

## **Consultative Forum on International Security Policy**

### **Submission of the Peace and Neutrality Alliance**

#### **1. Introduction**

The Peace and Neutrality Alliance (PANA) was established in 1996. The purpose of our organisation is to advocate the Irish people's right to an independent foreign policy with positive neutrality as its key component.

Our first major campaign was in opposition to the Amsterdam Treaty in 1998 and we went on to play a leading role in successive EU treaty campaigns, in particular the Nice I and Lisbon I referendum campaigns, where we were on the winning side of the campaigns to reject those treaties at the first time of asking. On both occasions, deep public concern over the erosion of Irish neutrality were major factors in the referendum outcomes.

PANA's Chairman Roger Cole was one of the leading organisers of the mass demonstration in Dublin in 2003 against the invasion of Iraq. The rally attracted an estimated 100,000 participants and was the largest rally in any country as a proportion of population.

PANA is affiliated to the World Peace Council, an international anti-imperialist organisation that has a presence in over 100 countries and is an accredited NGO of the United Nations.

We are pleased to have the opportunity to make this submission to the Consultative Forum on International Security Policy. However, in doing so we are not committing ourselves to accepting the outcome of the Forum's deliberations. Decisions on our security policy are fundamentally within the remit of our elected representatives, subject to the Constitution, international law and the overriding wishes of the Irish people.

## **2. History and Importance of Neutrality**

PANA believes that any decisions on our future defence requirements must be made in the context of the continuation and strengthening of Irish neutrality.

Regardless of where one's sympathies lie in international politics, the existence of certain states that are neutral is widely recognised as an important balancing factor in global affairs. "*Neutrality is a necessary feature of a states system. It exists to serve a purpose by mitigating the hazards of that system*"<sup>1</sup> noted Peter Calvocoressi.

Irish neutrality is often dated back to the Second World War. This is not correct. Neutrality was first advocated by Theobald Wolfe Tone in his 1790 pamphlet *The Spanish War*. In the 1921 Treaty negotiations with the British Government, Michael Collins and the Irish delegation included in their draft proposals to the British a policy of

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<sup>1</sup> Peter Calvocoressi, "Neutrality Now" in Sheila Harden (ed.) *Neutral States and the European Community* (Brassey's (UK) Ltd) 1994, at 155

perpetual neutrality to be respected by Britain in return for a commitment that Ireland would not be used as a base from which to attack Britain.

Neutral states date back to ancient times. Calvocoressi noted :

*“That neutrality has been a perennial ingredient in European affairs is attested by the earliest European civilisations. The states (poleis) of classical Greece [...] sometimes chose neutrality, although they had no single word to describe it”*<sup>2</sup>

Nor is there anything new in attacks on neutrality:

*“Demosthenes in his Philippics against Macedon, like John Foster Dulles in the Cold War, denounced would-be neutrals as shirkers in a conflict of values in which an impartial stance was unnatural and immoral.”*<sup>3</sup>.

In fact, the existence of certain states who adopt a policy of neutrality has a moderating effect on these dangers in international relations, by reducing the number of countries who fall into one alliance or another (particularly relevant at a time of polarisation, such as now and during the Cold War) and by creating space for mediation and dialogue. In geopolitics – just as in industrial disputes, family disputes or commercial disputes – the existence of avenues for dialogue and de-escalation of tension is vital. Indeed, when it

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<sup>2</sup> Ibid. at 145

<sup>3</sup> Ibid. at 146

comes to geopolitics they are especially important, where the alternative to peaceful resolution of matters is war, and, where nuclear powers are involved, nuclear war.

In 20th century history, the neutral states were synonymous with critical moments of *détente* and dialogue during the Cold War – the Geneva Summits of 1955 and 1985; the Vienna Summit of 1961; the Helsinki Final Act of 1975 leading to the creation of what is now the OSCE; and the Malta Summit of 1989 between Gorbachev and George H.W. Bush. By facilitating meetings such as these, neutral countries played an indispensable role in keeping dialogue open between rival superpowers that helped avoid a nuclear exchange and the devastating consequences it would have had for the future of humanity.

Irish neutrality played an important role, particularly in the 1950s and 1960s. Ireland was instrumental in placing nuclear non-proliferation on the agenda of the international community, beginning in 1958, at the General Debate in the UN General Assembly<sup>4</sup>. The “*Irish resolutions*” drew attention to the enormous risks of allowing nuclear weapon accumulation to proliferate. At the same time, the proposals were pragmatic in recognising that existing nuclear powers were unlikely simply to surrender their weapons and that priority should be given to preventing the advent of new nuclear powers.

Ireland’s disarmament proposals were initially resisted by the US and other countries, but the persistence of Ireland’s representatives eventually paid off and Ireland’s call for (i) nuclear powers not to supply such weapons to non-nuclear powers and (ii) for non-

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<sup>4</sup> Noel Dorr, *Ireland at the United Nations: Memories of the Early Years* 2010, IPA, 130

nuclear powers to undertake not to acquire nuclear weapons was eventually adopted by the UN General Assembly in 1961<sup>5</sup>.

The Nuclear Non-Proliferation Treaty signed in 1968 was the culmination of these efforts<sup>6</sup>. Ireland became the first country to ratify the treaty<sup>7</sup>, which has served as a bulwark against the spread of nuclear weapons and has been signed and ratified by more countries than any other agreement in the field of arms control<sup>8</sup>.

Ireland simply would not have been able to play this role had we not enjoyed the respect of both sides of the Cold War divide as a neutral state. With the accession of Finland and the prospective accession of Sweden to NATO, the space for this contribution to be played by smaller countries has shrunk.

Irish public polls reflect massive continued support for neutrality, ranging from 66%<sup>9</sup> to 71%<sup>10</sup>. Damian Loscher, CEO of Ipsos stated in the *Irish Times* that the results of his company's poll demonstrated that "*Neutrality is a core element of our identity*".

PANA notes that the Government and Government-supporting media frequently use the term "*military neutrality*" instead of neutrality. The purpose of this appears to be to re-define neutrality as non-membership of military alliances. However, neutrality has a

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<sup>5</sup> Ibid. at 140

<sup>6</sup> Ibid. at 141

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> *Irish Times*/Ipsos poll, published 15 April 2022

<sup>10</sup> *Sunday Times*/B&A poll, 26 April 2022

defined meaning in international law, as set out in Hague Convention V of 1907, which stipulates that neutral states may not permit belligerent powers to transfer arms over the neutral state's territory. This has been violated by the use of Shannon Airport as a *de facto* US military base since the beginning of the disastrous so-called “*War on Terror*”. Non-membership of military alliances is a necessary, but not sufficient, condition for a state to be neutral.

### **3. The Need for the Triple Lock**

The Triple Lock is one of the most important formal mechanisms in place safeguarding Irish neutrality.

#### *3.1 Definition of the Triple Lock*

The Triple Lock refers to the principle that Irish troops should only serve abroad with the authorisation of the Government, the Dáil and as part of a United Nations mandate. It is set out in the Defence (Amendment) Act 1960 and the Seville Declaration to the Nice Treaty.

#### *3.2 Seville Declaration*

The Seville Declaration was made on 21 June 2002 in response to the rejection by the Irish electorate of the first Nice Treaty referendum on 7 June 2001. The Declaration sets out that:

*“Ireland reaffirms its attachment to the aims and principles of Charter of the United Nations, which confers primary responsibility for the maintenance of international peace and security upon the United Nations Security Council.*

*[...]*

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

*[...]*

*The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Nice. In the event of Ireland's ratification of the Treaty of Nice, this Declaration will be associated with Ireland's instrument of ratification.”<sup>11</sup>*

The Declaration was made for an indefinite duration and its link to Ireland's acceptance of the Nice Treaty was reflected by the subsequent Yes vote when the referendum was re-run later in 2002.

The then Minister for Foreign Affairs Brian Cowen TD set out the position in the Dáil as follows:

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<sup>11</sup> Annex III, Council of the European Union, Presidency Conclusions – Seville, 21 and 22 June 2002  
<<https://www.consilium.europa.eu/media/20928/72638.pdf>>

*“This is the shared understanding of the governments of the 15 member states who negotiated the treaty, backed up by the Legal Services of the EU Council. What more conclusive interpretation can there be? The “No” lobby claimed the declarations are not legally binding. However, the treaties are, and it is the treaties, into which successive Irish Governments of different complexions have successfully negotiated specific safeguards for our policy of military neutrality which provide the necessary legal guarantees. The Seville declarations confirm that these guarantees are there and that they are respected by all 15 member states.*

[...]

***Those members of the electorate who hesitated last time out can now vote “Yes” to Nice in confidence. Ireland’s traditional policy of military neutrality is safe.***<sup>12</sup> (emphasis added)

In the same debate, another Government TD, the former Minister for Education Michael Woods TD confirmed:

*“At the Seville European Council in June last the Government made a national declaration which reaffirms Ireland’s traditional policy of military neutrality. This stated that Ireland is not a party to any mutual defence commitment, that Ireland is not party to any plans to develop a European army and that Ireland will take its*

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<sup>12</sup> Dáil debate, Twenty-sixth amendment to the Constitution Bill 2002, Second Stage, 4 September 2002, <https://www.oireachtas.ie/en/debates/debate/dail/2002-09-04/4/>

*own sovereign decision on whether Irish troops should take part in humanitarian or crisis management tasks mounted by the EU. Any such decision **will be based on the "triple lock" of UN endorsement, Government decision and Dáil approval.** The national declaration also made clear that Ireland will not adopt any decision taken by the European Council to move to a common defence or support any treaty which would depart from our policy of military neutrality unless it has first been approved by the Irish people in a referendum. **The European Council confirmed in a declaration that this policy fully conforms with its treaties and with the Treaty of Nice. These provisions will be copperfastened by our acceptance of the referendum.**"<sup>13</sup> (emphasis added)*

Accordingly, while the Seville Declaration was not technically part of the Nice Treaty, the referendum to endorse the Treaty was held on the basis of a clear commitment to the Irish people that a Yes vote would copperfasten the commitment to the Irish Triple Lock.

The central role of this commitment in securing the Irish people's acceptance of the Nice Treaty was affirmed in a later Dáil debate by Government TD (now Ceann Comhairle) Seán Ó Fearghail TD, who acknowledged that:

*"The Seville declaration was a central plank in the Government's campaign for ratification of the Nice treaty."<sup>14</sup>*

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<sup>13</sup> Ibid.

<sup>14</sup> Dáil Debate, 10 March 2004, International Peace Missions Deployment Bill 2003, Second Stage  
<<https://www.oireachtas.ie/en/debates/debate/dail/2004-03-10/35/>>

Removing the Triple Lock would require repealing the Seville Declaration. While there is probably no legal impediment to this, the Nice Treaty was passed based on a clear moral commitment to uphold the Triple Lock, and accordingly PANA submits it would be contrary to this moral commitment were the Triple Lock to be repealed without a referendum or at the very least the election of a Government based on a manifesto commitment to reverse the Triple Lock.

In the current circumstances, none of the current Government parties included any commitment in their manifestos to abolish the Triple Lock. To proceed recklessly to enact legislation undoing the Triple Lock with no further referendum or even election commitment would be undemocratic and contribute to the undermining of public trust in the political system, which has been collapsing in recent years, with an associated rise in political extremism.

### *3.3 Triple Lock versus alignment with NATO and EU militarisation*

Abolishing the Triple Lock could only have the effect of resulting in *de facto* if not *de jure* membership of NATO. It is not remotely credible to think that we would engage in unilateral deployment of troops overseas if the Triple Lock were abolished. Given our size, it could only realistically take place in alliance with other countries. It is hard to imagine that we would do so alongside Russia and its allies so in practice the only non-UN missions we would engage in would be with NATO and/or within the military structures of the EU, which is in any event a “*strategic partner*” of NATO.

This would result in Ireland being viewed by non-aligned countries in the Global South as unequivocally having taken sides in the growing polarisation between Western, NATO states and the developing Russia/China partnership.

As such, it would fatally undermine Ireland's moral authority to act as an interlocutor and intermediary. Whilst, unfortunately, this role has not been taken up in recent times the way PANA would have liked, Ireland does have a strong history of constructive work in the UN (and its predecessor the League of Nations) to be proud of. As noted, the "*Irish resolutions*" in the 1950s generated critical international pressure for nuclear non-proliferation. In addition, Irish troops have a long history of participating in UN peacekeeping missions. The first such mission was in The Lebanon, only three years after Ireland joined the UN, and was the beginning of a long association with peacekeeping in The Lebanon where a total of over 30,000 Irish personnel have served over the decades<sup>15</sup>.

Dublin University Senator and former Army Captain Dr Tom Clonan was elected in 2022 in a Seanad by-election on a platform of supporting Irish neutrality, informed by his history of participating in UN peacekeeping. As noted in an article at the time:

*"Clonan describes Irish neutrality as "the most important part of our foreign policy". Having worked in many war-torn countries, he says the reception the Irish get when*

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<sup>15</sup> <[www.military.ie/en/overseas-deployments/about-overseas-deployments](http://www.military.ie/en/overseas-deployments/about-overseas-deployments)>

*abroad is always positive due to our history of peacekeeping. "We've never colonised anybody, we've never invaded another country." Clonan considers now to be an unstable time for the world and "the wrong time to even talk about changing our neutral status".*<sup>16</sup>

### *3.4 The Triple Lock kept Ireland out of the Iraq War*

In 2003, PANA and other peace organisations had to deal with various arguments supporting the use of Shannon Airport by the US military for the invasion of Iraq. These arguments sought to justify use of the Airport based on Ireland's friendship and historic links with the United States and a desire not to alienate US companies and other investors. *Had it not been for the Triple Lock*, these precise arguments could have been re-purposed to justify participation of Irish troops in the invasion itself.

By expressly requiring UN authorisation before deployment of troops abroad, the Triple Lock meant that Ireland was spared the pressure of other small countries to take part in the so-called "*Coalition of the Willing*" led by the US and UK. Numerous smaller European countries that did not have a safeguard along these lines were pressured into joining the so-called Coalition, *e.g.*, the Czech Republic, Denmark, Slovakia, Bulgaria, Estonia, Albania. It is difficult to see how Ireland could have resisted the pressure applied to these countries to contribute troops to Iraq, particularly considering our nearest neighbour was one of the co-belligerents.

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<sup>16</sup> Mairead Maguire, "Tom Clonan: Running for the Seanad as an Act of Protest" *The University Times*, 14 February 2022 <<https://universitytimes.ie/2022/02/tom-clonan-running-for-the-seanad-as-an-act-of-protest>>

When Fine Gael proposed legislation in 2004 that would have effectively abolished the Triple Lock, Mary Hanafin TD, at the time a Minister for State at the Department of Defence, commented:

*“At a time when the EU is endeavouring to enhance its relations with the UN, as I outlined, it is vital, as a member of the UN, as a member of the EU and as holder of the Presidency, that our decision-making process continues to reflect fullsome support for the UN.*

*This Bill does not do that. If anything it undermines and represents a turning away from the UN and from the primacy of the Security Council. Section 3 of the Bill provides that, subject only to a resolution of Dáil Éireann, a contingent of the Defence Forces can be deployed on peacekeeping or enforcement duties on a mission which accords with the purposes and the principles of the UN Charter. Deputies will recall that in proposing the war on Iraq, the United States and the United Kingdom used this argument, stating that their actions were not alone in accordance with the purposes and the principles of the UN Charter but were for the purpose of enforcing specific standing UN Security Council resolutions.”<sup>17</sup>*

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<sup>17</sup> Dáil Debate, 10 March 2004, International Peace Missions Deployment Bill 2003, Second Stage  
<<https://www.oireachtas.ie/en/debates/debate/dail/2004-03-10/35/>>

The Iraq invasion had disastrous consequences for Iraq and the Middle East. Reliable estimates have placed the number of deaths related to the invasion as high as 1,335,581<sup>18</sup>. The invasion was based on two allegations, (i) that Iraq harboured Weapons of Mass Destruction (“*WMDs*”) and (ii) that Iraq was linked to the Al-Qaeda terrorist organisation and the 9/11 attack on the World Trade Center. These allegations were totally and completely false.

Iraq had no chemical, biological or nuclear weapons. The Chilcot Report into the Iraq War confirms that the false claims made by the British Prime Minister Anthony Blair about Iraq’s *WMDs* in the foreword to the notorious 2002 Dossier were not even supported by the contents of the Dossier itself. The false claim that Iraq harboured *WMDs* was not simply an error, but wilful distortion of the evidence.

The suggestion that Iraq was in league with the Al-Qaeda terrorist organisation was absurd on its face. The Iraq of Saddam Hussein was secular and Hussein’s long-time Deputy Prime Minister Tariq Aziz was a Christian. Islamic fundamentalist organisations had always bitterly opposed Hussein’s brand of secular Arab nationalism. These facts are essential to remember in developing our future security policy, because they are a reminder of how easily a country can be coaxed into war on the flimsiest of pretexts.

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<sup>18</sup> Opinion Research Business estimates for 2003 to 2007 (<http://www.digitaljournal.com/article/246535>) and Iraq Body Count figures for civilian fatalities from 2007 to the end of 2019 (<https://www.iraqbodycount.org/database/>)

In contrast to the mostly uncritical reporting of the mainstream media, the UN Security Council acted as one of the few bodies prepared to question the misinformation emanating from the US and UK governments. The Council in February 2003 carefully listened to the evidence of weapons inspectors Hans Blix and Mohamed ElBaredi to the effect that there was no evidence of WMDs and that Iraq was increasing its co-operation. In the meeting held as the war began, France's representative presciently warned the Security Council:

*"To those who think that the scourge of terrorism will be eradicated through what is done in Iraq, we say that they run the risk of failing in their objectives. An outbreak of force in such an unstable area can only exacerbate the tensions and fractures on which terrorists feed."*

The Security Council right until the launch of the war itself upheld its duties to international peace and security and three of its five permanent members France, Russia and China – rightly opposed the use of force.

#### **4. The Triple Lock and the UN Security Council**

##### *4.1 Security Council veto*

The make-up of the UN Security Council is the main argument cited by those seeking to abolish the Triple Lock. Article 27 of the UN Charter clearly sets out the requirement that in order for a non-procedural resolution to be passed by the Security Council, the

support of nine members is needed, including all five permanent members. Therefore, one of the five permanent members can, in effect, veto a resolution that might otherwise be passed.

However, this is a fundamental provision of the UN Charter. It has not changed since 1955, when Ireland joined the UN, or 1945, when the UN was created. Considering that the provision was in place long before the Triple Lock came into effect, its existence cannot logically be grounds for revisiting the Triple Lock.

The media and political commentators frequently allege or imply that the UN Security Council is permanently or mostly deadlocked by the veto. This is false. The UN Security Council has passed over 2,500 resolutions since the organisation came into being.<sup>19</sup> The veto is only exercised in the case of a tiny minority of resolutions tabled. In the three years from the beginning of 2020 to the end of 2022, it was used eight times<sup>20</sup>. Although seven of these were by Russia and / or China, in one case the veto was cast by the USA, on a resolution concerning foreign terrorist fighters.

The numbers for the last years are:

<b>Year</b>	<b>Resolutions</b>	<b>Press statements</b>	<b>Times</b>	<b>veto</b>
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<sup>19</sup> UN75, 2020 and Beyond, "UN Security Council Resolutions", <[https://unrcca.unmissions.org/sites/default/files/6-unrcca\\_handout\\_unsc\\_resolutions\\_eng\\_2020\\_1\\_2.pdf](https://unrcca.unmissions.org/sites/default/files/6-unrcca_handout_unsc_resolutions_eng_2020_1_2.pdf)>

<sup>20</sup> "UN Security Council Meetings and Outcomes Table: Security Council – Veto List", Dag Hammarskjöld Library <<https://research.un.org/en/docs/sc/quick>>

	passed with no veto <sup>21</sup>	agreed <sup>22</sup>	exercised <sup>23</sup>
2022	54	68	4
2021	57	60	1
2020	57	46	3
2019	52	67	3
2018	54	87	3

On average, over the past five years, 95% of resolutions have not been vetoed. **In only 5% of cases has a veto been exercised.** Considering the widely divergent interests, views and forms of government of the countries represented at the Security Council, it is an immense tribute to the skills of the UN's diplomats and the Security Council itself that such an overwhelming number of resolutions are adopted.

In PANA's view, the fact that there is such a disproportionate focus on the 5% of cases where the veto is used reflects frustration that there should be any checks at all on the exercise of Western power. The United Nations is not, nor should it become, a mere rubber-stamping organisation for Western economic and neo-colonial interests. That is

<sup>21</sup> Annual highlights of UN Security Council website <<https://www.un.org/securitycouncil/>>

<sup>22</sup> Ibid.

<sup>23</sup> "UN Security Council Meetings and Outcomes Table: Security Council – Veto List", Dag Hammarskjold Library <<https://research.un.org/en/docs/sc/quick>>

effectively the desire of those who want the veto to be abolished or (in the case of those seeking to end the Triple Lock) circumvented.

On the contrary, the United Nations is a body where nations of diverse systems of government, history and ideology can come together to negotiate on points of common interest and seek to minimise the risk of disagreements spilling into violent conflict. It reflects the important objective of seeking political solutions rather than pursuing the failed formula of military solutions to political problems.

As the world becomes increasingly polarised, the importance of the United Nations cannot be understated. Solutions to major challenges such as climate change and the risks to global stability posed by non-state actors cannot possibly be found if the conversation is limited to countries who conform to a pre-conceived template of Western liberal democracy.

The UN Security Council is not a county council. It is the single most powerful international political organisation and its resolutions are legally binding as a matter of international law. It is wholly unrealistic to think that such an organisation would continue to enjoy moral authority and international support if it was able to reach such monumental decisions by means of a simple 50% + 1 majority.

#### *4.2 The UN Security Council and Irish troops*

In terms of the use of the veto to prevent deployment of Irish troops, the Ambassador of the Russian Federation to Ireland has confirmed that there has not been a single occasion in history in which the Russian Federation or the USSR has used its seat on the Security Council to veto the deployment of Irish troops<sup>24</sup>. If what the Ambassador has said were untrue, there is no doubt that the exceptionally well-funded anti-neutrality lobby would have highlighted the error and corrected him. Therefore, the theoretical possibility of a Russian veto of Irish troop participation in peacekeeping is not backed up by a shred of practical evidence.

PANA is not aware of any occasion on which the United States, the United Kingdom or France has exercised a veto concerning deployment of Irish troops overseas. The only example cited of a Security Council veto being exercised affecting Irish troops is the People's Republic of China on one occasion refusing to agree to the extension of a stabilisation mission for Macedonia in 1999. Even in this instance, it is not clear that an extension of the mission would have involved Irish forces. In any event, this was in 1999, three years before the adoption of the Seville Declaration, so cannot logically constitute the basis for revisiting that Declaration.

It was noted by a Government TD in a Dáil debate in 2004 that:

*“Fine Gael often refers to the situation in the former Yugoslav Republic of Macedonia. In this regard, the circumstances which arose in relation to the*

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<sup>24</sup> David Murphy, “Russia ‘never been an obstacle’ to Ireland’s peacekeeping missions – Filatov” RTE.ie, 26 May 2023 <<https://www.rte.ie/news/politics/2023/0526/1385881-politics-yuri-filatov/>>

*participation of the Defence Forces in the first EU peace support operation are unlikely to recur.*

[...]

*The EU high representative for the common foreign and security policy, Mr Javier Solana, pointed out to Deputy Gay Mitchell at the National Forum on Europe that Macedonia was the only such example he could bring to mind. He pointed out that it is a very untypical example.*<sup>25</sup>

#### 4.3 UN Reform

Despite our strong support for the United Nations, PANA has never claimed that the UN is perfect. It does have shortcomings, but retaining the Triple Lock does not preclude Ireland from seeking to reform the United Nations. Indeed, we are more likely to be seen as a credible partner in UN reform by retaining the Triple Lock and the commitment to the UN it represents. UN reform must proceed from the reality that it is extremely unlikely any of the five permanent members will agree to relinquish its place on the Security Council.

However, there is still scope for reconfiguring the balance of power between the Security Council and General Assembly. The “*Uniting for Peace*” mechanism of Resolution 377(V) 1950 allows the General Assembly to, by a two-thirds majority, make

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<sup>25</sup> Dáil Debate, 10 March 2004, International Peace Missions Deployment Bill 2003, Second Stage  
<<https://www.oireachtas.ie/en/debates/debate/dail/2004-03-10/35/>>

recommendations for collective action where, in the view of the General Assembly, the Security Council has failed in its primary obligation to uphold international peace and security. A renewed focus on this mechanism would pressure the permanent members of the Security Council not to use the veto unreasonably. Another proposal that has been made is for members of the Security Council who exercise the veto to be accountable to the General Assembly on their reasons for doing so.

The wording of the Seville Declaration specifies that UN authorisation under the Triple Lock can come either from the Security Council or the General Assembly. While the prevailing view is that the General Assembly's "*Uniting for Peace*" authority would not extend to mandating a military mission, Irish military missions could be authorised by the General Assembly in accordance with the Triple Lock if this were to change.

## **5. Current Security Threats**

PANA has never opposed the existence of the Defence Forces. We support having Defence Forces, on the understanding that they are there to defend, not participate in attacks on the sovereignty of other states. This distinguishes the Irish military from the militaries of many other Western European countries who have deeply-rooted imperial cultures. As such, PANA rejects the suggestion that NATO member states constitute an appropriate benchmark when determining our defence needs.

PANA opposes the continuation of the Government's arrangements with the RAF for the defence of Irish airspace. It is inappropriate for a sovereign country, and in particular a neutral country, to give control over its own airspace to another country, and, indeed, a NATO member. Ireland's defence needs should be undertaken by our own forces and not subcontracted to another jurisdiction. In order to provide fully for our own air defences, there will be a certain expense to be borne and PANA accepts this, provided that the investment is proportionate to realistic threats.

PANA notes that there have been occasional incidents hyped up by the media whereby Russian aircraft have passed into territory controlled by the Irish Aviation Authority. However, there is not a shred of evidence to suggest that this was in furtherance of some kind of Russian plan to invade Ireland. Russia has never invaded Ireland and there is no evidence that it intends to invade Ireland. It is difficult to fathom what possible motive Russia would have to invade a small nation on the periphery of Europe with which it has no border disputes or historical grievances.

In January 2022, the media gave wall-to-wall attention to proposed Russian naval exercises within international waters, but within the Irish Exclusive Economic Zone ("EEZ"). The matter was resolved through diplomatic channels and the naval exercises were relocated. Russia's cooperation in this regard was the exact opposite to the approach of an entity wishing us harm.

On 14 May 2021, the Health Service Executive (“HSE”) was subject to a serious cyberattack. This was carried out by means of infiltration of IT systems using Conti ransomware, and 80% of IT infrastructure was impacted. The attack apparently emanated from organised crime groups based in Russia, although the Russian Embassy swiftly condemned the attack and offered to assist in investigations<sup>26</sup>. For reasons that remain unclear, the attackers climbed down from their initial ransom demand and handed over the decryption key to allow the stolen data to be recovered.

The HSE subsequently commissioned an independent report from PwC on the circumstances of the attack and lessons to be learned. The report noted that *“it would appear that the Attacker used relatively well-known techniques and software to execute their attack”*<sup>27</sup>. The Report also found that:

*“The low level of cybersecurity maturity, combined with the frailty of the IT estate, enabled the Attacker in this Incident to achieve their objectives with relative ease. The Attacker was able to use well-known and simple attack techniques to move around the NHN, extract data and deploy ransomware software over large parts of the estate, without detection.”*<sup>28</sup>

The attack originated with a single staff member clicking a single link in a single “*phishing*” e-mail, which gave the attackers a foothold into the HSE network. Clearly,

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<sup>26</sup> Cormac McQuinn, Irish Times, “Russian Embassy condemns cyberattack on the HSE”

<<https://www.irishtimes.com/news/politics/russian-embassy-condemns-cyberattack-on-the-hse-1.4567374>>

<sup>27</sup> PwC Report <<https://www.hse.ie/eng/services/publications/conti-cyber-attack-on-the-hse-full-report.pdf>>, 4

<sup>28</sup> Ibid., 7

having a situation where an entire network could be compromised based on a single incident is the main issue. As the Report noted:

*“The national health service is operating on a frail IT estate with an architecture that has evolved rather than be designed for resilience and security. The NHN is primarily an unsegmented (or undivided) network, and can be described as a “flat” network, to make it easy for staff to access the IT applications they require. However, this design exposes the HSE to the risk of cyber attacks from other organisations connected to the NHN, as well as exposing other organisations to cyber attacks originating from the HSE. This network architecture, coupled with a complex and unmapped set of permissions for systems administrators to access systems across the NHN, enabled the Attacker to access a multitude of systems across many organisations connected to the NHN and create the large-scale impact that they did.”<sup>29</sup>*

Basic organisational shortcomings included the fact that:

*“The HSE does not have a single responsible owner for cybersecurity at either senior executive or management level to provide leadership and direction. This is highly unusual for an organisation of the HSE’s size and complexity with reliance on technology for delivering critical operations and handling large amounts of sensitive data.”<sup>30</sup>*

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<sup>29</sup> Ibid., 6

<sup>30</sup> Ibid., 7

It seems that there was nothing particularly sophisticated about the attack that would suggest the work of state actors. It was an attack waiting to happen, due to a failure on the part of the HSE to implement modern IT systems resilient to well-known tactics of cyber criminals.

The Report identified four areas of “*strategic focus*” for the HSE in response to the attack.

These were to:

- Implement an enhanced governance structure over IT and cybersecurity.
- Establish a transformational Chief Technology & Transformation Officer (“*CTTO*”) to lead necessary changes.
- Appoint a Chief Information Security Officer (“*CISO*”) to drive cybersecurity restructuring.
- Implement a services continuity programme and enhance crisis management capabilities.

The attack has been cynically exploited by opponents to neutrality to suggest that Ireland needs to align with cyber-security expertise that is allegedly only possessed by NATO. However, the Report contained no recommendation whatsoever to join NATO’s so-called Cooperative Cyber Defence Centre of Excellence (“*CCDCE*”). In fact, the 157-page Report did not contain a single reference to cooperating with NATO or NATO’s CCDCE.

The clear lesson from the HSE cyber-attack is that threats posed to security of citizens' data held by public institutions must first and foremost be addressed by those institutions having basic precautions in place. This is not an argument for joining NATO or NATO-linked programmes, nor for further integration into the process of EU militarisation. Cyberattacks are fundamentally a criminal and law-enforcement matter within the province of An Garda Síochána. PANA supports An Garda Síochána being appropriately resourced to deal with these threats, and where international cooperation is required, it should be with INTERPOL.

INTERPOL's Cybercrime Collaborative Platform – Operation was set up as a global resource to co-ordinate the combatting of cybercrime. In 2022, INTERPOL's Operation HAECHI III resulted in the arrest of almost 1,000 suspects in a wide-ranging campaign against a variety of forms of cyber-crime<sup>31</sup>. PANA is not aware of any NATO- or EU-linked operation yielding similar results, nor is it even possible that the EU or NATO could enjoy the reach of INTERPOL. INTERPOL's success is that as a non-political organisation it allows for co-operation on points of mutual concern across 195 countries regardless of geopolitical considerations, which is precisely what is needed in tackling cybercrime.

## **6. Conclusion**

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<sup>31</sup> 24 November 2022, "Cyber-enabled financial crime: USD 130 million intercepted in global INTERPOL police operation" <<https://www.interpol.int/en/News-and-Events/News/2022/Cyber-enabled-financial-crime-USD-130-million-intercepted-in-global-INTERPOL-police-operation>>

Irish neutrality, supported by the vast majority of the Irish public, should inform how Ireland approaches our defence and security needs. The case for ending the Triple Lock has not been made out. It was a solemn commitment to the Irish people before the Nice II referendum (in the form of the Seville Declaration) that Irish troops would not be deployed overseas without a UN mandate.

In addition to being a breach of public trust, ending the Triple Lock would, in practical terms, mean effective alignment with the NATO bloc. Ireland's unusual status as a neutral Western country with an history of colonialism allows us to be viewed as a trusted interlocutor with nations aligned to NATO and countries opposed to NATO alike. As the world becomes increasingly polarised, we should maintain this important role and use it to assist in mediation and de-escalation of conflicts.

Whilst the UN Security Council is not perfect, the requirement of UN authorisation does provide a safeguard against being pressured into wars such as Iraq, based on false claims and resulting in disastrous consequences. Moreover, it is rare that the veto of a permanent member is exercised in practice, contrary to the misleading media impression of a permanently deadlocked Security Council. Given our small size, the idea that we are ever likely to make a decisive military contribution to any situation – however worthwhile – borders on the fanciful. Abolishing the Triple Lock would have terminal consequences for our diplomatic leverage in return for almost no net gain in terms of military impact.

PANA accepts that there is a need to protect ourselves from current security threats. This will necessitate increased investment in targeted areas, in particular, to ensure our Defence Forces are paid a wage they can live with dignity on and to equip our own air defences. However, increased defence investment should be proportionate to realistic threats. Massive increases in defence spending that would require cutbacks to spending on housing and health should be opposed.