers sit on both the EU and WEU Councils... The EU High Representative Javier Solana, who is responsible for the Common Foreign and Security Policy (CFSP), is at one and the same time the WEU Secretary-General, thus creating a link between both organisations at the highest executive level.*

Whether the WEU can be confirmed as redundant depends on whether the military alliance's mutual defence clause in Article V of the Modified Brussels Treaty (MBT) is transferred to the EU.

### **WEU's article V mutual defence clause**

It was made clear during the drafting, negotiation and

agreement of the Constitution/Lisbon Treaty that Article 42(7) of the Lisbon Treaty is designed to take over the WEU's mutual defence clause, leading to the termination of the WEU once the Lisbon Treaty is ratified. For example, the Working Group on Defence final report stated that "it was suggested that Member States which so wished [a collective defence clause in the then Constitution] could share between themselves the obligations laid down in the Brussels Treaty relating to mutual assistance, thus bringing to an end the Western European Union." (2002: 21)

Academic legal opinion specifies that Article 42(7) "transfers the WEU collective defence element in Article 5 Modified Brussels Treaty to the EU" (Trybus, 2005: 337). Reichard (2006: 220) notes that the drafters of Article 42(7) wanted to "completely replace Article V MBT by the new provision" and "did intend to finally relegate the WEU to history". He continued:

*should the [Lisbon Treaty] enter into force, its [Article 42(7)] would derogate Art. V MBT. As Art. V MBT is the only provision of the MBT still operable, this would arguably also have the effect of terminating the WEU as a whole. The WEU would have 'completed its purpose'... for the one residual purpose left to it...that is, mutual defence.*

Finally, the WEU Assembly noted the debate on the equivalence of Article 42(7) with Article V MBT and the associated scenario of the redundancy of the WEU's MDC after the Lisbon Treaty enters force, with an expected renouncement of the MBT by WEU member states:

*The governments would then be able to tell the general public that ratification of the Lisbon Treaty had made possible a reduction in the number of European institutions, and Western European Union (WEU), its collective defence clause and the WEU Assembly would cease to exist (WEU, 2008).*

Although the Irish government has consistently argued that Irish neutrality was protected because the WEU and EU "remain two separate organisations, established under separate treaties... and with separate responsibilities" (Andrews *Dáil Éireann* 418 (1992) 1090), this will no longer be the case once the Lisbon Treaty is ratified. The WEU-EU merger effectively constitutes Ireland's full membership of the WEU, with the corollary for Ireland and the other neutrals that "there would be no doubt...this certainly means the end of the policy of military neutrality" (Keatinge, 1996: 173). The Irish government White Paper on Foreign Policy acknowledges this loss of neutrality through the assumption of NATO or WEU mutual defence guarantees (1996: 147) incorporating

*provisions committing the parties to collective action in the event of armed attack against one or more of them, and membership of either [NATO or WEU] would not be compatible with an intention to remain neutral (Government of Ireland, 1996: 120).*

### The "Irish Clause"

Legal scholars view the Irish clause (stating that provisions "shall not prejudice the specific character of the security and defence policy of certain member states") as having no clear effect on the Article 42(7) mutual defence clause with respect to safeguarding neutrality (Hummer, 2006: 69). They argue, "there remains no doubt that the neutral and non-aligned Member states are under the obligation to mutual (military) assistance in the case of armed attack" (Hummer, 2006: 67) and this is clearly against the law of neutrality. Naert (2005: 193) points out that:

*the stipulation that this obligation of aid and*

*assistance 'shall not prejudice the specific character of the security and defence policy of certain Member States' raises questions for the precise scope of this obligation. This is so because the said mutual assistance obligation is clearly incompatible with the neutrality of the four neutral Member States, [noting that] if the true scope of the safeguard clause is to exempt the neutral Member States from the obligation to provide assistance, it would have been preferable to have made the exemption more explicit" (2005: 194).*

### The June 2009 Declarations

In June 2009, the Irish Government issued declarations to clarify the meaning of the Lisbon Treaty, stating that: "The Lisbon Treaty does not affect or prejudice Ireland's traditional policy of military neutrality" (European Council, 2009). However, reference to the undefined and non-legal concept of 'military neutrality' does not satisfy the concerns of those who voted 'no' in the Lisbon Treaty referendum in June 2008 in order to safeguard 'active' neutrality. The declaration also claims that: "It will be for Ireland, acting in a spirit of solidarity and without prejudice to its traditional policy of military neutrality, to determine the nature of aid or assistance to be provided to a Member State which is the object of a terrorist attack or the victim of armed aggression on its territory." However, legal opinion notes that "in view of the textual obligation to provide aid and assistance 'by all the means in their power' such a general freedom of response does not seem correct" (Naert 2005: 194). Clearly, the declaration does not exempt Member States from the obligation to provide assistance that violates the international law of neutrality. Given these conceptual and legal problems, the declarations do not satisfy the concerns of the Irish people who voted against the Lisbon Treaty due to their fears over the loss of neutrality.

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# Questions Arising

Seán McCrum //////////////////////////////////////

Neutrality nowadays appears as a complex and often confusing, even self-contradictory, phenomenon. This conference had from the outset no false illusions about finding definitive answers to the many, difficult questions raised about neutrality. Instead, it sought to bring those questions into focus and provide a broad, European perspective within which to locate the problems of Irish neutrality and Irish perceptions of neutrality.

During the two days of papers and discussion, a number of queries kept recurring, often overlapping with each other. No attempt is made here to resolve them, because they will require, individually and collectively, much further in-depth consideration:

- What is neutrality?
- Can it be adequately defined other than in terms of international law?
- Should any attempt at definition assume that, inherent in neutrality, is fluidity?
- Is it part of what a State may choose to do by operating on the basis of an ill-defined or, on occasions, deliberately minimally-defined, set of policies?

However neutrality is viewed, there are many—often contradictory—facets to consider when defining what it is. Yet neutrality is clearly perceived to exist.

Why does neutrality seem to be inherently self-contradictory? In it are embedded both moral and ethical positions and hard-nosed realpolitik. Can the emphasis in this discussion move from focusing on adjectives such as moral and ethical, to the core word, *neutrality*? Is it the case that the core and the other words are totally enmeshed with each other?

Is neutrality an essentially amoral container into which anyone can pour concerns, which are valid to them at a given time and place? Through the network of implications which we infer from the word *neutrality*, is too much expected of what neutrality can achieve for any particular state? Or is it an infinitely variable concept, always dependent on what other words—morality, ethics, realpolitik, many others—are attached to it?

How is neutrality perceived generally? In the four countries whose neutrality policies were discussed, ordinary citizens are distinctly proud that their country is not merely non-aligned, but neutral. For them, neutrality carries an almost indefinable but vital connotation of a high moral and ethical ground, far higher than the position of not being militarily aligned. It is a criterion by which, for example, most Irish and Swiss people define themselves.

Across the four countries, there also appeared to be a chasm between governments seeking to minimise the presence of neutrality, and citizens concerned with it as an important means of defining themselves. This popular viewpoint has been developing consistently; it is not at all a manifestation of ill-considered or short-term emotions.

Does neutrality depend upon who is doing the perceiving? Has the qualitative nature of emotional commitment been undermined by increasingly quantitative analysis? Is current analysis simplistic in its failure to accept that emotional commitment may be, or should be, a valid part of the whole body of analysis? The deep commitment of everyone who spoke at this conference, from whatever viewpoint, demonstrates that the emotional dynamism created by *neutrality* has to be considered a major part of what constitutes neutrality.

Why, in a European Union with constant debate in a great number of fora, has there been little identifiable difference between the policies and practices of the neutral and the non-neutral countries? Why is there no apparent convergence of interests between the neutral countries? Is it the case that the day-to-day practice of neutrality is too closely linked to a country's identity and interests for convergences of interest to develop?

Is neutrality, as now perceived, a concept in need of radical revision? Have current perceptions of neutrality been bypassed by rapid changes in international relations? Is it necessary to be a state to be legally neutral? Has the creation and growth of the European Union changed the terms of international debate on the subject?

It is not usual practice to conclude a publication of conference papers with a sequence of questions. However, it was this body of questions, which concluded the event itself. We must thank the speakers for contributing to bringing this body of concerns into clear focus together: the concerns and questions now relate to each other. We hope that we have made a useful contribution to the debate and conclusions about an issue, which is centrally important to Ireland and its partners in the European Union.

## Curricula Vitae

### Speakers and Facilitators //////////////////////////////////////////////////////////////////

**Dr. Iain Atack** is Lecturer and Programme Coordinator of International Peace Studies, Irish School of Ecumenics, Trinity College Dublin. His expertise is centred on the ethics of peace and war, peacebuilding and conflict prevention, and the ethics and politics of nonviolence. He is a member of the board of Action from Ireland (Afri).

**Senator Ivana Bacik**, LL.B., LL.M. (Lond), B.L., F.T.C.D., is Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin, an Independent Senator for the University of Dublin, and a practising barrister. She has written and published on a range of criminal, constitutional, human rights and equality law issues.

**Senator Déirdre de Búrca** is the Green Party's Spokesperson on European Affairs and on Defence. She has represented the Green Party on the National Forum for Europe since 2002. She has a particular interest in the issue of neutrality and believes that a national debate on the issue of Irish neutrality is long overdue. She would like to see a progressive and meaningful definition of our neutrality being enshrined in the Irish Constitution. She believes that Ireland's status as a neutral country could be of advantage to the European Union, in the context of its developing Common Foreign and Security Policy.

**Dr. Karen Devine** is Irish Research Council for the Humanities and Social Sciences (IRCHSS) Postdoctoral Research Fellow at Dublin City University. She wrote her doctoral thesis at Trinity College, Dublin, on public opinion and Irish neutrality and has published her research in Irish and international peer-reviewed journals.

**Prof. Edward Dommen** is Swiss. He worked extensively with the United Nations Conference on Trade and Development (UNCTAD), and as University professor. He has been inter alia a founder member of the Board of the Geneva International Peace Research Institute, President of the Scientific Committee of the Geneva International Academic Network and Clerk of the Quaker Council for European Affairs.

**Dr. Noel Dorr** is former Secretary General of the Department of Foreign Affairs and former Permanent Representative to the United Nations and to the United Kingdom.

**Seán McCrum** is a Quaker. He is Convenor of the Dublin Monthly Meeting Peace Committee. He works as a freelance curator of cultural projects. He considers that a serious debate about the nature and use of neutrality as an Irish and European Union issue is long overdue. This is particularly of concern given Ireland's and the European Union's drift towards militarisation, following 60 years of successful non-violence. Any debate is problematic given the current lack of informed discussion.

**Dr. Bill McSweeney** is Senior Research Fellow in International Peace Studies, Irish School of Ecumenics, Trinity College Dublin. His work relates particularly to theories of international relations, religion and US foreign policy, and US foreign policy after the Cold War. His commentary appears regularly in the Irish Times and other media outlets.

**Professor John Maguire** is Professor Emeritus of Sociology, University College, Cork. He is a member of the board of Action from Ireland (Afri).

**Dr. Magnus Petersson** is Senior Research Fellow at The Norwegian Institute for Defence Studies, Department of Norwegian Security Policy. He is concerned with defence and security policy and military theory. He has written on the security situation in Scandinavia and Northern Europe during the Cold War. He is now working on a project concerning defence transformation in small states after the Cold War.

**Wiglef M.W. Pürschel** is an economic journalist, living in Austria and working in Frankfurt. He was born in 1956 in the western free part of Berlin, thus exposed to the effect of political issues on people's lives. He trained as a physician in Germany, Austria and the US, but later decided to work as a journalist, helping people to understand today's increasingly incomprehensible world. He served as editor-in-chief of a news agency, newsroom co-ordinator, and set up a German state-wide TV station. After 1989, he set up the Chamber of Commerce system in the states of the former GDR. [It has not been possible to publish his paper.]

**Paddy Smyth** is Foreign Editor of the Irish Times and was previously the paper's European and Washington correspondent.

**Dr. Andy Storey** is Lecturer in Development Studies, The School of Politics and International Relations, University College, Dublin. He is also Chair of the board of Action from Ireland (Afri).

**Dr. Etain Tannam** is Lecturer in Peace Studies, Irish School of Ecumenics, Trinity College Dublin. Her work focuses upon EU politics, integration theory/international relations theory, EU and conflict management, Northern Ireland/Anglo-Irish Politics.

**Martina Weitsch** is a lifelong Quaker. She has worked at Quaker Council for European Affairs, Brussels, since 2002. Her main focus is on peace issues and within that area – EU Common Foreign Security Policy, European Security and Defence Policy, European External Action (including trade, energy, development assistance, crisis response, conflict prevention). Her current research focus is EU Foreign Policy Drivers.

## Abbreviations //////////////////////////////////////.

Where an abbreviation occurs only once, accompanied by the full name to which it refers, it is not included here.

Afri	Action from Ireland
Art.	Article
CFSP	Common Foreign and Security Policy
DRC	Democratic Republic of Congo
EC	European Community
EDA	European Defence Agency
EEC	European Economic Community
EP	European Parliament
ESDP	European Security and Defence Policy
EUSR	European Union Special Representative
EU	European Union
GDP	Gross domestic product
IGC	Intergovernmental Conference
IMS/DFA	Millward Brown IMS: Post Lisbon Referendum Research Findings, survey on voters' attitudes for Department of Foreign Affairs, Ireland, September 2008.
ISPAS	Irish Social and Political Attitudes Survey
KFOR	Kosovo Force [NATO-led force]
MBT	Modified Brussels Treaty
MDC	Mutual Defence Clause
MS	Member State[s]
NATO	North Atlantic Treaty Organisation
NGO[s]	Non-Governmental Organisation[s]
NNA group	Neutral and Non-aligned group
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
PANA	Peace and Neutrality Alliance
PfP	Partnership for Peace
PSC	Political and Security Committee [in the field of common foreign and security policy]
SEA	Single European Act
SR	Special Representative
TCD	Trinity College, Dublin
UCD	University College, Dublin
UK	United Kingdom of Britain and Northern Ireland
UN	United Nations
US & USA	United States of America
USSR	Union of Soviet Socialist Republics
WEAG	Western European Armaments Group
WEU	Western European Union
WW II	World War II [1939-45]



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