

Neither friend nor foe: the Irish position

KAREN DEVINE

The Irish Times

25 November 2008

Some people voted against the Lisbon Treaty because they said they believed it fatally undermined neutrality. Others because they feared the creation of an alleged EU army into which their children would be conscripted. This is the first of three substantial articles, written by an expert in the field, which seek to explain the origins and evolution of neutrality, why the Irish public and Government appear to differ over Irish neutrality and what impact the Lisbon Treaty could have on Irish neutrality

THERE IS an affectionate saying among Government civil servants that the definition of Ireland's neutrality is in a sealed envelope, locked in a dusty cabinet in the Department of Foreign Affairs, to be opened only in an emergency.

The definition of a state's policy of neutrality has always shifted according to the prevailing governments and international affairs of the day. As Irish people today consider the future of neutrality in the face of the European Union common defence proposed in the Lisbon Treaty, it is worth understanding how the concept of neutrality has evolved through history.

The earliest historical account of neutrality was recorded in Thucydides's account of the Peloponnesian War in ancient Greece from 431 to 404 BC. The island of Melos declared a neutral stance in the struggle between Athens and Sparta to control all of Greece. Athens was incensed at the islanders' attempt to remain neutral and resist Athenian imperialist demands to join its Delian military alliance. Unhappily for Melos and this early exercise of neutrality, Athenian forces overran the island and annihilated the islanders.

It was not until May 25th, 1408, that neutrality first appeared in an official state document, in which the French king proclaimed neutrality in the struggle between the popes of Avignon and Rome.

The legal rules of neutrality first arose from economic considerations and the desire to protect commerce and trade. At the end of the 15th century, voyagers from England, Spain and Portugal had discovered new lands in the Americas and the Far East and sought rules of neutrality to protect the vessels and goods of private trade in their movements to and from the new colonies. These neutrality rules were published in the *Consolato del Mare* and enforced through "prize courts".

The word *neutralité* appeared in several treaties, edicts and other state papers during this era, although the definition of neutrality changed from one treaty to the next, making it difficult to pinpoint the core of neutrality with respect to alliance, non-participation in war and impartiality.

The rules of neutrality in 16th and 17th century treaties were very different to those in operation today. During this era, neutrals could show favouritism towards a belligerent, once the nature of the aid was stated prior to war. The treaties contained specific proposals on aid to contracting parties in terms of horses, soldiers and money, prohibitions on aid to enemies of the contracting parties, the transit privileges of troops and promises to remain neutral or to respect neutrality.

It was not until the 18th century that limits on the partiality of neutrals were introduced.

After war broke out between France and England in 1793, US president George Washington, his secretary of state, Thomas Jefferson, and the secretary of the treasury, Alexander Hamilton, and other American statesmen decided to keep their nascent republic out of this external conflict, mindful of the need to avoid war within the US between pro-French or pro-English parties, and adopted an "impartial" stance.

The neutrality legislation enacted in the Neutrality Act of June 5th, 1794, specified that US citizens acting within the territory of the US in support of a foreign prince or state in war would be subject to criminal penalties. Through its efforts to obtain acceptance of this policy from the countries of Europe through the late 18th, 19th and early 20th centuries, the US government played a leading role in the development of the international laws of neutrality.

In contrast, during the Napoleonic Wars, both the French and British paid scant regard to the rules of neutrality. Both sides felt there ought to be no neutrals in the wars. Napoleon was determined to stop all commercial intercourse with Britain. Britain and Russia made an agreement on March 25th, 1793, to prevent protection of non-belligerent commerce with France.

By this time aid to a belligerent was considered a breach of neutrality.

It was during the 19th century that neutrality became recognised as a concept that could be used to satisfy moral "natural law", in particular to accomplish humanitarian purposes.

The first multilateral Geneva Convention of 1864 provided for hospitals and ambulances to be "neutral", that is, to be protected and respected by belligerents as long as they are used by the sick or wounded and not occupied by military forces. It became possible to incorporate moral arguments in the design of a concept of neutrality that would maximise the values implicit in the moral system of the international order.

An impulse to agree an international set of rules outlining the rights and duties of neutrals with respect to war on land and at sea culminated in the formulation in the 1907 Hague Conventions. The conventions assumed a system of international relations where war was inescapable, but would not involve all great powers in a systemic global war. The neutral state was obliged to observe impartiality, but not its citizens.

In principle, the territory of neutral states was inviolable and through transit of belligerent troops was prohibited. The convention specified that measures taken by neutral powers to prevent violations of its neutrality could not be considered a hostile act.

With the outbreak of the first World War, the US government again declared its neutrality. President Woodrow Wilson espoused neutrality in 1914 based on three ideas: geographic distance, political distance, and impartiality.

Impartiality was based on equal feelings of friendship for belligerents on both sides, and sympathy for mankind, which would be realised through help to both sides when the struggle was over. Wilson made adherence to neutrality a test of patriotism: "Every man who really loves America will act and speak in the true spirit of neutrality."

The US emphasised the legal right of its citizens to trade with belligerents. US nationals' neutral trade was of great domestic importance and rescued an

American economy struggling with recession. A trade imbalance in arms, munitions and supplies developed in favour of the Allies, to the point of affecting the outcome of the war.

The Central Powers objected and responded with a policy of unrestricted submarine warfare. US citizens became casualties of German submarine attacks on Allied and US vessels, including the Lusitania which sank off the coast of southwest Ireland.

Using rhetoric that transformed the US into a champion of the rights of mankind and democracy, Wilson declared war because "the military masters of Germany denied us the right to be neutral". Wilson asserted that the US was ready to defend its character, independence, self-respect and honour in the face of a German government that had failed to uphold the laws on the rights of neutrals and the immunity of non-combatants.

Although Irish neutrality had previously been advocated by Wolfe Tone in 1790 as a core republican value, it was during this time that the roots of Ireland's neutrality were planted.

Arthur Griffith and James Connolly co-founded the Irish Neutrality League in 1914 and called for a policy of neutrality in the first World War, underpinned by the values of independence, nationalism and anti-imperialism.

This brief history of neutrality has illustrated the differing motives behind its use and development. It was adhered to out of fear by the people of Melos in 415 BC; it was developed for profit by private merchants and fledgling state governments in the 14th and 15th centuries, and the US linked neutrality to the motive of honour during the first World War.

Today, international relations academics refer to these three motives of fear, profit and honour in terms of corresponding foreign policy goals of security, prosperity, and identity. Irish governments have argued at different times since the founding of the State that neutrality can achieve all three goals.

Security underpinned Eamon de Valera's policy of Irish neutrality before and during the second World War. It is important to understand that a neutral is not defenceless, even though its army and navy may be small.

Neutrals operate a policy known as dissuasion, demonstrating sufficient ability and determination to fight and indicating that the cost of any attack met by a robust defence (including civilian population if necessary) would outweigh any perceived benefits.

Furthermore, the stance of Irish neutrality indicated non-aggressive intentions, avoiding contributing to international tension created by ownership of a significant military arsenal and the potential for posturing. Irish neutrality today still reflects the identity articulated by de Valera in June 1936 when he said: "I think that the average person in this country wants to make war on nobody. We have no aggressive designs. We want to have our own country for ourselves, as I have said on more than one occasion, and that is the limit of our ambition; we have no imperial ambitions of any sort."

The motive of profit and goal of prosperity have played an increasingly significant role in debate on Irish neutrality in more recent years. The UK and the other member states of the EU are Ireland's most important trading partners. The US is a very important source of foreign direct investment, with nearly 100,000 Irish people employed directly by American companies.

One argument made by proponents of a European security and defence policy is that Ireland is morally obliged to participate in a European defence because of the prosperity she has enjoyed through the receipt of structural funds and membership of the single market.

The counter-argument runs that the funds are administered to all underdeveloped regions for the benefit of the EU as a whole and that other states such as the UK and Germany have never been asked to change their defence policy orientations in exchange for funds received.

It is true that military obligations were never attached to EU funds or linked to economic prosperity arising from membership. In 1951 the Irish government refused additional Marshall aid funding from the US because of the military strings that were attached to it and the consequent implications for maintaining an independent and neutral foreign policy stance.

It would be interesting to speculate on the preferences over the retention of Irish independence and neutrality of Irish public opinion and the government of the time, had similar military strings been attached to EC structural funds. Such speculation sets up an implicit tension between the goal of identity and the goal of prosperity.

An example of this tension is the debate over the decision of the Irish government to allow US troops to pass through Shannon airport on the way to the US-led war in Iraq. On the one hand, recent research on public opinion and neutrality shows that Irish neutrality is supported by a majority of Irish people as a foreign policy identity that includes the values of peace-promotion, non-involvement in war and impartiality.

On the other hand, the transit of belligerent troops through Shannon violates the international law of neutrality and undermines the publicly supported concept of Irish neutrality. A 2007 opinion poll showed that a majority of Irish people (58 per cent) were opposed to the use of Shannon by US troops. The government argued that denying the transit of troops would be a hostile act. Legally, the opposite is true; allowing the transit of troops is a hostile act. The neutral states of Austria, Sweden and Finland made it clear that they would not aid the war effort and would deny the US and its allies permission to enter their airspace.

Politically, the position is debatable. The government allowed the transit of troops, citing fears that US business elites would otherwise become emotional about their investment in Ireland which would lead to a loss of foreign direct investment (or FDI) and Irish prosperity.

Evidence for this position appeared questionable when Jack Welch, the former chief executive of General Electric, maintained that US firms invested in Ireland to make profits and would continue to invest as long as it was profitable, regardless of whether troops were allowed to transit through Shannon or not.

However, there is a political link to the economic argument as the government decision to permit the transit of troops at Shannon was implicated in the decision by the US Congress to maintain funding for the International Fund for Ireland in 2003. Profit was clearly in government minds when former minister for transport Martin Cullen pointed out that the revenue generated from the transit of troops was over €9 million in 2003.

Thus, there appears to be a tension between profit and values in decisions over neutrality. Some opt for the former, arguing it is the government's job to define State interests in economic terms and to pursue them responsibly.

Others opt for adherence to the law of neutrality and, in effect, the credibility of that foreign policy identity and its associated values.

The question of whether there is a fundamental difference between Government and the public over the issue of Irish neutrality and its associated values will be explored in the next article.

- Dr Karen Devine is the Irish Research Council for the Humanities and Social Sciences (IRCHSS) postdoctoral research fellow at Dublin City University, where she is attached to the Centre for International Studies at the School of Law and Government. She lectures in international relations and has taught EU policy and politics at undergraduate level and the development of the EU at postgraduate level.

She wrote her doctoral thesis at Trinity College, Dublin, on public opinion and Irish neutrality. Her research interests include the history and evolution of Irish neutrality and the EUs Common Foreign and Security Policy and Common Security and Defence Policy. She has published her research in Irish and international peer-reviewed academic journals and is the co-convenor of a panel on the past, present and future of neutrality at the International Studies Association conference in New York next year, where she will deliver a paper on neutrality and the Lisbon Treaty.

Tomorrow: Active neutrality versus military neutrality