

IRISH NEUTRALITY & UKRAINE FREEDOM

Following the foundation of the Irish State in 1922, the issue of Irish neutrality in relation to a major military conflict in Europe first arose in 1939 when Britain and France declared war on Germany. At that time, the State was still a member of the Commonwealth and, while other members of that association also declared war on Germany, it was decided by the Dáil not to do likewise. Therefore the position assumed was that of non-belligerence or, as otherwise expressed, neutrality.

NATO & EU

When NATO was formed in 1949, it was decided by the, then, Irish Republic not to join and thus neutrality was effectively maintained. The question of possible departure from a stance of neutrality next began to arise in the 2000s in the context of developing defence and security cooperation, and proposals for same, within what is now called the European Union. As a result, the Irish Constitution was amended (Article 29, section 4, subsection 9) which stated that: "The State shall not adopt a decision taken by the European Council to establish a common defence pursuant to Article 42 of the Treaty on European Union where that common defence would include the State." Along with that, there are the amendments to the Defence Act of 1954 which provide that Irish participation in UN peacekeeping missions require, along with a Government decision, a UN Security Council resolution (or one by the General Assembly) and an



enabling resolution of Dáil Éireann. The latter provisions have come to be known as the "triple lock". However, there is no constitutional or statutory barrier to joining NATO, although, currently, any such membership would have to be construed alongside the triple lock.

PROGRAMME FOR GOVT

In 2020, the Programme for Government made the following commitments:

"The Government will ensure that all overseas operations will be conducted in line with our position of military neutrality and will be subject to a triple lock of UN, Government and Dáil Éireann approval.

"Ireland's participation in PESCO projects will be maintained on an 'opt-in' basis, with contributions being entirely voluntary. Any projects undertaken within PESCO will be approved by Cabinet and Dáil Éireann.

"The Government will not participate in projects that are incompatible with our policy of active military neutrality and non-membership of military alliances.

"Within the context of the European Peace Facility, Ireland will not be part of decision-making or funding for lethal force weapons for non-peacekeeping purposes."

THIN END OF WEDGE

Nonetheless, there is a serious doubt as to how far the Irish involvement since then in PFP, PESCO, EPF[♦] and coordinated defence procurement is in fact consistent with the policy of neutrality and these

[♦] (NATO) Partnership for Peace, Permanent Structured Cooperation (EU), European Peace Facility (EU).

involvements need to be seriously reconsidered. Moreover, there are questions about prospective Irish involvement in EU Battle Groups. These developments may be intended as the thin end of the wedge as regards the full abandonment of Irish neutrality.

NEUTRALITY & CONSTITUTION

On the other hand, from time to time, it has been advocated that Irish neutrality should be both defined and enshrined in the Constitution. A precedent for this is the situation in Austria. The essential constitutional terms there are: "Austria declares ... her perpetual neutrality."; and "Austria will not join any military alliances and will not permit the establishment of any foreign military bases on her territory." These provisions are to be interpreted further, as necessary, according to international law as



outlined in the Hague Convention of 1907 concerning "Rights and Duties of Neutral Powers". The latter is incompatible with the use which has been made of Shannon Airport by the US military (Article 5). Insofar as that is the case, it should be pointed out that the assertion by the Minister for Foreign Affairs that we are militarily neutral, just because we are not in a military alliance, is therefore not a completely accurate statement.

POLITICAL NEUTRALITY

In public debates about Irish neutrality, it has been asserted that there is a difference between military neutrality and political neutrality. This is in fact the case insofar as the policy of neutrality by a State, as generally understood, does not conflict with it adopting a position such as in the case of the Russian invasion of Ukraine whereby this has been rightly denounced, taking account of basic morality, international law,

national sovereignty and popular democracy. However, a clear distinction must be maintained between not necessarily being neutral politically, while being decidedly neutral militarily. There is a tendency by some people to attempt the non sequitur of the first being portrayed as requiring negation of the second. Moreover, one wonders why the Establishment keeps on saying that we are not politically neutral when nobody is suggesting that we are; they are in fact just knocking down their own Aunt Sally and thus trying to distract from the fact that we are not fully militarily neutral. It seems we are being subtly prepared for the complete abandonment of military neutrality, at least in connection with an EU defence dimension.

BULLYBOY TACTICS

Otherwise, there have been various efforts made over the years to denigrate the policy of Irish neutrality with bullyboy tactics. First of

all, it has been said that the State is free-riding on NATO whereby it allegedly benefits from a defence umbrella provided by that organisation's nuclear and conventional forces. But it has not been demonstrated what threat of attack the Irish State needs to be concerned about and is being protected from.

More recently, the line has been put out that the State should participate in structures for the defence of the European Union of which it is a member. But it should be remembered that the EU is not the European Federal State which some people would like it to be and is still fundamentally a free trade area with an accompanying internal economic market. If some member States feel that there is a threat to their security, presumably in current circumstances from the Russian Federation, it is a matter for them to make national and international arrangements accordingly, some of which may be met by

them through NATO, if they so wish. It is not a legitimate expectation of neutrals such as Finland, Sweden, Austria, Ireland and Malta to have them get involved in the resultant military alliances, especially where their own national security is not at risk.

UKRAINE CRISIS

In respect of the current crisis in Eastern Europe, focused on Ukraine, it has been asserted that this justifies the expansion of NATO subsequent to 1991. The picture is being painted of former Soviet dominated countries being otherwise open to aggression if they were not in NATO. In fact, this may be viewed as a distorted perception. If, at least the countries bordering the Russian Federation from the Baltic to the Black Sea had instead been 'Finlandised' in a state of armed neutrality outside of NATO, but with international guarantees against foreign aggression, thereby not having to have NATO troops or weaponry installed on their lands, we might not be in the situation we are in now. In fact, it was indicated to Gorbachev that, upon Soviet evacuation from Eastern Europe, NATO would not expand eastwards – even 'East Germany' was mentioned in that regard. That commitment was therefore reneged on. Attempts are made to portray such observations as being in some way just Leftist and pro-Russian; these are again just bully-boy efforts to draw attention away from the project of further consolidating NATO and tying Europe into greater dependency on the United States, as is evident, among other things, in the scheme of restructuring the basis of European energy supplies.

At the same time, one has to observe that Ukraine has been far from perfect in the past, with attempts to discriminate against the Russian language and incorporation of fascist elements such as the Azov Battalion into its armed forces. Moreover, Ukrainian oligarchs still have too much power and corruption is endemic in the system, which Zelensky undertook to tackle. There is a lot

of reform which has to be carried out in the future.

WHERE WE ARE NOW

Whatever about how we got to where we are, we can only proceed from the current situation. The demands should be as follows: [1] an immediate bilateral ceasefire (not unilateral on the Ukrainian side as Russia is demanding); [2] acceptance that Ukraine will not become a member of NATO (as President Zelensky seems to have conceded); [3] confirmation that Ukraine will be able to provide adequately for its national defence in the same way that Finland does (not disarmament Russian-style); [4] international guarantees that Ukrainian neutrality will be protected; [5] referenda under OSCE supervision in the Donbas and Crimea on whether or not those regions (or parts thereof) wish to remain within a Ukrainian state (in contrast to dubious ballots held under Russian hegemony).

In the latter connection, what would be recognised are the democratic rights of the peoples concerned rather than acquiescence in the assertions of either Kyiv or Moscow. While reference has been made to the legal settlement made in 1991 concerning the boundaries of Ukraine, there is no reason why that should not be reassessed in terms of the fairness and equity of same. Law and justice do not always coincide. For example, it has to be recalled that the Crimea was transferred from Russia to Ukraine in 1954 by Khrushchev within the Soviet Union, which was hardly a democratic operation.

AT THE CROSSROADS

However, the whole scenario has been thrown into disarray by the Russian invasion. The actions of a murderous thug and self-glorified autocrat, Vladimir Putin, have not only failed in their own objectives, but played directly into the hands of right-wing forces in the euro-atlantic sphere. NATO, which Macron earlier proclaimed "brain-dead" has been immeasurably

strengthened and may well expand further into Scandinavia (Finland & Sweden), the Balkans (Yugoslav remnants and Moldova) and even into Transcaucasia (Georgia). Furthermore, Germany is rearming, while being forced by the US to abandon its Baltic Sea energy pipeline link to Russia.

Putin is suffused with Great Russian chauvinistic imperialism and even denounces Lenin and Stalin for allowing a merely puppet Ukrainian State to emerge

after the October Revolution. No wonder he is sometimes referred to as Tsar Vladimir.

But, particularly in the light of what happens in Donbas, Putin could be deposed, yet more likely by more cautious oligarchs and disgruntled military chiefs than by popular revolt. That won't bring much joy to Russia domestically, although it would be the lesser of two evils internationally.

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