

Joint Oireachtas Committee on Public Service Oversight and Petitions

Address by Dr. Karen Devine

"The difference between Political Neutrality and Military Neutrality"

in reference to

Petition 72/12, the US military and CIA use of Shannon Airport and

Irish airspace, petitioned by Dr. Edward Horgan

15 July 2015

----- DRAFT SPEAKING NOTES -----

Acknowledgements

I wish to thank Chairman, Mr. Pádraig MacLochlainn T.D., and the members of the Joint Oireachtas Committee on Public Service Oversight and Petitions for this invitation to appear before you to discuss Ireland's neutrality, and in particular, the differences between Political Neutrality and Military Neutrality. I also wish to thank Cmdt (Retd) Dr. Edward Horgan, author of public petition No. P00072/12 and his peace activist colleagues Dr. John Lannon and Ms. Margaretta D'Arcy for their work in bringing the Oireachtas' attention to this vital aspect of Irish Foreign Policy.

My Area of Expertise

My name is Karen Devine. I hold a Bachelor of Arts degree in Politics and Spanish, from UCD, a Masters of Arts in European Integration from the University of Limerick, and Postgraduate Diploma in Statistics from University of Dublin, Trinity College and a PhD in Political Science from the University of Dublin, Trinity College. I wrote my PhD dissertation on public opinion and Irish neutrality. I am a lecturer in International Relations at Dublin City University where I teach Irish Foreign Policy, European Union Policy and Politics, and International Relations and Political Science Theories and Research Methodologies at bachelor-master-doctoral levels.

My scholarship on Irish foreign policy, neutrality in Europe and public opinion on foreign policy is published in top ranked ISI-journals in the world, e.g. *Cooperation and Conflict*, ranked 21/83 in International Relations, and regularly features in these journals' most-read and most-cited indexes, e.g. 21/50. Despite the fact that Ireland is seen as one small state among the 193 in the world, and neutrality is a foreign policy orientation that receives less attention in the global foreign policy realm, I manage to publish on the subject of Irish Foreign Policy in the top 100 scholarly journals in the world because I use innovative theories such as critical constructivism, elite socialisation, Europeanization, and the Rational Public hypothesis to analyse Irish Foreign Policy and I enhance the relative importance of Irish foreign policy by drawing comparisons with other states' foreign policies.

I do not want to bore you with these seemingly mundane epistemic details; I am telling you all this to highlight the fact that my work is double-blind peer-reviewed by the best scholars in the world, frequently undergoes an additional round of special "hostile" peer-review, followed by a further final round of editorial review, which

means that my work has been interrogated in minute detail and found to have met the highest, scholarly standards of quality and academic credibility. The rigour and veracity of my research on Irish Foreign Policy is also seen through the award of several prestigious national and international scholarships including Chevening, Irish Research Council and Fulbright awards.

The scholarly work I will present today is different in many ways from that published by think-tank funded by the European Union or the Irish Government for political purposes. I will return to this point at the end of my presentation.

Topic and Introduction

Today I am honoured to address the topic given to me by the Committee, "The difference between Political Neutrality and Military Neutrality". I have three sets of points to make.

(1) The first point is that there are two concepts of neutrality in the debate on and formulation of Irish Foreign Policy: neutrality, and 'military neutrality'. Only one of these concepts exists in international law, has been practiced by states over centuries, and is recognised as a bona fide foreign policy norm. That concept is 'neutrality'. There are no adjectives or pre-fixes associated with the term: it's simply 'neutrality'.

PART ONE: "MILITARY NEUTRALITY"

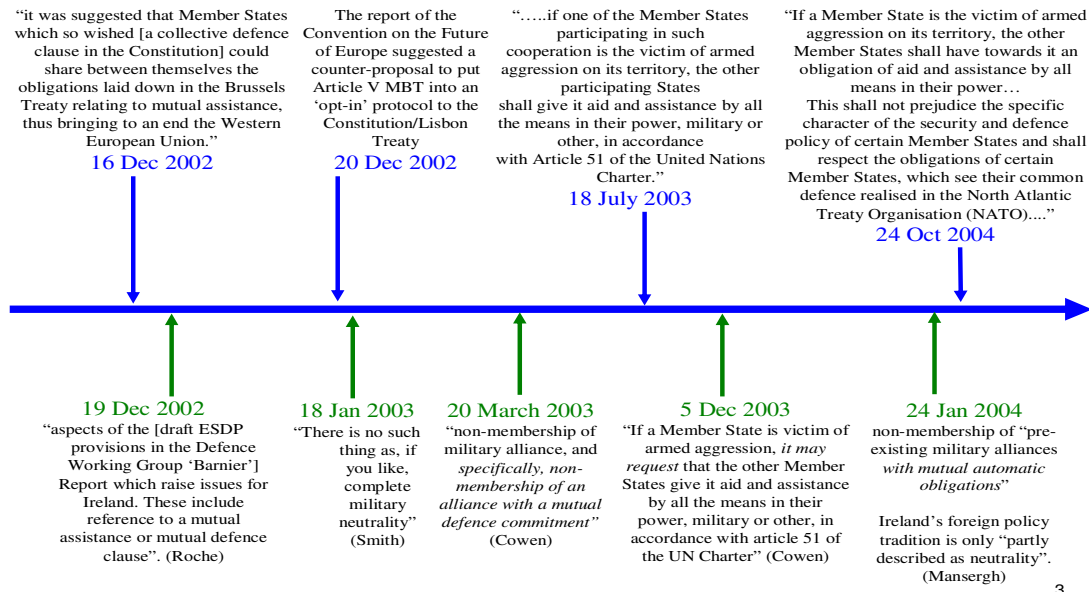
"Military neutrality" does not exist in international law, it is not a recognised practice of states, and nor is it considered as a traditional foreign policy norm in the international system. 'Military neutrality' is a term created by governments of neutral states who sought membership of the EEC/EU, as a way to agree at the EU level to the progressive framing of a common defence policy, leading to a collective EU defence and the eradication of neutrality, whilst at the same time, telling their electorates at home that the neutrality of the state is retained.

The definition of the term has changed over time. For example, on 11th March 1981, then Shadow Foreign Minister, Garret FitzGerald referred to it as meaning "non-participation in a military alliance...not a member of NATO, WEU or any other alliance" (Dáil Éireann, Vol. 327: Col. 1424). Various government ministers and leaders have proffered different statements and definitions since then, with the variation in response to developments in EU security and defence policy ambitions (see Figure 1), e.g. "There is no such thing as, if you like, complete military neutrality" (Smith) on the 18th of January 2003; "non-membership of military alliance, and specifically, non-membership of an alliance with a mutual defence commitment" (Cowan) on 20th March 2003; non-membership of "pre-existing military alliances with mutual automatic obligations" (Mansergh) on 24th January 2004, followed by the assertion that Ireland's foreign policy tradition is only "partly described as neutrality".

The Irish Government, post-Lisbon Treaty ratification, has effectively re-defined the concepts of 'military neutrality' and 'non-participation in military alliances' to mean (1) membership of the WEU military alliance through the 'back door' of a merger

with the EU (Laursen, 1997: 16) and (2) the assumption of the WEU's Article V mutual defence clause.¹

Figure 1: EU mutual defence clause timeline vs Government's neutrality concept



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Scholars have concluded that 'the term "military non-alliance" has been defined in such a way that it has close to no meaning at all' (Ojanen 2005: 410).

Reconfiguring neutrality to make it compatible with support for the Iraq War

The decision to aid belligerents in war is against neutrality-based foreign policy, and incompatible with article 2 of the Fifth Hague Convention on the Rights and Duties of Neutral Powers and Persons in Case of War on Land. (October 18, 1907) The Irish government's decision to permit the transit of hundreds of thousands of US soldiers through Shannon airport on their way to the Iraq War in 2003 violated in the international law on neutrality and set it apart from other European neutrals who refused such permission. The government insisted "Irish neutrality is a policy choice and is not defined exclusively on the basis of international legal instruments such as the Hague Convention of 1907." (Cowen, Dáil Éireann Vol. 565: Col. 629) The government maintained it had to "define neutrality in a very complex set of circumstances; the value of international friendships and the expectations that come with those friendships," (Cowen, Dáil Éireann Vol. 563: Col. 723-724) whilst reiterating a new mantra, "Neutrality policy has also been informed by the view that military neutrality on its own is not sufficient to maintain conditions of peace and security internationally."

¹ Quille (2010) notes: 'Most observers agree that the Lisbon Treaty formula matches the guarantee of the Brussels Treaty'; the Brussels Treaty is the founding Treaty of the WEU.

PART TWO: "NEUTRALITY" and PUBLIC OPINION

The second set of points concern Irish public opinion and neutrality:

(a) The Irish public do not define neutrality as non-membership of a military alliance. The assertion made by Irish Government elites that their narrow definition of 'military neutrality' is the concept held by the Irish public, e.g. the then Minister for State Mr. Tom Kitt, TD declared in Dáil Éireann that "the central and defining characteristic of Irish people in this area ... is our non-participation in military alliances" (*Irish Times*, 2003) is wrong. Surveys conducted in the 1980s, 1990s and 2000s show that an average of just 2.5% of people define neutrality as "staying out of NATO/non-membership of military alliances".

(b) The Irish people's concept of neutrality is clear-cut and broadly consistent over time, with the top three substantive elements being "not getting involved in war," "independence/staying independent," and "not taking sides [in wars]/impartiality" (Devine, 2008: 473).

Table 1: Rank Order of neutrality definitions offered by the Irish public and the percentage of people adhering to 'military neutrality'

Survey responses	Rank order			
	April 1985	May 1992	June 1992	2001/2002
Don't get involved in wars	2	1	1	1
Don't know	1	2	2	2
Independence/staying independent	4	3	3	3
Don't take sides in wars/non-partisan/ neutral	3	5	4	6
Means nothing/not possible	8	4	6	4
Staying out of NATO/military alliances	5%	2%	2%	1%
Don't know	31%	25%	21%	16%

(c) The public concept accords with neutrality in international law and the most strongly supported public concepts closely resemble the wider, "active" concept of neutrality that embodies characteristics such as peace promotion, nonaggression, the primacy of the UN, and the confinement of state military activity to UN peacekeeping, not being involved in wars, and maintaining Ireland's independence, identity, and independent foreign policy decision-making (in the context of "big power" pressure) (2001/02 ISPAS survey).

(d) The results of thirteen surveys from 1981 to 2013 show that Irish public attitudes towards neutrality are also consistent over time: depending on the question wording and response options available, between roughly 2 in 3 and 4 in 5 people support neutrality and 1 in 5 reject neutrality.

TABLE 2: ATTITUDE TO NEUTRALITY AND ‘MILITARY NEUTRALITY’ (%), 1981-2003

Year	MRBI March 1981	MRBI April 1985	NUIM 1988/ 1989	MRBI Jan 1991	IMS Feb 1991	MRBI April 1991	LMR May 1992	MRBI June 1992	MRBI Sept 1996	MRBI June 2001	ISPAS 2001/ 2002	EOS Jan 2003	Red C Aug 2013
Alliance-against		64											
Neutrality-against dropping				64		65							
Neutrality-remain							59						
Neutrality-maintain	76								69	72			
Neutrality-retain			84					55			80		78
Gulf I - neutral				69	71								
Gulf II - military interv. unjustified												81	
Alliance-prepared to consider joining		25											
Neutrality-change									20				
Neutrality-reject											20		15
EC Defence-join				25			28	19					

Sources:

1981: IOPA Survey for Fine Gael by MRBI (code: MRBI/2056/81), between 1981-03-20 and 1981-03-27.

1985: Polls shows 64 opposed to any military alliance. *The Irish Times* Apr 29, 1985

1988/1989: Survey shows that 84% want neutral stance maintained *The Irish Times* Jun 10, 1992 (newspaper article) refers to the study

1991 Jan: IOPA, Survey for Irish Times by MRBI (code: MRBI/3930/91), between 1991-01-03 and 1991-01-03. Also: 69% say Republic

should remain neutral over Gulf: *The Irish Times* Jan 26, 1991 (newspaper article) refers to the study whose fieldwork was on January

23rd

1991 February: IMS Survey for Sunday Independent in Gilland 2001: 151 quoting Marsh 1992:11, also IOPA (code: J.IS055.CMC)

between 1991-02-21 and 1991-02-28

1991 April: IOPA, Survey for Irish Times by MRBI (code: MRBI/3950/91), between 1991-04-15 and 1991-04-16.

1992 May: IOPA, Survey for The Sunday Press by Lansdowne Market Research (code: am/ra/lr 21-224), between 1992-05-29 and 1992-06-08.

1992 June: IOPA, Survey for Irish Times by MRBI (code: MRBI/4060/92), between 1992-06-08 and 1992-06-08

1996: IOPA, Survey for Irish Times by MRBI (code: MRBI/4420/96), between 1996-09-24 and 1996-09-25

2001: June Cabinet faced with public hostility to war Smyth, Patrick *The Irish Times* Oct 1, 2002 (newspaper article) refers to the poll

2001/2002: Irish Social and Political Attitudes Survey (available at ISSDA)

2003: International Crisis Survey 21st- 27th of January 2003 conducted by EOS Gallup Europe network 15080 people aged 15 years in 15

Member States of the European Union, the 13 Candidate Countries, Norway and Switzerland: <http://www.paks.uni-duesseldorf.de/>

2013: Red C Survey for PANA (Peace and Neutrality Alliance), August. Available at: <http://www.pana.ie/download/Pana-Neutrality-Poll-September-2013-Pie-Charts.pdf>

(e) Contrary to the mistaken claims of academics (due the misinterpretation of data), public concepts of neutrality are neither “inconsistent” nor “limited” (Gilland, 2001: 150–1 ; Jesse 2006: 20).

(f) Finally, public opinion on neutrality is based on values of independence and patriotism (see Table 3). The results of a structural equation model analysing ISPAS survey data shown in Table 3 below indicate that the more an individual values Irish independence and the prouder an individual is to be Irish, the more that person favours the maintenance of Irish neutrality.

The relationship between independence and patriotism is symbiotic, as historian Ronan Fanning surmises: “by the end of the Second World War neutrality had become what it largely remains in the popular mind until today: the hallmark of independence, a badge of patriotic honour inextricably linked with the popular perception of Irish national identity.”

Table 3: Regression Weights of a Structural Equation Model of Public Opinion and Irish neutrality

Dependent variable		Independent variables	Estimate	S.E.	C.R.	P
Neutrality	←	Ethnocentrism	-.146	.199	-.734	.463
Neutrality	←	Patriotism	.795	.192	4.137	***
Neutrality	←	Northern Ireland	-.014	.052	-.265	.791
Neutrality	←	Independence	.600	.073	8.200	***
Neutrality	←	Efficacy	.037	.074	.503	.615

Normative democratic theory supports the view that citizens are a wise source of foreign policy, preventing foreign policy designed solely in the interests of elites and even restraining leaders' war-making proclivities (Holsti, 1992: 440; Marquis et al., 1999: 454). Gaps between the policy preferences of leaders and citizens are seen as problematic (Page and Barabas, 2000: 339) and reflecting different values and interests rather than levels of attention or information (Page and Barabas, 2000: 360). Where public opinion is structured and informed, democratic theory calls for responsiveness by policymakers (Page and Barabas, 2000: 352). In other words, the Irish Government needs to heed public opinion on neutrality: is it coherent and consistent, and based on important and relevant political values and identity.

PART THREE: THE STRUCTURE OF THE STRUGGLE OVER "NEUTRALITY"

The third issue concerns the domestic and international environment in which neutrality is discussed and defined. Irish public opinion on foreign policy is extremely politicised because Treaties that extend the scope of the objectives of the European Community (EC)/European Union (EU) are subject to a ratification device of a binding referendum in Ireland.

Opinion polls have shown that Irish neutrality is the top substantive policy reason given by Irish people who voted against the Single European Act (Jones 1987), and the Maastricht (Marsh 1992), Amsterdam (Sinnott 1998) and Nice Treaties (Sinnott 2001; Jupp 2002) in referendums. As the gap between the 'yes' and 'no' votes has narrowed in parallel with the expansion of EU foreign, security and defence policy, referendum campaigns in Ireland have become increasingly contentious and fraught because a ratification failure in one or more EU member-states means the Treaty in question cannot come into force.

In June 2008, the Irish people rejected the Lisbon Treaty by a substantial margin of 53.4 percent against, 46.6 percent in favour, based on a healthy turnout of 53.1 percent, and another phase of European integration was brought to a grinding halt. Neutrality was the most divisive issue in the Lisbon Treaty referendum campaign. Research showed that "strengthening neutrality" was a major driver of people's decision to vote 'no'.

Irish voters who rejected the Lisbon Treaty in order to safeguard neutrality were correct because neutrality is incompatible with the European Union's defence

provisions enacted through the Lisbon Treaty. Table 4 below compares the various elements of neutrality with the EU's CSDP.

Table 4. Neutrality and CSDP: Compatible or Competing?

Element of neutrality	Status	Lisbon Treaty Article/provision
Non-involvement in war/ other countries' wars	Incompatible/ Competing	Art. 42.7 requires a response 'by all means in their power' to member states suffering armed aggression /Art.28B permits unlimited military EU action that neutrals may be associated with
Self-defence only	Competing	Art.28B provides capacity for pre-emptive action
Primacy of the UN/ only UN peacekeeping	Incompatible	Under Art.28A(1) EU peacekeeping missions do not require a UN mandate (neutrals' proposals for this were rejected) Art 2(5)/10A merely declares respect for the UN Charter principles
Anti-militarism	Incompatible	Art.28A(3) commits member-states to improvements that are said to require increased spending and a common arms policy within the European Defence Agency Art.28D
Impartiality/Anti-big power politics/independent decisions amid 'big power' pressure	Incompatible	Art.10 and Art.280E(2) lift the ban on the use of enhanced cooperation in the field of ESDP; Art.28A(6) provides for permanent structured cooperation to enable larger states to execute 'most demanding' military acts; combined with Art.15B/201a Constructive Abstention, unanimity is a <i>non sequitur</i> . Art.280B/Art 11(2-3)/ Art.16b eliminates abstaining states' independence in action
Non-aggression Peace-promotion	Competing	Neutrals' Convention representatives proposed clauses to limit EU military action/repudiate war were rejected.
Non-membership of a military alliance	Incompatible	Art.28A(7) transfers WEU mutual defence clause to the EU, completing the WEU-EU merger (as a result the WEU was officially terminated in March 2010); thus EU has subsumed a military alliance

PART THREE: THE STRUCTURE OF THE STRUGGLE OVER "NEUTRALITY"

3) The Power Structure of Discourses on Irish and European Neutrality

There is evident bias in the research and reporting of public attitudes to neutrality and other European Security and Defence options. Irish scholars have criticised the 'sizeable body of feeling, innuendo and unargued comment in the writings of some politicians, journalists and historians who are clearly unhappy with Ireland's ambiguous position'. (McSweeney, 1985: 4)

One of the many financial instruments at the disposal of the EU is its External Relations budget for Information programmes, amounting to €10,700,000 in 2008. These monies are expended on "the organisation of visits for groups of journalists" and "support for the information activities of opinion leaders that are consistent with the European Union's priorities." (Draft General Budget of the EU, 2008²) These journalist 'opinion leaders' dominating the discourses on the EU and neutrality in Irish newspapers and broadcast media shows coordinate their positions with the EU's specially funded 'academics', the so-called "Jean Monnet" lecturers. Officially, Jean Monnet Chairs are teaching posts with a specialisation in European integration studies. Unofficially, these posts, co-financed by the EU up to a level of 75%, are to encourage "associations of professors and researchers to communicate, teach and *promote* the European Integration Process" (emphasis added).³ The public are largely unaware of the extent to which the seemingly objective academics dominating the media discourses in Ireland are, in fact, on the EU's payroll and tasked with promoting the EU's CSDP and concomitant hostile discourses on neutrality.

Such agents also dominate board positions in bona fide academic institutions such as the Royal Irish Academy (RIA). These EU-sponsored journalists and so-called Jean Monnet academics also benefit from further financial resources through EU-funded think tanks such as the Institute of [International and] European Affairs in Ireland. The European Commission also finances the state broadcaster's European Correspondent position based in Brussels. The list goes on... suffice to say that the truly academic and objective voices on neutrality and EU CSDP are rarely heard and actively suppressed by these agents. Media have a responsibility to ask contributors to declare their affiliations with the EU and the amount of funding they have received over the years for their work on behalf of the EU.

In this final section of my presentation, I highlight some portraits of public preferences that are clearly coloured by the political and policy preferences of the authors who are part of the EU-funded elite. Examples include the omission of key public preferences in the realm of foreign policy from Eurobarometer surveys, and inaccurate reporting of Eurobarometer-type questions by academics in the media. Rabin argues that "the Eurobarometer has truly become an instrument of governance, as they say nowadays....it is a tool that, I believe, researchers trust....The Eurobarometer has now become a tool that we can describe as practical, indispensable and incontestable." Eurobarometer can only be considered a tool of governance if it

² Available at: http://eur-lex.europa.eu/budget/data/P2008_VOL4/EN/nmc-titleN188CA/nmc-chapterN19693/articles/index.html

³ Source: www.ucy.ac.cy/researchE/researchnewsE/Jean_Monnet.ppt

does indeed capture the true policy preferences and foreign policy concepts of the publics in the EU; does it?

In a review of EC polling from 1962 to 1982, I found evidence that the balance between the Eurobarometer functions of evaluating public opinion and acting as a tool of politics is skewed towards the latter, evinced through (1) the generalisation of claims as to the truth of ‘European’ peoples’ preferences based on the omission of several cases of populations; (2) the universalisation of claims to knowledge of public foreign policy preferences based on a seemingly politically motivated omission of evinced preferences from the list of options presented to respondents. For example, Richard Eichenberg claims that “the “neutralist option”, so enthusiastically researched by the pollsters, never exceeded 20% in any country” (Eichenberg, 1989: 263) but it is clear from the data in Table 5 that neutrality was favoured by a majority in France (31%) and sizeable minorities in Italy (29%) and Belgium (29%), and in figures that greatly exceeded 20%.

Table 5. Public Opinion: Neutrality as European Security Option, 1979

NATION	FRANCE	BELGIUM	NETHERLANDS	GERMANY	ITALY	LUXEMBOURG	DENMARK	IRELAND	BRITAIN
DEFENCE POLICY - PREFERRED ALLIANCE									
NATO MILITARY ALLIANCE	27.5	47.5	71.9	66.3	36.8	-	-	-	-
WESTEUROPE MILITARY	30.5	13.8	5.0	13.7	19.7	-	-	-	-
WESTEUROPE NON-MILITARY	10.8	9.3	7.6	10.1	14.3	-	-	-	-
COMPLETELY NEUTRAL POS	31.2	29.4	15.5	10.0	29.2	-	-	-	-
Total	100.0	100.0	100.0	100.0	100.0	-	-	-	-
N=	800	710	907	834	1,021	0	0	0	0

Anton DePorte volunteered that “reports of neutralism and pacificism in European public opinion” were of concern to elites that feared that “the domestic base of support for the Alliance had been eroded” (in Eichenberg, 1989: 123-124). Unsurprisingly, given EC’s horror at the support for neutrality among NATO-member state populations, the neutrality response option was dropped from the questionnaire wording in Eurobarometer surveys conducted after 1979.

Another classic case drawn from media discourse in Ireland involves a pseudo-academic analysis of an *Irish Times* poll carried out by TNS/MRBI in an article entitled, ‘Poll Reveals a Canny Electorate’. The author of the piece (a Jean Monnet) stated that “68 percent of us are quite happy for Ireland to join some form of a common European defence.” (Tonra, *Irish Times*, 23 May 2003) In fact, the question asked people to consider a statement, the statement being, “Ireland should consider joining a future European Union common defence”. The question definitively did not ask people whether they would have Ireland *join* a European Union common defence, rather the respondents of the survey *were asked to consider a statement about*

considering this idea, to which 68% replied that they would be ok if Ireland considered such a hypothetical scenario.

These EU-agents define neutrality in purely negative terms, i.e. "notions of pacifism and isolationism" (Smyth, 2009: 7) or deny the content of the concept altogether and demand the erasure of neutrality from all discourses, e.g. "Neutrality is not a foreign policy and does not even give content or orientation to a foreign policyThere is no correlation between a position of military neutrality and the content and substance of a foreign policy"...and "the content of Irish foreign policy has nothing whatsoever to do with neutrality"....thus, "We must, as individuals, stop using the word "neutrality", which has nothing to do with our foreign policy". (Tonra, Dáil Éireann, 11 November, 2008) These agents could not be more wrong.

Despite EEC/EU demands for its removal and the fact that political parties have placed neutrality in a zone of meaningful silence in political discourse, since Wolfe Tone's clearly stated manifesto for Irish neutrality in 1790, up to the present day, the Irish people have consistently advocated a legally correct, and normatively vital concept of neutrality, and associated it with signifiers of independence, self-determination, global cosmopolitanism, anti-colonization and anti-imperialism. I suspect that the names of the three petitioners lobbying the Committee today will be added to the list of those luminaries known for advocating the same approach to Irish international relations, following, as they do, in the wake of Daniel O'Connell, Sean Lester, Padraic Pearse, James Connolly, Frank Aiken, and Eamon de Valera. The Irish and Iraqi people owe them a debt of gratitude.

Thank you.