

# **Joint Oireachtas Committee on Defence and National Security**

Opening Statement by Dr. Karen Devine

in reference to

General Scheme of the Defence (Amendment) Bill 2025.

**12 June 2025**

## **Acknowledgements**

Ba mhaith liom buíochas a ghabháil leis an gCathaoirleach Rose Conway-Walsh, Teachta Dála, agus le comhaltaí Chomhchoiste an Oireachtais um Chosaint agus Slándáil Náisiúnta as an gcuireadh seo.

I wish to thank Cathaoirleach Rose Conway-Walsh, T.D., and the members of the Joint Oireachtas Committee on Defence and National Security for this invitation to appear before you to discuss Ireland's neutrality and the Triple Lock, in the context of Pre-Legislative Scrutiny of the General Scheme of the Defence (Amendment) Bill 2025.

## **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 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 former Chevening, Government of Ireland and Fulbright Scholar and have published peer-reviewed journal articles on Irish neutrality, and more broadly, the foreign, security, and defence policies of small states within the European Union. My research interests include neutrality, European Union militarisation, and the influence of gender dynamics, public opinion and NGOs in international relations. I lecture in Irish Foreign Policy, European Union politics and policy, and Gender, Race, Class and Politics at Dublin City University.

## **Opening Statement: Preamble & Summary of the Submission**

This is my fourth appearance before an Oireachtas Committee as an expert witness on Irish Foreign Policy, European Union policies and politics, and International Relations, and I will state my usual disclaimer: *most of you – certainly members of the Government parties - are not going to like what I have to say, but I am going to say it anyway*. Because I am an academic, and as an academic, it is my job to tell the truth, and present the facts in support of that truth, based on primary and secondary sources of empirical evidence.

This Opening Statement can only be understood in the context of the submission document on neutrality and the Triple Lock<sup>1</sup> I provided to the Committee last Friday. The executive summary of the main points made in the 39-page submission is as follows:

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<sup>1</sup> The Triple Lock: (Act 44 of 1960) Defence (Amendment) (No. 2) Bill, 1960 (Bill 42 of 1960) 2006 amendment: Section 2 of the Act of 1960 is amended—(b) by inserting the following after subsection (2):“...passed by Dáil Éireann approving of their despatch for such service.”  
““International United Nations Force ” means an international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the Security Council or the General Assembly of the United Nations”

- 1) The main reason for the resilience of Irish neutrality is public support.
- 2) In terms of evidence, the results from every publicly-available, nationally-representative survey on neutrality undertaken in Ireland collectively demonstrate:
  - a) the public concept of active, positive neutrality (incorporating the Triple Lock) is very clear, (meaning not getting involved in wars, remaining independent, and not taking sides i.e. being impartial, and confining state military activity to UN Peacekeeping only), and very stable over time, and accords with the international law on neutrality in the Hague Conventions;
  - b) public support for this concept of active neutrality is consistent over five decades of polls and constitutes an overwhelming majority of four in five people in Ireland;
  - c) the consistency of concept and attitudes is explained by an underlying structure of values and identity, specifically (i) the value of independence vis-à-vis the European Union and big power pressure to get involved in or take sides in a war, and (ii) support for our national identity, i.e. being proud to be Irish.
- 3) I also outlined the opposing sides and their concepts of neutrality in the academic concept called a “two-level game”, capturing the struggle to keep Irish neutrality and the Triple Lock, i.e. on one side (the ‘militarists’), the European Union (EU), NATO, the military industrial complex, that together seek to eradicate Irish neutrality, including the Triple Lock, militarise the EU and project power through military force, alongside the university agents called Jean Monnet professors, think tanks and mass media promoting these same interests and goals, and on the other side (the ‘neutralists’), the majority of people in Ireland, NGOs, the President of Ireland and a number of independent politicians that support active neutrality.
- 4) I outlined ten Reversals of Irish Foreign Policy carried out by successive governments;
- 5) I listed the changes to Government Concepts of so-called ‘Military Neutrality’ such that it means today only *de facto but unofficial membership of NATO* and pursuit of the goal of *full participation in EU militarisation including participation in wars*, and bears no relation to the public’s concept of active, positive neutrality, as reflected in the Hague Conventions.
- 6) Elite silences on the mutual defence clause in the Lisbon Treaty’s Common Security and Defence Policy provisions (CSDP) in article 42.7 Treaty on European Union as amended by the Lisbon Treaty<sup>2</sup>
- 7) Twelve reasons why people in neutral states do not wish to join NATO, and by corollary, why the people of Ireland do not want Irish Defence Forces personnel involved in NATO-EU missions (with or without a UN mandate)
- 8) Theoretical and evidence-based reasons why elites in neutral states want to join NATO and promote EU militarism and warfare
- 9) The story of how the three main protagonists, pushing the Lisbon Treaty’s finalisation of the WEU-EU merger, incorporating a re-named European Defence Agency for arms procurement and the mutual defence clause, as well as the Permanent Structured Cooperation in Defence

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<sup>2</sup> Eurobarometer 85.1 shows only 12% of European citizens claim to be aware of the mutual defence clause and to know what it is, driven by more males (17%) than females (9%)

(PESCO) and plans for an EU military force (now realised through the ‘Rapid Deployment Capacity’) – Angela Merkel Chancellor of Germany, Nicholas Sarkozy, President of France, and Jose Manuel Barroso President of the European Commission, were all implicated in the biggest arms corruption scandals of their time

- 10) How EU militarism, the EU standing army, and warfare expenditure have been legally constructed within the EU legal system so as to not be subject to transparency or oversight
- 11) The increasing and sustained attacks on higher education by the forces of militarization who regard critical thought itself as a threat to the dominant political order, including the NATO-EU-military industrial complex agents in universities and the cohort of so-called “Jean Monnet professor” EU spokespersons embedded in universities, who are paid directly by the European Union to be its ‘intellectual ambassadors’ (Weiler, 2014)
- 12) How the media are a vital bridge for the militarists and Jean Monnet university-based agents to communicate their anti-neutrality discourses and to target not just the unwitting public but also NGOs and any independent politicians that do not support the establishment militarist agenda
- 13) Evidence showing how trust in the news has fallen in almost half the countries in a recent global survey, with nearly one in three respondents actively avoiding the news, with just a tiny minority believing the media is free from undue political and governmental influence. Specifically, the news saturation on the war in Ukraine increased these trends, evidenced by a majority in those surveyed states who felt the media have not explained the wider implications of the Ukraine conflict or provided a different range of perspectives on it.
- 14) How the EU is so abusive and aggressive towards those refusing to supply troops and sanction strikes into Russia, or calling for a peaceful resolution to the conflict
- 15) The EU’s use of polls to design its propaganda strategy in favour of prolonging and intensifying the conflict - including historically whereby evident transnational public support for neutrality in the 1970s meant neutrality was never again provided as an option in the wording of Eurobarometer survey questions asking people their preferred way to achieve security in Europe – against the 35% of citizens across ten states in Europe (Britain, Finland, France, Germany, Italy, Poland, Portugal, Romania, Spain, and Sweden) who want a negotiated ceasefire, versus 23% that want to fuel and prolong the war
- 16) I covered three related categories of militarists’ tactics including 1) code words (“Peacewashing”), ‘word play’ and meaningful silences; 2) disinformation including false reports of opinion poll data and fake polls with biased question wording; showing those tactics used here in Ireland through all five surveys i) RedC Sunday Business Post 27 March 2022; ii ) Irish Times, 16 April 2022; iii) Irish Times, 28 August 2022; iv) Irish Times, 23 June 2023; v) Red C (25 June 2023) on neutrality, NATO and the EU army, being manipulated or systematically mis-reported 3) propaganda, including attempted fear-mongering using unfounded threats.
- 17) Militarists’ think tanks and the proliferation of their reports, being published at a rate approaching the thousands annually.
- 18) How NGOs in Ireland and the President of Ireland shed light on the governments’ tactics to abolish neutrality and the Triple Lock

19) And some theory and evidence-based academic hypotheses on why are Irish Government leaders intent on securing membership of NATO?

20) Finally, concluding that the government has broken the social contract by failing to represent public preferences for neutrality, having outlined how it has been working hard to prevent the public from knowing this fact.

### Opening Statement - Three Main Points:

1) My essential, primary point to you today, is that **there is no public, democratic mandate to destroy the Triple Lock** which is part of active, positive neutrality that is supported by 4 in 5 people in Ireland. Even a Government-commissioned report published October 10, 2023, acknowledges this fact.<sup>3</sup>

Politicians say “any change must be done with the support of .... the Irish people”<sup>4</sup> but by 18 April 2023, the Taoiseach decided to abandon the original proposal to have a citizens' assembly on neutrality made up of a representative but random group, which would be a cross-section of Irish society, and instead have a so-called stakeholder forum where, as TDs questioned and explained.... the Government is looking to find justification for moving us away from neutrality.

And by 8 May 2025, when the Tánaiste and Minister for Defence was asked if he will commit to a public plebiscite on the question of the removal of the triple lock [17086/25] and the reply was: “There have been a number of calls for a public plebiscite in relation to the Government's proposed changes to the Triple Lock....[it] does not require a national plebiscite”.

2) My second point to you today is, arguably the Government's proposed changes to the Triple Lock **require a referendum**. The Triple Lock has elements of a Constitutionalist nature because it exists beyond national legislation, in the Conclusions of the European Council as reported by the Council of Ministers through the EU Presidency, specifically, “The European Council has also taken cognisance of the unilateral declaration of Ireland (Annex 3), which will be associated with the Irish instrument of ratification of the Treaty of Lisbon” (18/19 June 2009)

The Government rather simplistically believes that because it was ‘clever’ enough not to put the Triple Lock in the Protocol attached to the Lisbon Treaty in 2013, and because the Triple Lock is not in the Constitution<sup>5</sup>, that it does not have to hold a referendum and instead can use a parliamentary procedure at its disposal to destroy the Triple Lock and that is the end of the matter.

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<sup>3</sup> Consultative Forum on International Security Policy Report to an Tánaiste. Executive Summary: “the absence of a popular mandate to drop the current policy of neutrality.” (p.1)

<sup>4</sup> Sean Kelly, MEP, 28 October 2024, email communication

<sup>5</sup> 8 May 2025, **when the Tánaiste and Minister for Defence** Mr. Simon Harris, TD, was asked if he will commit to a public plebiscite on the question of the removal of the triple lock [17086/25] the reply was: “There have been a number of calls for a public plebiscite in relation to the Government's proposed changes to the Triple Lock....[it] does not require a national plebiscite”.

I have not had the time to put the arguments together coherently, nonetheless, I want to convey the basic idea that it is a lot more complex than that, because the Government's action – and I include all members of the Oireachtas that vote with the Government on this matter – is ultra vires and unconstitutional at the national, European and international levels of law. I will expand on this argument as best I can in the limited time available.

I also argue that the President of Ireland and his Council of State should consider the legal implications before the Triple Lock abolishment legislation can be signed off.

The context of my argument is that the people of Ireland are sovereign under article 6 of Bunreacht na hÉireann<sup>6</sup>, not the Government. As the Sovereign of Ireland, the people are the final decision-makers in all matters of national policy and the Triple Lock is undisputably a matter of national policy. Therefore a referendum is required.

My argument on implications proceeds as follows:

- 1) the people of Ireland as the Sovereign of Ireland, ratified the Nice and Lisbon Treaties based on the Triple Lock, as proposed by the Government and reflected in the Government's Referendum Commission<sup>7</sup> campaigns during the Nice and Lisbon treaty referendums;
- 2) the Triple Lock National Declaration is associated with the Sovereign people's instrument of ratification of the Nice and Lisbon Treaties and has legal status under the international law of the Vienna Convention on the Law of Treaties;
- 3) and the Sovereign people's Triple Lock National Declaration as an instrument of ratification of the Lisbon Treaty under the Vienna Convention on the Law of Treaties was put in writing as an agreement by the European Council (as presented by the Council of Ministers Presidency Conclusions dated 19 June 2009) and therefore exists as a legal agreement at the level of the European Union, as well as an international agreement, under the Vienna Convention on the Law of Treaties;
- 4) the government cannot abolish the Triple Lock though a vote in the Oireachtas – if it did, it would be opening itself up to legal proceedings
- 5) if the Triple Lock is abandoned by the Government, Ireland's ratification of the Nice and Lisbon Treaties is invalidated; If the Lisbon Treaty ratification is invalidated, then the Lisbon Treaty cannot be in force; if the Lisbon Treaty cannot be in force, the secondary legislation created, based on the Lisbon Treaty, is also invalidated.

In attempting to abolish the Triple Lock, the government will be pulling on a thread that could lead to the legal unravelling of the European Union.

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<sup>6</sup> Article 6. All powers of government, legislative, executive and judicial, derive, under God, from the people, whose right it is to designate the rulers of the State and, **in final appeal, to decide all questions of national policy**, according to the requirements of the common good.

<sup>7</sup> notably, when the Referendum Commission was no longer presenting the argument of both sides in the Lisbon Treaty referendum but in fact was presenting the government's interpretation of the Treaty due to the change in its terms of reference wrought by the Government.

My third and concluding point:

Earlier I mentioned public support for neutrality is based on the values of independence and on Irish national identity, and these do not change capriciously. Indeed they are the hard-won results of centuries of struggle of generations before us.

My great grandparents, Micheál F Crowe and Mary Moran sacrificed for those goals, like so many others of their generation. Micheál was enabled by his wife Mary to participate in recruitment for the IRB, and was an active member of the Gaelic League, whilst working full time as an accountant on the National Railways. As honorary treasurer of the GAA, Micheál accepted the deeds to the Jones' Road site to build a new stadium - where Croke Park stands now - on behalf of the Trustees of the GAA on December 18, 1913. Micheál was a member of the GAA Central Council as well as secretary to the Dublin County GAA board and in-between all this, Micheál refereed ten all-Ireland senior finals at Croke Park in hurling and football.

It is their sacrifices - Mary Moran and Micheál F.Crowe's sacrifices - it is their blood, sweat and tears, their unfathomable and exceptional work ethic, their dedication to the cause of Ireland's peace and independence, their sacrifices and that of their generation's and successive generations since, that allow us to sit this parliament room today and discuss this matter. The legacy of this struggle is alive and well in the values and identity of the people of Ireland that structures their overwhelming support for active, positive, Irish neutrality – based on a cornerstone of the Triple Lock.

Therefore, **the government has no ancestral right** to destroy the Triple Lock or neutrality as part of Ireland's independence and sovereignty.

In addition, the Government has no right to sacrifice the lives of our future generations, in particular the young people, especially male youths, from socially deprived areas, and the women and ethnic minorities (aka "the new Irish"), the government intends to target and recruit as cannon fodder in future EU and NATO wars as outlined in its commissioned report on the Future of the Defence Forces, 2022.<sup>8</sup>

The Government has no **moral** right to destroy the Triple Lock.

The Government has no **democratic** right to destroy the Triple Lock.

And arguably, the Government has no **legal** right to destroy the Triple Lock.

END.

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<sup>8</sup> Commission on the Defence Forces report (9 February 2022): "Engaging with sports clubs and other voluntary bodies, especially in areas challenged by poverty or isolation"; "Targeting Reserve recruitment on social groups that are currently under-represented in the Defence Forces, including women and ethnic minorities" (p.131); targeting "those categorised as 'new Irish'", as reservists that can be used or channelled into the Permanent Defence Forces (p.132). Available at: <https://www.military.ie/en/public-information/publications/report-of-the-commission-on-defence-forces/report-of-the-commission-on-defence-forces.pdf>

## Appendix 1: material reflecting the European Council Agreements on the Triple Lock as an associated instrument of ratification of Nice and Lisbon Treaties

*Presidency Conclusions – Brussels, 18/19 June 2009*

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It reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European common 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.

Ireland notes that nothing obliges it to participate in permanent structured cooperation as provided for in the Treaty on European Union. Any decision enabling Ireland to participate will require the approval of Dáil Éireann in accordance with Irish law.

Ireland notes also that nothing obliges it to participate in the European Defence Agency, or in specific projects or programmes initiated under its auspices. Any decision to participate in such projects or programmes will be subject to national decision-making and the approval of Dáil Éireann in accordance with Irish law. Ireland declares that it will participate only in those projects and programmes that contribute to enhancing the capabilities required for participation in UN-mandated missions for peace-keeping, conflict prevention and strengthening international security, in accordance with the principles of the United Nations Charter.

The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Lisbon. In the event of Ireland's ratification of the Treaty of Lisbon, this Declaration will be associated with Ireland's instrument of ratification.

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Presidency Conclusions – Brussels, 18/19 June 2009

11225/09 2

I. Institutional issues

Ireland and the Treaty of Lisbon

1. The European Council recalls that the entry into force of the Treaty of Lisbon requires ratification by each of the 27 Member States in accordance with their respective constitutional requirements. It reaffirms its wish to see the Treaty enter into force by the end of 2009.

Having carefully noted the concerns of the Irish people as set out by the Taoiseach, **the European Council, at its meeting of 11-12 December 2008, agreed that... other concerns of the Irish people, as presented by the Taoiseach, relating to ...Ireland's traditional policy of military neutrality, would be addressed to the mutual satisfaction of Ireland and the other Member States, by way of the necessary legal guarantees.** Against this background...The European Council has also **taken cognisance of the unilateral declaration of Ireland (Annex 3), which will be associated with the Irish instrument of ratification of the Treaty of Lisbon.....** ANNEX 3 NATIONAL DECLARATION BY IRELAND ...[It] reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, **including those carried out under the European common 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.** (Presidency Conclusions of the Brussels European Council (18/19 June 2009) [https://ec.europa.eu/commission/presscorner/detail/en/doc\\_09\\_2](https://ec.europa.eu/commission/presscorner/detail/en/doc_09_2))

At the Seville European Council in 2002 the other EU governments accepted Ireland's National Declaration spelling out the Triple Lock as follows: *"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."*

In return the European Council of Member State Governments made the following Declaration: *"The European Council takes cognizance of the National Declaration of Ireland presented at its meeting in Seville on 21–22 June 2002. It notes that Ireland intends to associate its National Declaration with its act of ratification of the Treaty of Nice, should the people of Ireland in a referendum decide to accept the Treaty of Nice."*



## Appendix 2: Referendum Commission materials

The Government's Referendum Commission, headed by government appointee, Frank Clarke (who had actively campaigned for the Nice Treaty in 2001/2002 in support of the government\*) informed the voting public that *"The European Council has agreed that protocols will be added to a later EU Treaty to give full effect in EU law to these decisions.....an EU Treaty and any protocol to it becomes part of EU law and is enforceable....IRISH GOVERNMENT DECLARATION...At the meeting of the European Council at which this decision was made, Ireland made a declaration in relation to military neutrality....this declaration will be associated with the instrument of ratification if Ireland does ratify the Lisbon Treaty"*.

\*de Breadun, Deaglan. 2002. "Bruton disowns colleague's EU tax plan: THE NICE DEBATE Referendum 2002". *The Irish Times*. September 18, 2002: 4.

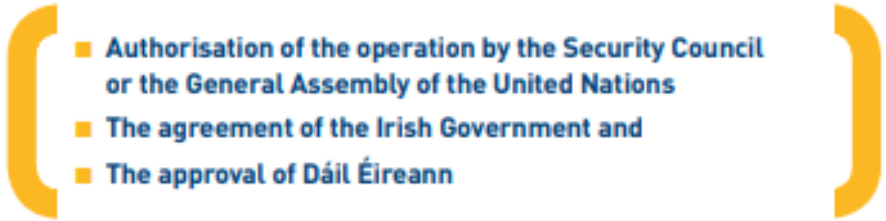
### LEGAL STATUS OF THE EUROPEAN COUNCIL DECISION

This decision is contained in a new international treaty which will be legally binding on all 27 member states of the EU. It is not part of the Lisbon Treaty. The European Council has agreed that protocols will be added to a later EU Treaty to give full effect in EU law to these decisions (this is likely to be a Treaty of Accession for a new member state – such as Croatia or Iceland). The main difference between this international treaty and a protocol to a EU Treaty is that an international treaty, while binding on the parties who have signed it, does not have an enforcement mechanism. A EU Treaty and any protocol to it becomes part of EU law and is enforceable by the European Court of Justice in the same way as other EU laws.

The new international treaty will come into force on the same day as the Lisbon Treaty, if the Lisbon Treaty is ratified by all the member states.

### IRISH GOVERNMENT DECLARATION

At the meeting of the European Council at which this decision was made, Ireland made a declaration in relation to military neutrality. This sets out Ireland's policies and practices. It reiterates that, in order for members of the Irish Defence Forces to take part in overseas operations including those carried out under the European common security and defence policy, the following requirements must be met:

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- Authorisation of the operation by the Security Council or the General Assembly of the United Nations
  - The agreement of the Irish Government and
  - The approval of Dáil Éireann

This declaration will be associated with the instrument of ratification if Ireland does ratify the Lisbon Treaty.

### Appendix 3: Vienna Convention basis of the Triple Lock National Declaration constituting a subject and instrument of international law

Whilst the Government and the European Commission officials and legal advisors may think that because they deliberately omitted the Triple Lock from the Protocol published in 2013, they have gotten away with ensuring the Triple has no legal basis outside of Oireachtas Legislation – I argue that is very questionable.

- 1) the Triple Lock was iterated by the Heads of State and Government of the European Union member states in the 2009 Conclusions which arguably falls under Article 32 of the Vienna Convention on the Law of Treaties which means the Triple Lock is part of the Lisbon Treaty through “the preparatory work of the treaty and the circumstances of its conclusion”
- 2) the Lisbon Treaty falls under the Vienna Convention because (a) “treaty” means an international agreement concluded between States in written form
- 3) the people’s consent to the Lisbon treaty could be invalidated through the Government’s destruction of the Triple Lock, because the Triple Lock as an ‘internal law of fundamental importance’, falls under Article 46, which states that consent is invalidated because “that violation was manifest and concerned a rule of its internal law of fundamental importance”
- 4) indeed the Triple Lock also falls under Article 47 as the basis of a restriction linked to consent to the Lisbon Treaty because “the restriction was notified to the other negotiating States prior to [the people of Ireland as the Sovereign of Ireland] expressing such consent” through the National Declaration containing the Triple Lock, agreed by the European Council and associated with Ireland’s ratification of the Lisbon Treaty.

Corruption or coercion of the states’ representative is also grounds for invalidating consent.

Given the Treaty of Lisbon could only come into existence if all parties, including Ireland, ratified it, the Treaty itself is invalid and all legislation passed on its basis is invalidated.

Article

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Supplementary means of interpretation

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

(a) leaves the meaning ambiguous or obscure; or (b) leads to a result which is manifestly absurd or unreasonable.

Vienna Convention on the Law of Treaties 1969 entered into force on 27 January 1980. The Vienna Convention on the Law of Treaties - "Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force

Article 2

Use of terms

1. For the purposes of the present Convention:

(a) “treaty” means **an international agreement concluded between States in written form** and governed by international law, whether **embodied in a single instrument** or in two or more related instruments and whatever its particular designation

(i) “international organization” means an intergovernmental organization.

Article 5 Treaties constituting international organizations and treaties adopted within an international organization

The present Convention applies to any treaty which is the constituent instrument of an international organization and **to any treaty adopted within an international organization – the Lisbon Treaty is one such treaty.**

The Declaration containing the Triple Lock that was agreed to by the Council of Ministers as a law-making body does fall under the Vienna Convention Article 13 Consent to be bound by a treaty expressed by an exchange of instruments, given that the Triple Lock is the instrument associated with the ratification of the Lisbon Treaty because once the Referendum Commission, a Government appointed body, stated to the people of Ireland in the Lisbon Treaty second referendum literature **that the Triple Lock would be part of the condition of the ratification**, and is an instrument associated with the ratification of the Lisbon Treaty. Therefore, the people of Ireland, as sovereigns entering into this contract, are agents of State Consent - with the Triple Lock agreed as a subject to ratification expressed in the negotiation that is ANNEX 3 Ireland’s National Declaration, under Article 14 b) “it is otherwise established that those States were agreed that the exchange of instruments should have that effect” and under Article 14, “(d) **the intention of the State [in this case the people of Ireland] to sign the treaty** subject to ratification appears from the full powers of its representative or **was expressed during the negotiation**”

And under article Article 16 Exchange or **deposit of instruments of ratification**,

And under Article 31 General rule of interpretation, 2. **The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text**, including its preamble and annexes:

(a) **any agreement relating to the treaty** which was made between all the parties in connection with the conclusion of the treaty;

(b) **any instrument which was made by one or more parties** [in connection with the conclusion of the treaty] and **accepted by the other parties as an instrument related to the treaty**

**The European Council and the Council of Ministers accepted the Triple Lock as an instrument related to the Treaty of Lisbon and is an agreement relating to the Treaty of Lisbon so the Triple Lock is covered under the Vienna Convention’s Article 31 General rules on interpretation. And the people of Ireland have the right to withdraw from the Lisbon Treaty and with that, membership of the EU given that the Triple Lock is the basis of their “acceptance of those clauses [as] an essential basis of the consent of [] to be bound by the treaty as a whole”.**