

# IRISH NEUTRALITY: A UTILITARIAN OR IDEOLOGICAL POLICY?

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## I. INTRODUCTION

“The hottest place in hell is for those who are neutral.” – Dante Aligheri<sup>1</sup>

The concept of Irish neutrality and its position within the European Union has been the source of much debate. This article aims to briefly define and examine the rather unique and nebulous notion of Irish neutrality. A uniquely Irish approach to neutrality has resulted from an amalgam of issues, which has differentiated Irish neutrality from the neutrality practices of other European nations. The principle objectives are to examine the evolution of Irish neutrality, to compare its components with that of traditional neutrals, to evaluate its position within the European Union, and to consider the appropriateness of its use. The article will also consider whether the policy is founded on an ideological base or whether it is quintessentially a utilitarian policy. The article considers how the successive European Treaties have forced a re-evaluation of Ireland's policy and questions whether such treaties threaten the position of a neutral in a uniform Europe or strengthen Ireland's position by acknowledging its status as a neutral. Focus is also placed on the fact that the policy has been deeply ingrained in the public's consciousness due to its parallel development with Irish independence and has thus become a part of the sovereignty debate. The paper also questions whether a better description of Ireland's defence and security policy is non-alignment rather than neutrality, which has been facilitated by the flexible nature of the policy.

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<sup>1</sup> Keohane, *Realigning Neutrality? Irish Defence Policy and the EU* (Institute for Security Studies of WEU, 2001) (available at <http://www.iss-eu.org/occasion/occ24.html>).

Ireland is officially “military neutral.” That is, Ireland cannot become a member of a military alliance. The tradition of Irish neutrality is longstanding, dating back to World War II. Ireland’s neutrality during World War 2 left the nation somewhat isolated, in both a political and economic sense, in world affairs. The European Economic Community (EEC) offered Ireland an opportunity to re-emerge from this isolation. The economic benefit of increased trade was the main motivation for the first application to the community. Interest in membership to the EEC was met with Irish uncertainty on whether membership in the EEC precluded a policy of neutrality. There was no precedent for a neutral joining the EC. The desirable goal of EC integration had to be weighed against the costs of appearing to oppose neutrality.

Oppenheim defined neutrality as “the attitude of impartiality adopted by third states towards belligerents and recognised by belligerents, such an attitude creating rights and duties between the impartial states and the belligerents.”<sup>2</sup> The more overt trapping of neutrality (that of impartiality) is clearly stated in this definition. The notion of abstention is also implicit in the definition by the neutral state from the conflict. The best example of a state having a foreign policy of neutrality is Sweden. Its self-defined position is that of “not allied between power blocs in peace time in order to be able to remain neutral in war.”<sup>3</sup> Sweden has not participated in any war or joined any military alliance since 1814. During the Cold War, Sweden took a serious approach to armed neutrality and maintained relatively high levels of defence spending and capabilities.

The Emergency was an official euphemism used by the Irish government during the 1940s to refer to its position during World War II. The state was officially neutral

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<sup>2</sup> Oppenheim, *International Law Vol. II* (London, 7<sup>th</sup> Ed., 1952) at p. 653.

<sup>3</sup> Hanspeter Neuhold, *Permanent Neutrality in Contemporary International Relations; A Comparative Perspective* (Irish Studies in International Affairs, 1980) at p. 16.

during World War II and, in government media, direct references to the war were avoided. This was partly due to the political and nationalist tensions in Ireland at the time, which resulted from the Anglo-Irish War and Irish Civil War. The possibility of Irish neutrality has been discussed since before the Anglo-Irish Treaty in 1921. One of the British objections to Irish independence was that Ireland might fall under the influence of a foreign power or be used as a stepping stone in some future invasion of Britain. It was suggested by some on the Irish side that Ireland could satisfy British objections by declaring perpetual neutrality, similar to that of Switzerland.

Irish neutrality in World War II arose from a number of motives. De Valera stated at the League of Nations 1938 that, if the great nations were to behave irresponsibly, the small nations should not assist them. The Irish state was, however, the only Commonwealth Dominion to have an official policy of neutrality. Anti-British feeling, dating from the Anglo-Irish War in the 1920s was still high; while many viewed the British rule of Northern Ireland as an illegal occupation. An alliance with the United Kingdom risked serious political instability. De Valera's policy of neutrality enabled the state to maintain internal political unity. Irish neutrality during World War II had broad support with only one vote against it in Dáil Éireann from James Dillon, who argued that the State should side with the Allies. He resigned his Dáil seat and from Fine Gael, the main opposition party, because of its support for neutrality. James Dillon castigated neutrality, which he said involved “washing our hands and calling the world to witness that this is no affair of ours.”<sup>4</sup> The Irish government also felt that the country could not handle a major war due to the economic problems of the time and the running down of

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<sup>4</sup> Ferriter, *The Transformation of Ireland 1900-2000* (London, 2005) at p. 386.

the military since the civil war. Moreover, De Valera contended in 1941 that “for a divided nation to fling itself into this war would be to commit suicide.”<sup>5</sup>

A uniquely Irish approach to neutrality has resulted from a hybrid of factors, including historical, geographical and political circumstances, which have differentiated Irish neutrality from the neutrality practices of other European nations. Irish leaders have not been unaware of the enduring value of Ireland’s neutrality within the EC. Garret Fitzgerald of Fine Gael proclaimed in 1973, before becoming Foreign Minister, that Ireland’s vote in international affairs could be “imaginative and constructive-all the more so as we are not involved in any military alliance.”<sup>6</sup> In 1975, another future Foreign Minister, Fianna Fail’s Michael O’ Kennedy, said, “[O]ur traditional neutrality in international affairs is a strong foundation on which to build our foreign policy programme.”<sup>7</sup>

Ireland’s neutrality policy was a practical policy to adopt during the Cold War period, and it served the Irish state well.<sup>8</sup> As pointed out by Robert Fisk, wartime neutrality was not an ideologically inspired phenomenon, but rather a politically motivated pragmatic choice based on “the self interest of a vulnerable, still wounded young nation.”<sup>9</sup> However, post Cold War events have transformed the face of European security. Moreover, while the European Union (EU) was initially founded as an economic association, it has evolved and developed over time to include political overtones in the association. The growing political character has seen attempts to take

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<sup>5</sup> *Ibid.* at p. 389.

<sup>6</sup> O’Ceallaigh, *Irish Republicanism, Good Friday and After* (Dublin, 2000) at p. 124.

<sup>7</sup> *Ibid.*

<sup>8</sup> Keohane, *Realigning Neutrality? Irish Defence Policy and the EU* (Institute for Security Studies of WEU, 2001) (available at <http://www.iss-eu.org/occasion/occ24.html>).

<sup>9</sup> Butler, *The Evolution of Irish Neutrality: Defining Ireland’s Role on the Post-Cold War Security Stage.*, Collegium No. 19-II.2000 (College of Europe, 2000) at p. 33.

common positions and actions of importance more consistent with the creation of the European Political Co-operation (EPC), and the later development of a Common Foreign and Security Policy (CFSP). The main problem, from a neutral Ireland's point of view, is reconciling its neutrality with an active role in the EU, as well as Ireland's future role in EU defence policy. Greater European integration in the realm of defence under the second pillar of the Maastricht and Amsterdam Treaties has prompted a re-evaluation of Irish neutrality. Will Irish governments resist the temptation to discard the neutrality policy, one of the last remnants of national sovereignty in an increasingly uniform Europe? Or, do the Seville declarations, included in the Nice Treaty, add strength to Ireland's neutral position within the EU framework?

In order to assess the current state of Irish neutrality, it is necessary to study its evolution and how its practice has been compatible within the EU framework. Evaluating Irish neutrality in these stages should determine whether it is a "utilitarian rather than an ideological policy."<sup>10</sup>

## II. IRISH NEUTRALITY WITHIN THE EC 1973-1989

"There are no neutrals in the European Union" – Leo Tindemans<sup>11</sup>

As early as 1961, the Fianna Fail government of Sean Lemass had decided to apply to the EEC. Article 224 of the EEC Treaty provided for the continuation of the EEC in wartime.<sup>12</sup> This brought into question the ability of a neutral state to adhere to the Treaty. This situation had presented a dilemma of sorts for Irish policy makers. It

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<sup>10</sup> *Ibid.*

<sup>11</sup> O'Connor, "Irish Neutrality under the Amsterdam Treaty" (2000) 18 *Irish Law Times* 283 at 290.

<sup>12</sup> William Lake, *Irish Neutrality and the Common Foreign and Security Policy: An Analysis* (Department of Political Science Memorial University of Newfoundland, 2001) at p. 31 (available at [http://www.ucs.mun.ca/~brianl/academic/Irish\\_neutrality.pdf#search='brian%20william%20lake%20neutrality](http://www.ucs.mun.ca/~brianl/academic/Irish_neutrality.pdf#search='brian%20william%20lake%20neutrality)).

has been argued that Irish neutrality is “intimately bound up with the ideological presentation of what neutrality means.”<sup>13</sup> Ideologically, Irish neutrality is associated closely with independence. The two have developed along parallel tracks and become part of Irish consciousness. The difficulty for the Irish government remained in pursuing the desirable benefits of EC membership, but demonstrating loyalty to the original meaning of neutrality.<sup>14</sup> Irish neutrality is seen as a moral commitment by some, with the possibility of standing as an opponent of neutrality and leading an active political life being mutually exclusive.<sup>15</sup>

The drive for membership of the EEC was so great that some politicians seemed to be willing to compromise some elements of neutrality in order to join. In a Dáil Debate in February 1969, when extolling the virtues of EEC membership, Jack Lynch observed that Ireland “had never been ideologically neutral.”<sup>16</sup> Liam Cosgrave, Taoiseach from 1973 to 1977, asserted that “those participating in the new Europe must be prepared to assist if necessary, in its defence.”<sup>17</sup> Indeed, some government officials were willing to dismiss the concept of Irish neutrality altogether. Historically, the reality was that statements made by Sean Lemass and Patrick Hillery in the late 1960s suggested that neutrality was not a matter of principle, and there would be little difficulty in abandoning it. The referendum on EEC membership took place in May 1972. Pro-membership advocates, supported by the two largest parties, attempted on one hand to argue there was no threat to Irish neutrality in the foreseeable future, while, on the other hand, they

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<sup>13</sup> Sharp, *Irish Foreign Policy and the EC* (Dartmouth, 1990) at p. 200.

<sup>14</sup> William Lake, *Irish Neutrality and the Common Foreign and Security Policy: An Analysis* (Department of Political Science Memorial University of Newfoundland, 2001) at p. 32 (available at [http://www.ucs.mun.ca/~brianl/academic/Irish\\_neutrality.pdf#search='brian%20william%20lake%20neutrality](http://www.ucs.mun.ca/~brianl/academic/Irish_neutrality.pdf#search='brian%20william%20lake%20neutrality)).

<sup>15</sup> Sharp, *Irish Foreign Policy and the EC* (Dartmouth, 1990) at p. 201.

<sup>16</sup> Ferriter, *The Transformation of Ireland 1900-2000* (London, 2005) at p. 686.

<sup>17</sup> *Ibid.*

advanced an accidental, ad-hoc, and conditional interpretation of neutrality. The Taoiseach, Jack Lynch, stated in 1969 that we “have no traditional policy of neutrality in this country like countries such as Sweden, Switzerland, and Austria who have declared themselves to have permanent policies of neutrality.”<sup>18</sup> Moreover, once in the EEC “we would naturally be interested in the defence of the territories embraced by the Community. There is no question of neutrality there.”<sup>19</sup> The opponents of membership, especially the Labour Party, argued against the sweeping dismissal of neutrality with some dubious history of their own. “We have followed a policy of military neutrality since the foundation of the state” was the presumption advanced in 1970.<sup>20</sup> The decisive vote of the electorate in favour of the EEC can be explained by the quantifiable expectations of economic gain, rather than by views, one way or another, on neutrality. Indeed, given the diplomatic climate at the time, it was difficult to project neutrality as a live issue. Ireland’s decision to opt for EEC membership was not only indicative of the decisive impact of economic determinants on Irish foreign policy, but also a more flexible approach to neutrality.<sup>21</sup> This membership, in effect, made neutrality conditional on the extent of future European integration.

The EC has always been more than an economic grouping. The ever-closer union among the peoples of Europe to which the Community aspires in the preamble to the Treaty of Rome has always had Ireland’s fullest support. The 1972 White Paper on the accession of Ireland to the EC made that clear.<sup>22</sup> Reconciling neutrality with the military

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<sup>18</sup> Keating, *A Singular stance-Irish neutrality in the 1980’s* (Dublin, 1984) at p. 28.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> See generally Karsh, *Neutrality and small states* (London, 1988).

<sup>22</sup> Department of Foreign Affairs, *Challenges and Opportunities Abroad-The White Paper on Foreign Policy* (Dublin, 1996) at pp. 57-116.

implications of EEC membership presented little difficulty as the Treaty of Rome had avoided questions of defence. A substantive attempt at developing a common policy stance within the EC was adopted in 1970 with the EPC. The intergovernmental structure of the EPC had allowed Ireland to follow its own path of neutrality, yet closely co-operate with other member states on issues of interest. As the only neutral member of the EEC, while the EPC was the primary tool of Community foreign policy, Ireland was in a position to make use of its neutrality. The approach of Ireland to the EPC was to emphasise European solidarity or Irish independence as the occasion demanded, utilizing the flexible nature of neutrality to maintain compatibility with EEC membership. This had the effect, however, of leaving neutrality vulnerable to changes in the EPC. The EPC was not embedded in the Treaty framework of the union until the Single European Act (SEA) in 1987, when it appeared in Title III.

In 1987, a Community foray into the realm of common defence met an unexpected obstacle: the Irish constitution of 1937. The principle of military neutrality is nowhere specifically enshrined in the constitution. However, in the *Crotty*<sup>23</sup> case, the Irish Supreme Court held that the ratification of Title III of the SEA was unconstitutional in that it would bind the state to concede part of its sovereignty in its relations with other states and to conduct its foreign policy without regard to the common good. Thus, a constitutional referendum was required to validate Ireland's accession to the SEA, and the country's ratification was accompanied by a national declaration asserting the status of military neutrality.

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<sup>23</sup> *Crotty v. An Taoiseach* [1987] I.R. 713.

While Ireland wished to remain neutral, it saw it as being in its own interests to contribute to the maintenance of peace and stability within Europe.<sup>24</sup> Doing so would effectively guard its neutrality. Ireland has little recourse but to attempt to work within the EC to define a new foreign policy role. The economic benefits of almost twenty years of EEC membership precluded the possibility of exiting the union, even if such an act could win public approval.

Despite the increased attention to matters of foreign policy in the SEA, EPC remained an intergovernmental tool without any focus on policy. The further development of a CFSP was not an issue of great concern to Ireland until 1989.

### III. IRELAND IN POST COLD WAR EUROPE 1989-2006

“Ireland pursues an independent course in foreign policy, but it is not neutral between liberty and tyranny and never will be.” John F. Kennedy<sup>25</sup>

The CFSP within the Maastricht Treaty (TEU) of 1992, attempted to address the post Cold War need for a firmer foreign policy. The development of these common policies and procedures had been undertaken in the hope of developing the security and defence identity of the EU.

With the introduction of the TEU, the CFSP was set as the second pillar of a three pillar structure. This had the effect of ensuring that CFSP remained outside the decision making structure of the EU. Under the TEU, where it was deemed to be necessary, the Council of Ministers would define common positions to which the member states would conform, but these were based on the principle of unanimity. This was one of the

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<sup>24</sup> Department of Foreign Affairs. *Challenges and Opportunities Abroad-The White Paper on Foreign Policy* (Dublin, 1996) at pp. 117-147.

<sup>25</sup> Keohane, *Realigning Neutrality? Irish Defence Policy and the EU* (Institute for Security Studies of WEU, 2001) (available at <http://www.iss-eu.org/occasion/occ24.html>).

primary difficulties with the TEU. The requirement of unanimity was far too stringent for any real action to be taken on short notice. A neutral state, such as Ireland, was faced with the unwelcome proposition of scuttling an EU initiative based on concerns of possible violation of a policy of neutrality, thus killing the initiative altogether. Ireland further sought to define its role within the CFSP by reaffirming the Irish policy of military neutrality and pledging to hold a referendum on any EU decision on a common defence. Ireland emphasised that, like any other neutral involved in the CFSP process, it did not want to stand apart.

Ratification of the CFSP was preceded by a constitutional referendum and a specific provision was inserted into the Treaty to take cognisance of Ireland's commitment to neutrality.<sup>26</sup> This clause was retained in the Treaty of Amsterdam (TA), which was also ratified by Ireland after a constitutional referendum.

The expansion of the EU in 1995 led to the inclusion of three new neutrals in the Union, which added like-minded proponents of the intergovernmental CFSP. This further lent strength to the EU as a policy actor. The 1996 Inter-Governmental Conference (IGC) leading to the TA intended to revisit the CFSP and determine what improvements could be made to its operation. Ireland, although traditionally positive towards EU membership as a whole, sought to pursue a course of development for CFSP that would allow it to preserve its policy of military neutrality. The Western European Union (WEU) was to be considered an integral part of the Union, with the EU

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<sup>26</sup> Treaty Of Amsterdam (TA), amending the Treaty on European Union, The Treaties Establishing The European Communities And Related Acts, Article 17-ex Article J7 (1) Treaty on European Union (TEU). *Official Journal C 340*, 10 November 1997. (available at <http://europa.eu.int/eurlex/en/treaties/dat/amsterdam.html>).

“subcontracting” out tasks to the WEU at request of the EU.<sup>27</sup> The WEU aims at creating an emergency task force of EU member-states and anticipates crisis situations outside NATO responsibility. Membership is separate from NATO. Writing before the 1996 IGC, Patrick Keating asserted that deepening military co-operation in the context of international crisis management represented the Irish government’s preferred approach with regard to Ireland’s relationship with the WEU.<sup>28</sup> In essence, such an approach would enable Ireland to avoid any mutual defence guarantee which full participation would entail. The TA made additional amendments to the existing CFSP provisions and, as a result, has attracted substantial criticism in Ireland from opponents of the Treaty who see this development as a further erosion of Ireland’s policy of military neutrality.<sup>29</sup> O’Connor’s reasoning highlights that certain critics feel that the Treaty effectively spells the end not only for Irish neutrality, but also of neutrality as a whole within the EU.<sup>30</sup> An examination of the treaty provisions shows that they have much to be worried about.

First, the NATO-linked WEU is brought further into the EU. The most salient of these is the reference to the WEU as an integral part of the Union providing it with “operational capability notably in the context of the Petersburg Tasks,” which involves “tasks of combat forces in crisis management, including peacemaking.”<sup>31</sup> Furthermore,

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<sup>27</sup> Article J7 (1) TEU provides the TEU with “operational capability notably in the context of the Petersburg Tasks” which involves “tasks of combat forces in crisis management, including peacekeeping.” Treaty on the European Union (TEU). *Official Journal C 191*, 29 July 1992. (available at <http://eurlex.europa.eu/en/treaties/dat/11992M/htm/11992M.html>).

<sup>28</sup> Butler, *The Evolution of Irish Neutrality: Defining Ireland’s Role on the Post-Cold War Security Stage*, Collegium No. 19-II.2000 (College of Europe, 2000) at p. 37.

<sup>29</sup> See O’Connor, “Irish Neutrality under the Amsterdam Treaty” (2000) 18 *Irish Law Times* 283 at 284-288. For example, Carol Fox of the Peace and Neutrality Alliance, Patricia Mc Kenna of the Green Party, et al.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.* at 290.

the Treaty calls for the progressive framing of a common defence policy should the European Council so decide.

Amsterdam represented a significant departure from the previous CFSP decision-making procedures, providing a means of modifying the principle of unanimity without halting progress on a common initiative.<sup>32</sup> This is referred to as constructive abstentionism and allows a member state, such as Ireland, to abstain from an action that would be inconsistent with the practice of a policy of neutrality. Yet it does not prevent the action from going forward. The member state is simply compelled to refrain from an action of its own that would interfere with the actions of the Union. By abstaining in this way, opponents of the Treaty believe, Ireland will tacitly be lending its approval to actions of a military nature, which are carried out in the name of the EU and by association, in Ireland's name. However, remaining outside a conflict is their primary preoccupation, not contributing towards its development. If more than one third of the member states abstain, the measure shall not be adopted. This represents in essence the introduction of a non-binding form of QMV into the second pillar of the Union. Its introduction has not replaced the intergovernmental character of the CFSP, because it has been equipped with an "emergency brake" of sorts.<sup>33</sup> The matter may be referred to the European Council for agreement by unanimity, if a member state opposes the adoption of a measure by QMV. This represents an assurance to member states that the

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<sup>32</sup> Article 23 TA-ex Article J13 TEU. The Treaties Establishing The European Communities And Related Acts, Article 17-ex Article J7 (1) Treaty on European Union (TEU). *Official Journal C 340*, 10 November 1997. (available at <http://europa.eu.int/eur-lex/en/treaties/dat/amsterdam.html>).

<sup>33</sup> William Lake, *Irish Neutrality and the Common Foreign and Security Policy: An Analysis* (Department of Political Science Memorial University of Newfoundland, 2001) at pp. 31, 50 (available at [http://www.ucs.mun.ca/~brianl/academic/Irish\\_neutrality.pdf#search='brian%20william%20lake%20neutrality](http://www.ucs.mun.ca/~brianl/academic/Irish_neutrality.pdf#search='brian%20william%20lake%20neutrality)).

intergovernmental basis of the CFSP can be reasserted if absolutely necessary to preserve national sovereignty.<sup>34</sup>

The developers of the TA were faced with a task that not only presented difficulty for the embryonic security policy of the EU, but for all military and collective security organisations.<sup>35</sup> In an attempt to address the changing environment, the TA provided for the progressive framing of a common defence.<sup>36</sup> Article 18 also defines the tasks that constitute involvement within the common defence and security policy which are to include “humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking.”<sup>37</sup> These tasks, known as the “Petersburg tasks,” were formulated by the WEU member states. The inclusion of the Petersburg tasks in the CFSP remains the main feature of the TA revisions to CFSP. The Taoiseach, Bertie Ahern, supported this power designating the issue of primary importance, given “the potential for peacekeeping under the Petersburg tasks, which is what the people voted for in the Amsterdam Treaty.”<sup>38</sup>

Article 17 of the TA provides that any such decision to form a common defence or to integrate the WEU into the EU must be adopted by all member states in accordance with their respective constitutional requirements. The Irish Constitution does not protect the concept of neutrality and indeed provides that the decision to declare war already

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<sup>34</sup> O’Connor, “Irish Neutrality under the Amsterdam Treaty” (2000) 18 *Irish Law Times* 283 at 287.

<sup>35</sup> Butler, *The Evolution of Irish Neutrality: Defining Ireland’s Role on the Post-Cold War Security Stage*, Collegium No. 19-II.2000 (College of Europe, 2000) at p. 35.

<sup>36</sup> Article 17 TA (ex Article J7 (1) TEU). The Treaties Establishing The European Communities And Related Acts, Article 17-ex Article J7 (1) Treaty on European Union (TEU). *Official Journal C 340*, 10 November 1997. (available at <http://europa.eu.int/eur-lex/en/treaties/dat/amsterdam.html>).

<sup>37</sup> *Ibid.*

<sup>38</sup> William Lake, *Irish Neutrality and the Common Foreign and Security Policy: An Analysis* (Department of Political Science Memorial University of Newfoundland, 2001) at p. 31, 53 (available at [http://www.ucs.mun.ca/~brian/academic/Irish\\_neutrality.pdf#search='brian%20william%20lake%20neutrality](http://www.ucs.mun.ca/~brian/academic/Irish_neutrality.pdf#search='brian%20william%20lake%20neutrality)).

vests in the government. As argued by Daniel O'Connor,<sup>39</sup> Article 17 of TA, when combined with Article 29.4.3 of the Constitution,<sup>40</sup> would mean that the government would no longer have the competence to hold a future referendum on this issue, and would render a commitment to do so an "empty political gesture."<sup>41</sup> Therefore, even if Article 17 allows for the European Council to form a common defence without the need to obtain the approval of the people, this is not a development that alters the position of neutrality under Irish domestic law. Even if Ireland is eventually pressurised into joining a common defence in the future, it could do so under its own terms by changing its constitutional requirements accordingly.<sup>42</sup> This ensures that the Irish government can continue to maintain its policy of neutrality, even if a common defence is formed in the future.<sup>43</sup>

Each time the Treaty raises the prospect of the union taking on a more militaristic character, it qualifies the suggestion and speaks of "the possibility of creating a common defence" and the "possibility of the integration of the WEU into the Union,"<sup>44</sup> thereby reflecting the aspirational quality and nature of these commitments. This point was emphasised by the Irish government's White Paper on the TA, which said "the concept of a future common defence continues to be referred to in the language of possibility (might)."<sup>45</sup> Daniel O'Connor argues the Treaty implicitly recognises the neutral status of

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<sup>39</sup> O'Connor, "Irish Neutrality under the Amsterdam Treaty" (2000) 18 *Irish Law Times* 283 at 289.

<sup>40</sup> Bunreacht na hEireann, Article 29.4.3. ("No provision of this constitution invalidates laws enacted, Acts done or measures adopted by the State which are necessitated by the obligations of membership of the Communities.").

<sup>41</sup> Per Patricia Mc Kenna. See O'Connor, "Irish Neutrality under the Amsterdam Treaty" (2000) 18 *Irish Law Times* 283 at 289.

<sup>42</sup> Bunreacht na hEireann, Article 29.4.3.

<sup>43</sup> O'Connor, "Irish Neutrality under the Amsterdam Treaty" (2000) 18 *Irish Law Times* 283 at 290.

<sup>44</sup> *Ibid.* at 284.

<sup>45</sup> Department of Foreign Affairs, *Challenges and Opportunities Abroad-The White Paper on Foreign Policy* (Dublin, 1996) at p. 343.

certain EU members, while also providing the means for other member states to pursue a more effective and coherent foreign policy.<sup>46</sup> In this way, the provisions provide a mechanism where each can be pursued without neutral states having to abandon their policies of neutrality.

Article 17 of TA led to the EU Helsinki summit declaration of December 1999, which committed the Common European Security and Defence Policy (CESDP), part of the CFSP, to a headline goal creating a European Rapid Reaction Force (ERRF).<sup>47</sup> The remit of the ERRF is limited to military support of the “Petersburg tasks” operations. There is no doubt that the Petersburg tasks definitions were a major influence on the revised description of the international role of the Irish defence forces in the 2000 White Paper on defence, which allows the Irish defence forces to participate in “international peace support, crisis management and humanitarian relief operations.”<sup>48</sup> Ireland is facing up to its responsibilities by confronting the challenge of participating in the CESDP and, in so doing, is ready to reinforce its commitment to peace and security in Europe. Ireland has been an active participant in EPC and CFSP. Just as the UN and NATO changed their roles in the 1990’s, so too has the EU aspired to be a more active security actor with the CESDP. The EU is committed to undertaking only “Petersburg tasks.” And thus, no constitutional difficulties impede military contributions by EU neutrals to the CESDP. However, the CESDP will continue to condition Irish neutrality and promote a pro-active role for Ireland in promoting peace and security.

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<sup>46</sup> O’Connor, “Irish Neutrality under the Amsterdam Treaty” (2000) 18 *Irish Law Times* 283 at 287.

<sup>47</sup> Article 17 TA (ex Article J7 (1) TEU.). The Treaties Establishing The European Communities And Related Acts, Article 17-ex Article J7 (1) Treaty on European Union (TEU). *Official Journal C 340*, 10 November 1997. (available at <http://europa.eu.int/eur-lex/en/treaties/dat/amsterdam.html>).

<sup>48</sup> Dowling, “Keynote Speeches: The White Paper on Defence” (available at <http://www.iiea.com/keynotes/20000628-dowling.html>).

Ireland is clearly committed to the EU and its security aims. It is conceivable to argue that Ireland realigned its neutrality by joining the EU in 1973, or even as far back as its first application to join the EEC in 1961. Irish governments have recognised that the European security environment has changed, and that the concepts of security and defence have changed. In the post Cold War era, “security” tends to focus more on the long-term prevention of conflict.<sup>49</sup> It also de-emphasises military forces. “Defence” is likewise a changing concept, with less emphasis on mutual security and deterrence.<sup>50</sup> Instead, defence has been approached in the context of CESDP, concentrating on the military aspects of international crisis management. The present European security environment requires more security action than defence action. Ireland, in line with its traditional foreign goals, is an active collective security actor, with a desire to promote both global and European peace and security. As Daniel Keohane opines, Ireland may be “military neutral” about defence but it is not “military neutral” about security.<sup>51</sup> And Patrick Keating observes that “where co-operative security is concerned there is precious little to be neutral about. Nothing is achieved by abstention.”<sup>52</sup> Thus, a better description of Irish security and defence policy would be non-alignment, not neutrality. Non-alignment still means that Ireland is not a member of a collective or mutual defence alliance, such as NATO. But non-alignment does not imply, as military neutrality does, that Ireland is not prepared to use force or deploy its troops for collective security and crisis management operations. The utilitarian nature of neutrality has enabled this

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<sup>49</sup> William Lake, B., *Irish Neutrality and the Common Foreign and Security Policy: An Analysis* (Department of Political Science Memorial University of Newfoundland, 2001) at p. 43 (available at [http://www.ucs.mun.ca/~brian/academic/Irish\\_neutrality.pdf#search=brian%20william%20lake%20neutrality](http://www.ucs.mun.ca/~brian/academic/Irish_neutrality.pdf#search=brian%20william%20lake%20neutrality)).

<sup>50</sup> *Ibid.*

<sup>51</sup> Keohane, *Realigning Neutrality? Irish Defence Policy and the EU* (Institute for Security Studies of WEU, 2001) (available at <http://www.iss-eu.org/occasion/occ24.html>).

<sup>52</sup> *Ibid.*

realignment. Its commitment of up to 850 troops to the ERRF represents tangible evidence of how far Ireland has come in realigning its neutrality.<sup>53</sup>

During the Nice Treaty negotiations, the Irish government indicated that under no circumstances would it agree to a EU mutual defence agreement like that in the WEU and NATO treaties.<sup>54</sup> The then-Irish foreign minister, Brian Cowen, also indicated that there would not be a referendum on Irish participation in the ERRF, adding that supporters of “isolationism, masquerading as advocates of neutrality,”<sup>55</sup> would not put him off. The EU offers Irish foreign policy makers more opportunities to influence the shape of European and world events than would be possible if Ireland chose to isolate itself outside EU foreign, security and defence structures. In the 2001 referendum, some groups opposed to the Nice Treaty argued that the Treaty extended what they perceived to be the “militarization” of the EU – that the ERRF was a European army that would ultimately lead to conscription in Ireland and in other member states. Despite this being something of a moot issue as opponents were objecting to elements of the Treaty, which the nation had previously agreed on “as a nation” when ratifying the TEU and TA, the Nice Treaty was rejected in Ireland in 2001. At the Seville summit in June 2002, the Irish government secured the agreement of EU partners of declarations that reflect Ireland’s policy on military neutrality and European security and defence policy. Two declarations were added to the Nice Treaty to underscore the Irish position. The national Declaration by Ireland states that:<sup>56</sup>

(1) Ireland is not party to any mutual defence commitment

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<sup>53</sup> *Ibid.*

<sup>54</sup> “Government to oppose mutual defence in treaty,” *The Irish Times*, 18 October 2000.

<sup>55</sup> “Cowen defence line criticized,” *The Irish Times*, 4 July 2000.

<sup>56</sup> Irish Institute of European Affairs, “The Nice Treaty and Enlargement-Explaining the Issues” (IEA, 2000) at Chapter 8 (available at <http://www.iiea.com>).

- (2) Ireland is not party to any plans to develop a European army
- (3) Ireland will take a sovereign decision, on a case by case basis, on whether the defence forces should participate in humanitarian or crisis management tasks undertaken by the EU, based on the triple lock of UN mandate, a government decision and approval by Dáil Éireann.

According to the Irish Institute of European Affairs, the Declaration of the European Council confirms that Ireland's policy of military neutrality is in full conformity with the Treaties, and there is no obligation arising from the Treaties, which would or could oblige Ireland to depart from that policy. These declarations are solemn political declarations of a formal kind. Also, the text of the Nice Treaty prevents Ireland from joining any EU common defence if it were to be proposed. In order for Ireland to join a common EU defence, the people would first have to delete or amend this constitutional prohibition.<sup>57</sup> The Nice Treaty was ratified on the 19<sup>th</sup> of October 2002.

Since then, the Government has further eroded the policy of Irish neutrality by allowing the US to use Shannon Airport as a military base in its invasion, conquest and occupation of Iraq.<sup>58</sup> Interest groups, such as the Peace and Neutrality Alliance (PANA), feel this renders the Seville Declaration on Irish neutrality utterly meaningless.

The opposition parties regard Ireland's present stance on neutrality as outdated. However, Fine Gael maintains that neutrality is not the issue. They contend that independence and maintaining the sovereign right for Ireland to make its own decisions, rather than have them made automatically by an EU Treaty obligation, are the central issues. Fine Gael is not advocating that Ireland join NATO or a WEU Article V arrangement in the EU, but rather maintain this independence as a protocol to the EU Treaty. This suggests that the popularity of neutrality is more a function of identity, and

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<sup>57</sup> *Ibid.*

<sup>58</sup> Peace and Neutrality Alliance, "Establishing a Constitution For Europe" (available at <http://www.pana.ie/idn/010304.html>).

demonstrates the importance of maintaining national sovereignty for the Irish public. Thus, in defence policy, neutrality is not the central issue. Again, Ireland is non-aligned, not neutral. The more important issue is sovereignty. Thus, Ireland could actually support an EU defensive action, so long as Ireland decides to do so. Ireland, in advocating a “European Defence Union” based on the above principles, may move beyond neutrality, but would not lose its sovereignty.<sup>59</sup>

The draft European Constitution met a resounding “No!” from two of its founder members, France and the Netherlands. The EU sought for a sense of direction by propelling towards deeper integration. As Jose Manuel Barroso, President of the European Commission stated, Europe needs “an EU which is more than the sum of its parts.”<sup>60</sup> The constitution, as it stood, took several steps towards a fully-fledged military alliance, armed not just with a military capacity, but also with mutual solidarity commitments and, in some cases, mutual defence commitments between member states, all within the structures of the EU. There is no apparent room for a neutral state in such a Union. Minister Roche (minister for the environment) said he wanted to assure people that Ireland's continued commitment to it remains unchanged. “The triple lock will continue to apply. Irish troops will only take part in military operations provided there is a UN endorsement, a Government decision and Dáil approval. A Yes vote will not change this.”<sup>61</sup> He also said that Ireland would continue to determine its participation in EU crisis management operations on a case-by-case basis, consistent with the Irish

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<sup>59</sup> Beyond Neutrality was a policy document published by Fine Gael on the 29 May 2003 by the then Fine Gael Spokesperson on Foreign Affairs, Gay Mitchell. In the document, Fine Gael advocates for a move away from Ireland's policy of neutrality and for Ireland to join an EU defence entity and to take a full and active role in its development. (available at <http://www.finegael.ie/newsuploads/fgneutrality.pdf>).

<sup>60</sup> Barossa, “A New European Realism,” *The Economist-The World in 2006*, December 2005.

<sup>61</sup> *Lively Public Meeting in Roscommon on the EU Constitution* (The National Forum on Europe) (available at <http://www.forumoneurope.ie/index.asp?locID=366&docID=739>).

Constitution and Irish law. “The bottom line is we cannot depart from our position of neutrality without a referendum.”<sup>62</sup> However, John Gormley (Green Party Chairman) said that Irish neutrality had been whittled down through the years into something meaningless. “Neutrality is now defined as non-membership of a military alliance. We are merely non-aligned,”<sup>63</sup> he said. He feared the triple lock could be done away with in the future, unless the government considered writing it into the constitution. He also expressed concern that the EU Constitution provides for the progressive framing of a common defence policy that will lead to a common defence.<sup>64</sup>

By the 1990s, some of the smaller parties, like Sinn Fein and the Green Party and other Euro-sceptics, managed to revert to traditional arguments about small nations upholding their sovereignty in the midst of a European super-state, and Irish people tended to rediscover their nationalistic impulses when it suited them, or when EU funds were drying up.<sup>65</sup> However, neutrality, it seemed, was so ingrained in the national psyche that it did not need to be defined. Ireland endorsed the growing policy co-ordination of European partners, while allowing for the “semantic caveats to avoid the charge that Ireland has sacrificed neutrality.”<sup>66</sup> This was an ambiguity that was by no means solved by the end of the twentieth century, and no political party was prepared explicitly to advocate the abandonment of neutrality, whatever it in fact meant.

Rory Miller questions how, in the wake of the Iraqi elections, Minister for Foreign Affairs Dermot Ahern can reconcile his support for the Iraqi elections, which he termed “crucial” and “inspiring,” with the pitiful practical military contribution our

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<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> Ferriter, *The Transformation of Ireland 1900-2000* (London, 2005) at p. 686.

<sup>66</sup> *Ibid.* at p. 686.

government has made to this worthy cause.<sup>67</sup> Miller feels the obvious answer is that we are precluded from involvement in a military venture along the lines of that underway in Iraq because of our constitutionally enshrined policy of military neutrality. Certainly, that was the argument used by the government over Operation Enduring Freedom in Afghanistan. Though adamant that the war was legal and just, and willing to absorb the criticism of the anti-war movement and the pro-neutrality lobby over the constitutionality of its decision to allow Shannon Airport to serve as a stopover for US aircraft on the way to Afghanistan, the government drew the line on any military involvement on the ground. But there is another obstacle, overlapping but independent, to Irish participation in the ongoing peacekeeping efforts in Iraq. This is slavish adherence to the view that a UN mandate is necessary for such interventions to have moral authority. So enshrined is this belief in the need for UN authorisation alongside that of the government and the Dáil, that it even has its own official term, the aforementioned “triple lock.” Indeed, so central is the UN to the way Ireland views its role in the world that ratification of the Treaty of Nice included a national declaration (“Seville Declaration”), stipulating that the participation of the Irish Defence Forces in overseas operations required the authorisation of the UN Security Council or General Assembly. Tom Kitt, Minister for State at the Department of Defence, echoed this point when explaining the ongoing Bosnia mission: “the basis of Ireland’s participation in International Peacekeeping is firmly grounded in the UN...Ireland has recognised and defended the primary role of the Security Council in the maintenance of international peace and security, in accordance with the Charter of the United Nations.”<sup>68</sup> This preoccupation with the need for the UN’s blessing has resulted in

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<sup>67</sup> Miller, “Mickey Mouse Neutrality,” *Magill*, 15 April/12 May 2005.

<sup>68</sup> *Ibid.*

some absurd decisions. For example, Ireland refused to provide peacekeepers to Macedonia, merely because China had vetoed the mission at the UN Security Council.<sup>69</sup> In other words, the government felt more morally justified to leave civilians in the war torn Balkans to fend for themselves, than to support a humanitarian action that didn't have the support of China, perhaps the world's leading human rights abuser.

A good example of the utility, that Irish neutrality has afforded the Irish government over the years, emerged in the 1980s in the worldwide disgust at South Africa's apartheid regime. In the 1980s, while Ireland adopted a high moral tone at the UN regarding South African apartheid, it did not support the idea of a total trade embargo because of substantial South African investment in Shannon.<sup>70</sup> It was, in fact, strikers at Dunnes Stores dismissed for refusing to handle South African produce, who selflessly forced the 1982-87 Fine Gael/Labour coalition to take unilateral action as a result of popular support for these workers and intense public pressures. The underlying consideration is often an economic one or a decision that is founded on the public's exerting pressure on the executive.

Although largely spared the horrors of the two devastating World Wars, Ireland has been no stranger to armed uprising. In a state born of armed rebellion, it would be utterly fatuous to present neutrality as a deeply ingrained ideological doctrine. "A utilitarian rather than an ideological policy"<sup>71</sup> allowed Ireland to remain largely immune from East-West tensions in the decades following World War II. Many believe De Valera successfully met the political test of neutrality in overseeing the ultimate

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<sup>69</sup> *Ibid.*

<sup>70</sup> Ferriter, *The Transformation of Ireland 1900-2000* (London, 2005) at p. 685.

<sup>71</sup> Butler, *The Evolution of Irish Neutrality: Defining Ireland's Role on the Post-Cold War Security Stage.*, Collegium No. 19-II.2000 (College of Europe, 2000) at p. 33.

expression of Irish independence, and concluded it by asserting the rights of small nations to be masters of their own political and military destinies. However, “this could not have been achieved without a huge degree of moral and political ambiguity, not to mention sheer pragmatism.”<sup>72</sup> Rhetoric and public perception and actual practice were poles apart during the war. In 1945, the British cabinet admitted that they had not been denied by “neutral” Ireland the co-operation they needed, and listed fourteen areas in which this was the case. On the other hand, outrage was vented at De Valera’s decision to visit the German embassy in Dublin on May 2<sup>nd</sup> 1945 to express his condolences on the death of Hitler. J.P Duggan forwarded that “De Valera never fully understood the primal reality, in the final analysis of the wicked war. He got away with it and he knew it. He could not foresee a repetition of such a fall out from future wars. Endemic anomalies in evolving defence doctrine are still with us in the ongoing neutrality dilemma.”<sup>73</sup> Neutrality was to remain for some a revered precept of Irish independence; for others a deceitful and sometimes reprehensible abrogation of Ireland’s moral and security responsibilities.

It must be stated that neutrality, be it a policy or a permanent legal status, is at best an inept and not always effective instrument by which states may seek to remain outside of war.<sup>74</sup> A meaningful Irish policy of neutrality began to emerge in 1936. Moreover, the means by which this policy could be concretised, i.e., the return of Treaty Ports, transpired a mere eighteen months before the outbreak of the Second World War. Given the proximity of the conflict, it was necessary that Irish practice in this area conform at least overtly to the relevant rules of international law. The weakness of Ireland’s policy of neutrality, its lack of a coherent foundation in principle and its lack of

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<sup>72</sup> Ferriter, *The Transformation of Ireland 1900-2000* (London, 2005) at p. 388.

<sup>73</sup> *Ibid.* at p. 389.

<sup>74</sup> See generally MacSweeney, “Irish Neutrality in International Law” (1984) 2 *Irish Law Times* 145.

emphasis on the relationship between a status of temporary neutrality and the rules of international law, remained concealed during the war largely because of this overt conformity between policy and law. Once the pressure of the war was terminated, the anomalies embedded in Ireland's stance were soon exposed. While Ireland's neutrality policy was in obvious decline during the 1950s and 1960s, in law, this policy was all but abandoned on accession to the Treaty of Rome in 1973. Given the minimal consideration paid by successive Irish governments to an Irish policy of neutrality between 1961, when Ireland first applied for EEC membership, and 1973, when Ireland finally acceded to the Treaties, one can only assume that successive governments were culpably naive in their analyses of the effect that EEC membership would have on Ireland's claimed policy of neutrality. Or maybe this was supplementary confirmation of the efficacy of Ireland's unique form of neutrality, to be contracted, relaxed, stretched and even ignored to comply with other policy considerations? Ireland is still officially "militarily neutral," but neutrality is no longer the correct definition of Irish defence policy. Irish governments have realigned Irish neutrality during the 1990s, and the Irish contribution of troops to the ERF is a reflection of this. Ireland is now a non-aligned state, but it is not a neutral state, as it is prepared to use military force for collective security actions, including peace enforcement if necessary. However, the Irish government is still not prepared to join a mutual defence alliance, such as NATO, nor is any Irish political party advocating such a change in Irish defence policy. Again, this is more a function of the political significance of maintaining national sovereignty for defence policy decisions than maintaining neutrality.

Ireland fulfils two basic conditions to be categorised as a neutral. It does not belong to a military alliance and it continues to make declarations asserting its neutrality.<sup>75</sup> Compared to other European neutrals, Ireland is, as an authority on contemporary neutrality put it, “a case possibly revealing some extremes or limits of neutrality.”<sup>76</sup> A variety of epithets have been employed in the past, *ad hoc*, pragmatic, formal, and technical, all conveying something of the limited nature of Irish neutrality. The one most commonly embraced by the public is military neutrality. But whatever ambiguities arise from the attempt to define Irish neutrality in general terms, it is a phenomenon which, like more clearly defined forms of neutrality, is subject to the challenges of inherently unstable and in recent years, increasingly tense, international system.<sup>77</sup>

Ireland has chosen to interpret their neutrality flexibly. That flexibility enabled Ireland to join the EEC in 1973. Irish neutrality is composed of a hybrid of factors and is not a mere matter of government policy. There is a people’s tradition as much as an official one. Military neutrality in its Irish guise may be a nebulous and ill-reasoned doctrine, built on tenuous ideological foundations, yet it is a policy to which many Irish people are deeply attached.<sup>78</sup> In Ireland, the creation of a common European defence policy infringes on the most profound aspect of national self identity. Military neutrality is regarded as intrinsically linked to the concept of national sovereignty. Moreover, as a symbol of national identity and anti-imperialism, it has been argued that the neutrality

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<sup>75</sup> Keohane, *Realigning Neutrality? Irish Defence Policy and the EU* (Institute for Security Studies of WEU, 2001) (available at <http://www.iss-eu.org/occasion/occ24.html>).

<sup>76</sup> Hakovirta, “Neutral States in East-West Economic Co-Operation” 18(2) *Coexistence: an International Journal* at pp.118-119.

<sup>77</sup> Keating, *A Singular stance-Irish neutrality in the 1980’s* (Dublin, 1984) at p.56

<sup>78</sup> Butler, *The Evolution of Irish Neutrality: Defining Ireland’s Role on the Post-Cold War Security Stage.*, Collegium No. 19-II.2000 (College of Europe, 2000) at p. 38.

policy gives Ireland credibility in Third World peacekeeping missions.<sup>79</sup> It is the potential for peacekeeping under the “Petersburg tasks” that is now important to Ireland.

Neutrality has remained flexible, stretching to accommodate the growing demands of Irish foreign policy. The lines between what constitutes neutrality policy and what is acceptable under the CEDSP are blurred, as Ireland intends.<sup>80</sup> This provides more manoeuvring room for Irish foreign policy and allows foreign policy to be flexible, adaptable and dynamic.

The post Cold War environment has seen a transformation in Europe’s security environment. Many, particularly on the left, hark back to the days when Ireland’s traditional policy of “military neutrality” was a feasible option in a world made up of competing blocks. However, now, in an altogether changed strategic environment, neutrality no longer affords the luxury of non-engagement and Ireland has to be seen as an active and effective member of a broad Western security community. The development of common policies and procedures within the EU framework has been undertaken with the CFSP in the hope of developing the security and defence identity of the EU. Ireland has had to realign its policy of neutrality to ensure its compatibility with these EU policies. Government officials in the past have stretched the flexibility of Irish neutrality to almost breaking point and, at times, dismissed the concept of Irish neutrality altogether.

Ireland’s neutrality has always being defined principally in military terminology. In practical terms, notwithstanding the moral and political explanations and objectives, the policy involved the refusal to participate in military alliances. The emphasis on

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<sup>79</sup> *Ibid.* at p. 37.

<sup>80</sup> *Ibid.*

military had not been presented as a limited or technical definition when the policy was originally created. The emphasis had comprised the foundation for contemplating security and the independence of the state. The expression of a wider perception of Irish security, to which military policy represented only one feature, leads Sharp to conclude that the following considerations flowed. Firstly, “an attempt was made to ‘shrink’ neutrality into a place within Ireland’s European policy in the sense that it was interpreted to fit in with what was presented as a broader, more important commitment. Secondly, in being fitted in, in this way, the attempt was made to render neutrality-once the code word for Irish independence-both harmless and useful with regard to Ireland’s European interests.”<sup>81</sup>

#### IV. CONCLUSION

“Peace with all the world...is our object, and our interest.” – Wolfe Tone<sup>82</sup>

The Seville declarations have strengthened the somewhat malleable concept of neutrality. However, military neutrality as was practised during World War II and the Cold War has been conditioned and eroded since then within the EU framework. The Seville declarations have thus confirmed a much different version of neutrality than the “military neutrality” of that era. Indeed, it would be impossible to label Irish neutrality as ideological policy given its evolution and current state within the EU framework. The flexibility of neutrality has highlighted its utilitarian nature. The adherence to military neutrality in recent government policies is somewhat perfunctory.<sup>83</sup> Opposition parties appear to regard the policy as untenable and an outmoded relic of a bygone era.

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<sup>81</sup> Sharp, *Irish Foreign Policy and the EC* (Dartmouth, 1990) at p. 209.

<sup>82</sup> O’Ceallaigh, *Irish Republicanism, Good Friday and After* (Dublin, 2000) at p. 130.

<sup>83</sup> Butler, *The Evolution of Irish Neutrality: Defining Ireland’s Role on the Post-Cold War Security Stage.*, Collegium No. 19-II.2000 (College of Europe, 2000) at p. 37.

Moreover, recent governments have struggled to define Ireland's role as an actor on the post Cold War European stage; but Ireland's security script will only be written once a mature and fully informed debate on the topic is undertaken<sup>84</sup>.

The abnormalities entrenched in Ireland's neutrality were evident post World War II. From another viewpoint, these anomalies provided affirmation of the effectiveness of Ireland's exclusive form of neutrality. The flexibility of Irish neutrality has enabled successive governments to affirm or elongate the policy of neutrality in appropriate situations and, on other occasions, to contract or diminish and even ignore neutrality to comply with other policy considerations. The unique characteristics that provide the foundation for the policy facilitate the utilisation of the doctrine in such circumstances. The Shannon stopover debacle highlights both the public's frustration at the government's willingness to abandon the central tenants of a traditional neutral, while also indicating the executive's readiness to utilise the flexibility of the neutrality policy for political and economic gain. The lack of consistent and transparent application of the policy has elevated the level of perplexity regarding the policy of Irish neutrality. It would be preferable if it were acknowledged that Ireland's policy is now one of non-alignment rather than neutrality. However, any abandonment of the neutrality policy in the foreseeable future seems unlikely, given the fact that it is deeply ingrained in the public's psyche and remains synonymous with sovereignty. The analogous development of Irish neutrality and independence has culminated in a close association between both in the collective Irish consciousness.

Ireland's policy of neutrality during World War II left it as a misanthropist of world affairs. The utilitarian nature of this neutrality enabled the nation to play a more

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<sup>84</sup> *Ibid.* at p. 38.

influential part in world affairs from within the European Union. The benefits of EU membership to Ireland ensure that it will continue to adapt its neutrality to accommodate developments within an EU framework. Thus, the fact that Irish neutrality is a utilitarian policy will enable future governments to realign neutrality to make it compatible within the EU framework. Therefore, the CESDP (part of the CFSP) will continue to directly and indirectly erode and condition Irish neutrality. Still, the power remains vested in the people because, in order for Ireland to join an EU common defence, the people would first have to delete or amend the constitutional prohibition arising from the Nice Treaty.