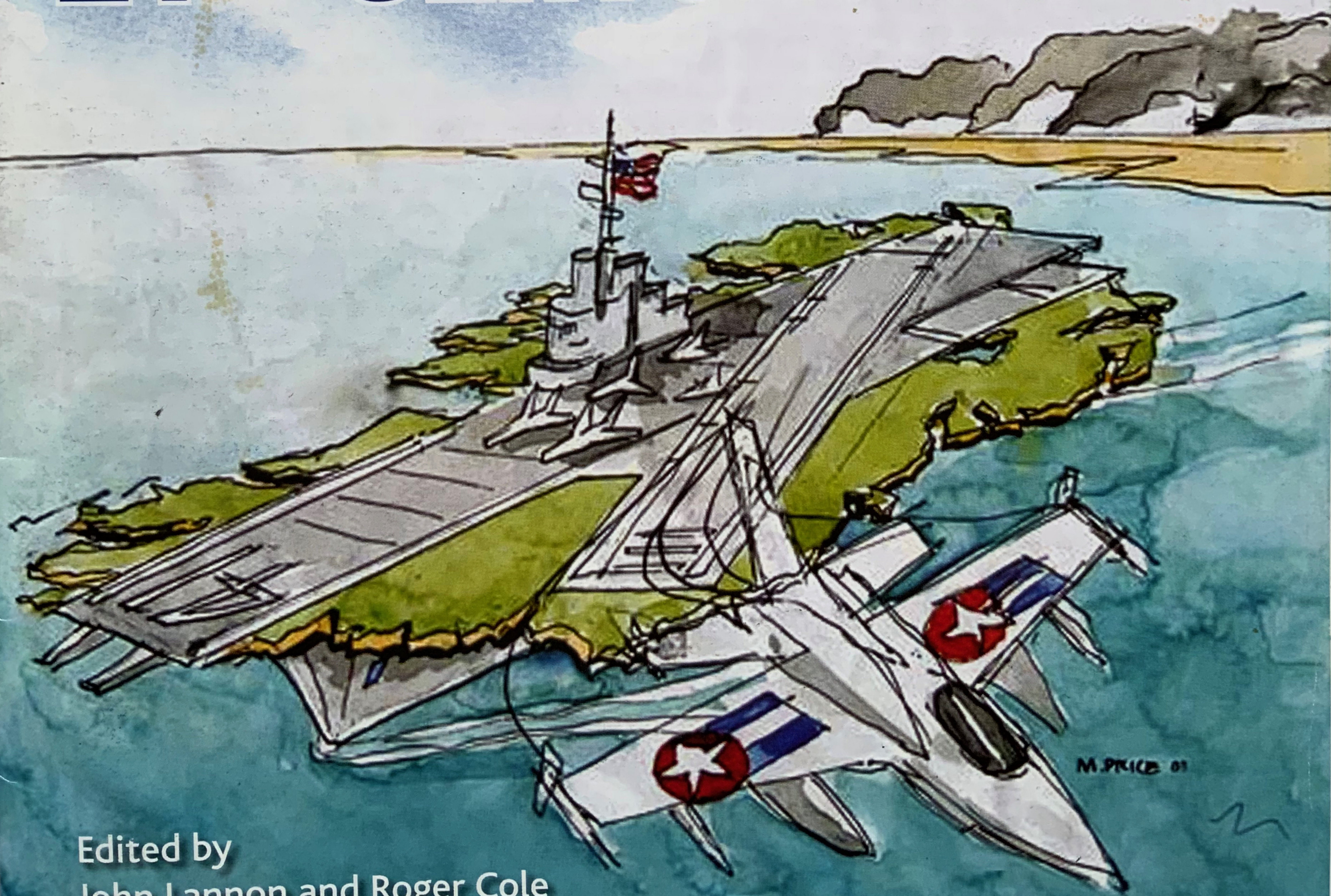


SHANNON AIRPORT

AND 21ST CENTURY WAR



Edited by
John Lannon and Roger Cole

POBLACHT NA H EIREANN. THE PROVISIONAL GOVERNMENT OF THE IRISH REPUBLIC TO THE PEOPLE OF IRELAND.

IRISHMEN AND IRISHWOMEN: In the name of God and of the dead generations from which she receives her old tradition of nationhood, Ireland, through us, summons her children to her flag and strikes for her freedom.

Having organised and trained her manhood through her secret revolutionary organisation, the Irish Republican Brotherhood, and through her open military organisations, the Irish Volunteers and the Irish Citizen Army, having patiently perfected her discipline, having resolutely waited for the right moment to reveal itself, she now seizes that moment, and, supported by her exiled children in America and by gallant allies in Europe, but relying in the first on her own strength, she strikes in full confidence of victory.

We declare the right of the people of Ireland to the ownership of Ireland, and to the unfettered control of Irish destinies, to be sovereign and indefeasible. The long usurpation of that right by a foreign people and government has not extinguished the right, nor can it ever be extinguished except by the destruction of the Irish people. In every generation the Irish people have asserted their right to national freedom and sovereignty: six times during the past three hundred years they have asserted it in arms. Standing on that fundamental right and again asserting it in arms in the face of the world, we hereby proclaim the Irish Republic as a Sovereign Independent State, and we pledge our lives and the lives of our comrades-in-arms to the cause of its freedom, of its welfare, and of its exaltation among the nations.

The Irish Republic is entitled to, and hereby claims, the allegiance of every Irishman and Irishwoman. The Republic guarantees religious and civil liberty, equal rights and equal opportunities to all its citizens, and declares its resolve to pursue the happiness and prosperity of the whole nation and of all its parts, cherishing all the children of the nation equally, and oblivious of the differences carefully fostered by an alien government, which have divided a minority from the majority in the past.

Until our arms have brought the opportune moment for the establishment of a permanent National Government, representative of the whole people of Ireland and elected by the suffrages of all her men and women, the Provisional Government, hereby constituted, will administer the civil and military affairs of the Republic in trust for the people.

We place the cause of the Irish Republic under the protection of the Most High God, Whose blessing we invoke upon our arms, and we pray that no one who serves that cause will dishonour it by cowardice, inhumanity, or rapine. In this supreme hour the Irish nation must, by its valour and discipline and by the readiness of its children to sacrifice themselves for the common good, prove itself worthy of the august destiny to which it is called.

Signed on Behalf of the Provisional Government,

THOMAS J. CLARKE,
SEAN Mac DIARMADA, THOMAS MacDONAGH,
P. H. PEARSE, EAMONN CEANNT,
JAMES CONNOLLY, JOSEPH PLUNKETT.

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Introduction

Shannon Airport, located on the west coast of Ireland, has long been a transatlantic gateway between Europe and America. Since the 1940s it has supported a thriving tourist industry in the region and it spawned the world's first duty free industrial zone. But at the end of the 1990s and the start of the next decade business was slack. Some airlines were cutting their services and others were operating in and out of Shannon with empty seats. At the same time, the "war on terror" was being stepped up by the US in response to the horrific September 11th 2001 attacks. The Irish Government, while claiming to support a longstanding position of neutrality, supported their illegal invasions and occupations of Afghanistan and Iraq, and even went as far as making Shannon Airport available for the transit of the invading troops.

The effective transformation of Shannon into a US forward operating base in 2002/2003 was, and still is, deeply offensive to the majority of Irish people. As Allen and Coulter noted in their critical 2003 appraisal of the Irish Republic, the United States (US) and the Iraq War, the Irish government at the time was guided more by a desire to accommodate the demands of the Bush administration than to serve the interests or wishes of its own citizens. As popular pressure mounted, the Minister for Foreign Affairs Brian Cowan resorted to a series of evasions and half-truths in order to conceal the full scale of Irish collusion in the US war drive. But the manner in which he attempted to hide the truth about what was happening at Shannon only served to further expose how a shameless government held the people it was supposed to serve in utter contempt.

Over a decade later the only things that have changed are the people and political parties in government. We've had a succession of ministers for Foreign Affairs who have used evasions and half-truths to conceal ongoing Irish collusion in US military operations overseas. Allen and Coulter's conclusion in 2003 that the conduct of the political establishment in Dublin was consistently determined by the insatiable imperial demands of the fanatics running the US still holds true. There are still major lessons to be learned, and changes that need to be brought about in terms of Irish foreign policy. As a first step the ongoing US military use of Shannon Airport needs to be ended. And equally importantly, Irish neutrality needs to be copper fastened in law.

The primary purpose of this publication is to document and raise awareness of the extent to which Irish values and neutrality have been eroded by the US military use of Shannon Airport since the start of the 21st Century. As such, it is part of a long continuing struggle against imperialism that was articulated in the 1916 Proclamation almost a century ago and has existed in Ireland ever since. The main section charts Government support for this since 2002, and examines the flawed basis upon which they've attempted to justify it. The use of the airport in the illegal CIA practice of kidnapping and torture, known as renditions, is also outlined,

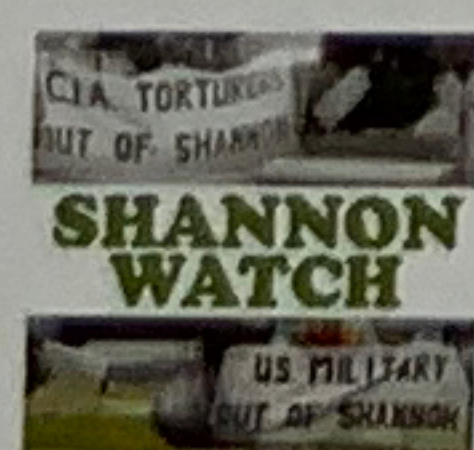
as is the cost to the Irish State for the support given to the US war machine.

Today, as people flee from countries ravaged by war and poverty and European governments shut their doors in their faces, we have a responsibility to act. We must demand that our governments do everything they can to end the cruel deaths we see happening in the backs of lorries, in the sea, in other parts of the long tortuous journeys that the people of Syria, Eritrea, Iraq, Afghanistan, Libya, South Sudan, Eritrea and elsewhere undertake in order to stay alive. But we also have a responsibility to end the cycles of war that have destroyed many of these countries. Halting the US military use of Shannon will not achieve this on its own, nor will the removal of Irish participants from NATO forces in Afghanistan or the closure of Irish companies designing and manufacturing components for weapons systems. But all of these are important steps in the right direction as they would send a strong message to the world that Ireland will not support or accept war or the threat of war as a tool of foreign policy.

The 2014 review of Ireland's Foreign Policy and External Relations quite rightly states that the international community is confronted with a growing range of complex and inter-linked global issues which require concerted international action. In order to contribute to international efforts to address these challenges Ireland needs to develop a principled and independent foreign policy that promotes peace and justice and has positive neutrality at its heart. We cannot continue to do the opposite, as we support policies that contribute to ongoing global conflict. The devastating human consequences of policies that resort to weapons supply and military intervention are clear in Libya, Iraq, Afghanistan, Syria and other parts of the Middle East. It's time we stopped facilitating the creation of these warzones.

We are grateful to the contributors to this publication who provided activist, academic and political perspectives. We hope the combination of insights and information will help to stimulate more debate over Ireland's support for global militarization and US-led imperialism. We are also grateful for the support of the Irish Anti War Movement and Afri who together with the Peace and Neutrality Alliance and Shannonwatch made it possible.

Together we are determined to end Ireland's complicity in war. The first step is to get the US military out of Shannon.



John Lannon,
Shannonwatch



Roger Cole,
Peace and Neutrality Alliance (PANA)

Shannon Airport: A US Military and CIA Base Since 2001



John Lannon,
Shannonwatch

Despite repeated claims of neutrality by recent Irish Governments, approximately 2.5 million US troops have passed through Shannon Airport since 2002. When Ireland became a member of the "coalition of the willing" assembled by the US for its global "war on terror" in 2001, the

US troop carriers started to appear at the airport. They were initially taking occupation forces to and from Afghanistan but before long the airport was also providing fully fledged support for a second US led war in Iraq.

The American military at US Europe Command Headquarters in Stuttgart even assigned a permanent staff officer to Shannon Airport in 2002, meaning it has been effectively operating as a 'virtual' US airbase since then.

The human cost of the invasion and occupation of Iraq is estimated to be in excess of one million deaths. Up to five million people have been displaced from their homes, rape and other crimes against women and girls is widespread, and there is an ongoing lack of basic services such as clean water and medical care.

The situation in Afghanistan is equally bad, with the US / NATO occupation contributing to weak security, ongoing human rights abuse and widespread corruption. The occupation forces in Afghanistan have killed hundreds of civilians, opposition groups are causing ongoing carnage and human rights abuse, opium production is continuing to rise, and more than half the country's families live in extreme poverty. There is a massive human rights deficit in Afghanistan, as well as widespread impunity for war crimes.

The United Nations Security Council (UNSC) did not authorise the US-led military attacks on Afghanistan in 2001 or Iraq in 2003. These wars were therefore in contravention of the UN Charter and should not have been supported by Ireland.

The invasion of a single nation by another nation or group of nations is only legal under the UN Charter if such an invasion has been sanctioned by the vote of the UN Security Council. In the case of the Iraq invasion this did not happen since the United States and Great Britain, led by the US Secretary of State Powell, withdrew their resolution to stage such an invasion from consideration by the UN Security Council on 17th March 2003 when they realized that the majority of its members would vote against it. Instead, Powell and

others insisted that this approval was unnecessary because previous UN Resolutions (687 and 1441) had already granted this right. However, this is simply not true. A final decision by the Security Council was necessary if the invasion was to go ahead, and because the US and UK withdrew their resolution, there could be no decision permitting an invasion. As a result, the invasion of Iraq was illegal, and those who brought it about can be held responsible for war crimes by an impartial international tribunal, for example the International Criminal Court (ICC)¹.

This was confirmed by the then Secretary General of the United Nations, Kofi Annan, who said on September 16, 2004: "I have indicated it was not in conformity with the UN Charter. From our point of view, from the charter point of view, it was illegal."

As for Afghanistan, that invasion was just as illegal despite the many UN resolutions that were adopted after the September 11, 2001 attacks. Resolution 1368 said the Security Council "unequivocally condemns in the strongest terms the horrifying terrorist attacks ... and regards such acts, like any act of international terrorism, as a threat to international peace and security." The preamble recognized "the inherent right of individual or collective self-defence in accordance with the Charter but the US invasion of Afghanistan was not a legitimate act of self-defence. However the US used the language in the preamble of resolution 1368 to claim legitimacy for its actions.

The Irish government supported these unauthorized invasions by allowing US troops to transit through Shannon Airport. In 2005 there were over six and a half thousand US troops a week plus their weapons passing through the airport, as well as contracted cargo planes and other military aircraft. The numbers have dropped somewhat since then but the policy and practice remains the same. Shannon Airport is still a transit station for the US army.

In addition to Shannon's participation in illegal and counter-productive wars, successive Irish governments have



Shannon Airport

failed to live up to their human rights obligations by not monitoring or inspecting suspect rendition aircraft passing through Shannon. The Irish Human Rights Commission, Amnesty International and others have called for a range of measures to address this including the provision of detailed information about a flight before it lands on Irish soil. There have also been calls for legislation to ensure that any aircraft alleged to be involved in rendition cannot leave the State before an inspection is carried out.

In 2008 the Fianna Fail/Green Party Government set up a Cabinet Committee on Aspects of International Human Rights to review and strengthen legislation governing the search and inspection of such planes. However this committee did nothing to end Ireland's cover-up of serious human rights abuse.

The transportation of munitions through Shannon is also of grave concern from a health and safety point of view. Not only are the weapons and explosives being used to cause civilian deaths and suffering in Iraq, Afghanistan and other parts of the Middle East; they also present a grave risk to the safety of people working or visiting the airport. Shannon Airport was designed to operate as a civilian airport, not the military air base it has now become in the 21st Century.

At the end of 2011 there was cause for hope when the new Fine Gael/Labour government made a commitment in their Programme for Government to "enforce the prohibition on the use of Irish airspace, airports and related facilities for purposes not in line with the dictates of international law". To date they have done nothing to implement this, and as a result Irish airspace and Shannon Airport are still being used in contravention of international law.

Supporting War

On 16th June 2015 the Minister of Foreign Affairs and Trade Charlie Flanagan TD appeared before an Oireachtas Joint Committee on Public Service Oversight and Petitions (known as the Petitions Committee). His evidence was part of an investigation into the US Military and CIA use of Shannon Airport and Irish airspace which was undertaken on foot of a petition from Shannonwatch. He referred to a "long-

standing practice of permitting US and other foreign military aircraft to overfly Ireland and to land at Irish airports" and he claimed this was consistent with Ireland's policy of "military neutrality". This is defined simply as non-membership of military alliances. What the Minister did not point out is that the practice as currently implemented is not consistent with the responsibilities of a neutral country under the Hague Convention V on Neutrality 1907 which states in Article 2 that "Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power". This was confirmed by Judge Kearns in the High Court in *Horgan v Ireland* 2003 which is covered in a later part of this publication.

Ireland is now directly contributing to conflict and war on a number of fronts. In addition to the ongoing US military use of Shannon Airport - and to a lesser extent of Casement Aerodrome in Baldonnel - two areas of activity are of note.

Firstly, Ireland has been supplying troops to fight the "war on terror" in Afghanistan since 2002 as part of the NATO-led multi-national ISAF force that has killed hundreds, if not thousands, of Afghans. ISAF was initially established by UN Security Council Resolution 1386 in December 2001 to assist the Afghan Interim Authority in the maintenance of security in Kabul and surrounding areas. Its role and area of operation were changed in October 2003 (by Resolution 1510) and as a result it operated in areas of Afghanistan outside of Kabul and its environs. It did this "so that the Afghan Authorities as well as the personnel of the United Nations and other international civilian personnel engaged, in particular, in reconstruction and humanitarian efforts, can operate in a secure environment". ISAF was then required to work in close consultation with the US-led Operation Enduring Freedom Coalition, which was certainly not engaged in peacekeeping.

Secondly, Ireland is directly involved in the design, production and testing of weapons used to kill, maim and displace people from their communities and homes. A report published in the Irish Independent in June 2014² outlined how Irish-based companies are making a killing in the multi-billion euro global arms and defence market. Export orders linked to military, armaments and defence industries were estimated to be worth as much as €2.3bn a year. According



US Air Force Boeing C-40C at Shannon Airport, 11th Mar 2013

to the report Ireland has become a vital hub in the supply chain of international arms manufacturers. As examples, we have armoured vehicles designed by Timoney Technology in Meath, unmanned military drones powered by technology developed at a Dublin-based firm Innalabs, and Apache helicopter gunship components made by DDC in Cork. And with cyber warfare becoming more prevalent, many of Ireland's software firms are now active in the cyber security market as nation-states bulk up their technology defences.

The international defence industry is also being given increased access to the Irish Defence Forces for product testing. In July 2015 the Minister for Defence Simon Coveney announced plans to link defence infrastructure and the skillset of the defence forces with private sector companies so that together they can create what are referred to as "defence" products.

Examples of companies that have already worked with the Irish defence forces include Moog whose products are used in missiles and military aircraft, as well as a wide range of commercial applications, and Kerry-based Reamda that worked with the military on a project that "developed the software and hardware for weapons simulators".

While fully-functioning weapons systems are not manufactured in Ireland, individual components including software that comprise these systems are being shipped from factories all around the country under Ireland's 'dual use' export rules. This refers to products which, though manufactured for civilian use, can also have a military application. Amnesty International has been raising concerns over Ireland's dual-use exports and their possible link to humanitarian abuses around the world for many years. They point to potential loopholes in Ireland's dual-use export controls whereby the "end-use of item" information which can be listed as "civilian" can relate to the supply of components to "civilian" companies who then incorporate them into military systems. They point to potential loopholes in Ireland's dual-use export controls whereby end-use of item information can indicate the supply of components to civilian companies who then incorporate them into military systems.

The Government needs to provide more transparent information on the precise links between Irish-based manufacturing firms, some of which receive millions of euro in IDA and Forfas grant aid support, and the global defence industry.

Government Support for US Military Use of Shannon Airport

As the figures in Table 1 show, large numbers of US troops and their weapons have been passing through Shannon since 2002. Even though the numbers dropped in 2012, the Irish government has at no stage taken any steps to end this. But far from being under pressure from the US to keep the Shannon military stopover, the Fianna Fail led government was told by the US in 2008 that they would quit if asked³. Despite this, the government worked covertly and consistently to keep the US military at Shannon. The

justification they gave - that they didn't want anyone thinking that "protestors" had won - was both insincere and undemocratic. If they had any desire to uphold Irish neutrality and not be part of the appalling suffering seen in Iraq and Afghanistan they would have asked the US military to leave.

Table 1:

US Troops Numbers Passing Through Shannon 2002 – 2014

Year	Total
2002	73,000
2004	159,000
2005	341,000
2006	281,000
2007	263,000
2008	256,000
2009	265,000
2010	229,000
2011	250,000
2012	101,108
2013	69,840
2014	55,405
TOTAL	2,343,353

The Irish government of 2007 to 2011 which was first led by Bertie Ahern and then by Brian Cowan ignored the wishes of the 100,000 people who marched in Dublin in 2003 in opposition to the war in Iraq. In 2007 an independent national survey showed that a decisive majority of Irish people were still against the use of Shannon Airport by US troops travelling to and from Iraq. The poll which was commissioned by the Peace & Neutrality Alliance (PANA) and conducted by Lansdowne Market Research Ltd asked a representative sample of Irish people if they were in favour of or opposed to the use of Shannon Airport by US troops travelling to and from Iraq.

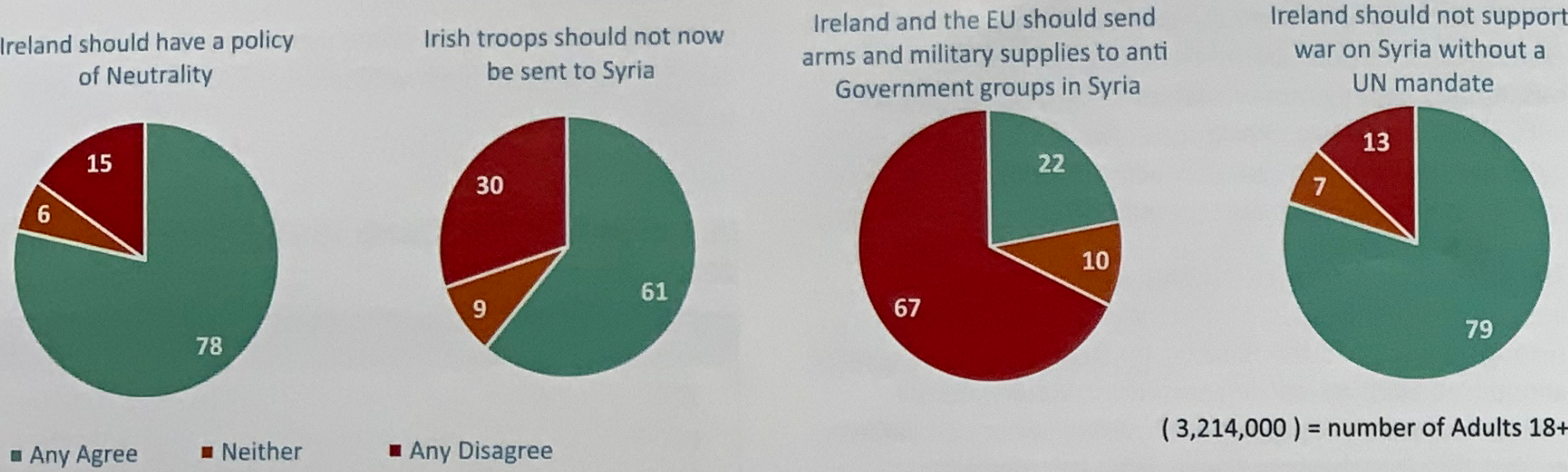
Their response was as follows:

- In favour: 19%
- Opposed: 58%
- No opinion: 21%
- Don't know: 2%

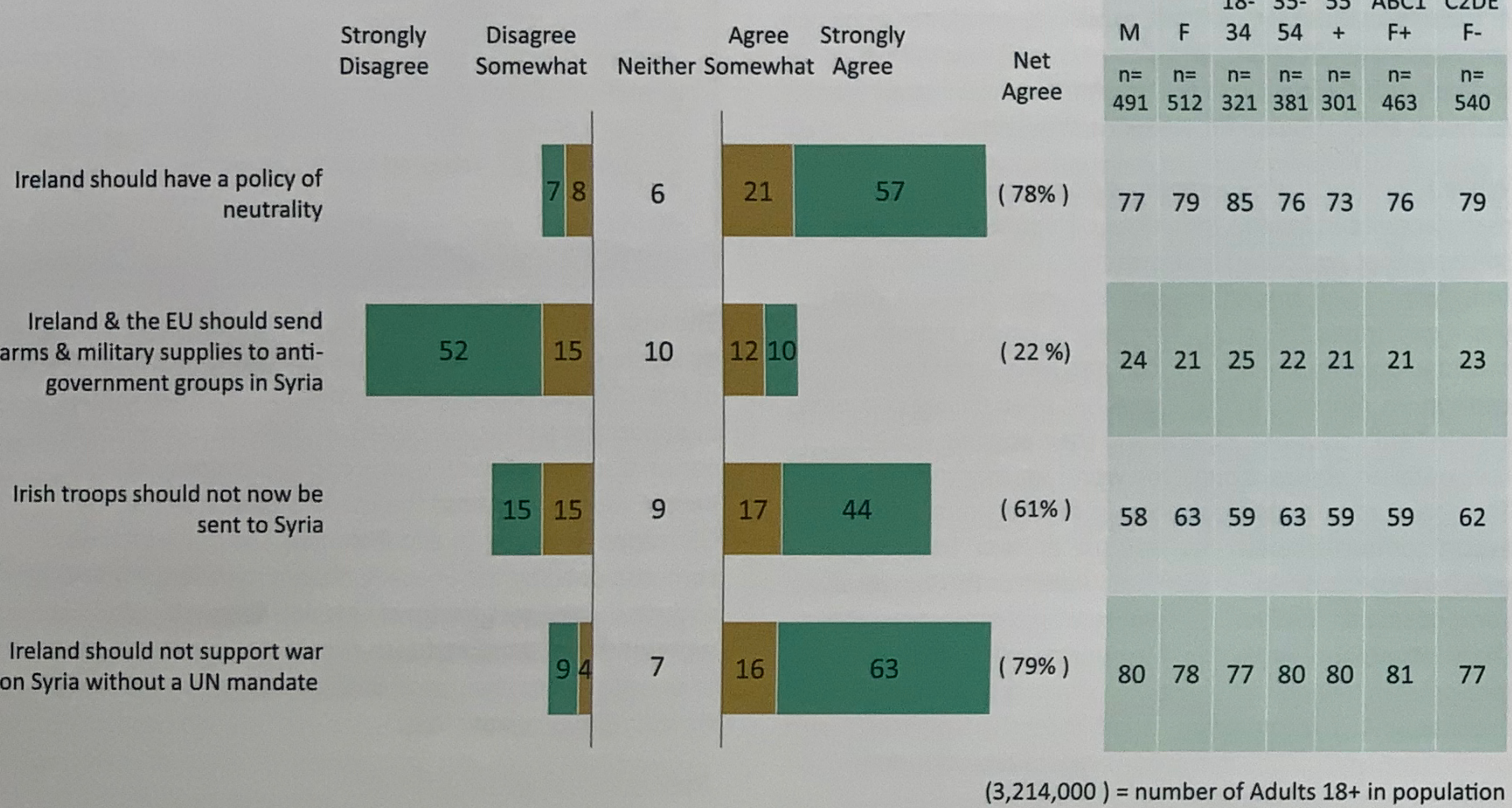
These results show that a large majority of Irish people opposed the military use of Shannon. The government therefore did not have a democratic mandate for its policy of supporting the Iraq war and destroying Irish neutrality.

This opinion has prevailed amongst Irish people in the years since the 2007 poll. A 2013 Rec C poll (also commissioned by PANA) found that over three quarters of Irish people believed Ireland should have a policy of neutrality. The poll also showed that roughly 8 out of 10 people did not want Ireland to support the military intervention in Syria that was then being considered by the US and UK. Only one in eight people (13%) favoured intervention without a UN mandate and less than a quarter (22%) supported arming anti-Assad forces.

Sentiment Overview (Base: All Adults Aged 18+; n=1,003)



Sentiment Overview (Base: All Adults Aged 18+; n=1,003)



Results from 2013 PANA neutrality poll conducted by Red C

The poll findings were based on responses from 1,003 people aged 18 or over. There was a clear lack of support for US militarised foreign policy across all age groups but particularly amongst 18 to 34 year olds.

By 2015 the Syrian conflict had displaced nearly 12 million people from their homes. More than 4 million of these have fled as refugees to neighbouring countries, with growing numbers making efforts to find safety in Europe. This is due in no small way to the supply of arms to all sides in the conflict. Russia and Iran have been shipping large amounts of weapons to the Bashar al-Assad regime, while the US has armed and trained anti-Assad rebels. An investigation by the arms control organization Conflict Armament Research⁴ has found that a lot of the US supplied weapons have in fact wound up in the hands of ISIS. Indeed groups like ISIS and the Al-Nusra Front that are causing terror in Syria and other

parts of the Middle East were born from the invasion of Iraq, evolving from al-Qaeda's Iraq franchise into the organised militias they are today. Ireland provided material support for that invasion by making Shannon Airport available to the invading US military.

The Fine Gael/Labour government that took office in 2011 continued to make Shannon Airport available to the US military despite promises to the contrary. Even though their Programme for Government said they would "enforce the prohibition on the use of Irish airspace, airports and related facilities for purposes not in line with the dictates of international law" they have not done so. In fact local Clare TD Pat Breen (Fine Gael) stated in an interview on Today FM's The Last Word programme in August 2011 that his party has always approved of military personnel going through Shannon. This is at odds with an assurance given by

the then Labour Party leader Eamon Gilmore at the Labour Party Special Congress on 5th March of that year, when he confirmed that the Programme for Government statement meant exactly what it said.

In June 2015 Minister Flanagan made the following statement to the Petitions Committee:

"The granting to the United States and its allies of overflight permissions and facilities and the provision of landing facilities at Shannon by no means constitute an act of participation or, indeed, any participation in war within the meaning of our Constitution, in particular Article 28.3 thereof".

When White House spokesman Josh Earnest said in September 2014 that "The United States is at war with ISIL [ISIS] in the same way that we are at war with Al-Qaeda and its Al-Qaeda affiliates all around the globe" he confirmed that what Ireland is participating in is war. As the next section shows, the Dáil was not given the opportunity to properly discuss or assent to this participation in war. That puts us in breach of Article 28.3.1 of the Constitution which says that "the State shall not participate in any war save with the assent of Dáil Éireann".

It should also be noted that Article 29 of the Irish Constitution states that Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality, as well as its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination. It also accepts the generally recognised principles of international law as its rule of conduct in its relations with other States. Irish governments since the start of the 21st century have failed to uphold these principles.

Long-Standing Arrangements?

Dáil Éireann's agreement to Irish participation in the war in Iraq came about through a March 2003 resolution that allowed the US military use of Shannon. This was proposed and supported by the government parties on the flawed basis of "long standing arrangements for the over flight and landing in Ireland of US military and civilian aircraft". The long-standing arrangements that existed were never intended for participation in war, and the Fianna Fail Minister for Foreign Affairs at the time Brian Cowan was using it for a very serious breach of our neutrality.

In their 2003 booklet 'The Irish Republic, the United States and the Iraq War: A Critical Appraisal' Kieran Allen and Colin Coulter say the following about the series of events that led to the buildup of US military use of Shannon Airport in 2002 and 2003:

"At first, the Irish government attempted to conceal the true scale of its involvement in the preparations of the US military for war. During the last Gulf War in 1990, Shannon had been used by US aircraft for re-fuelling but the practice had not become a major issue in the public mind. There is some evidence to suggest that this time around the government

was keen to ensure that the assistance being offered to the American military would be equally uncontroversial".

Reports of sightings of US planes began to accumulate towards the end of September 2002. Despite this, the Minister of Foreign Affairs Brian Cowen insisted that there was no significant change in the pattern of over flights and landings by foreign military aircraft. The Irish government was (and still is) bound by the Air Navigation Foreign Military Aircraft Order of 1952 which is pursuant to the Air Navigation and Transport Act 1946 and which states that no 'foreign military aircraft shall fly over or land in the State save on the express invitation or with the express permission of the Minister [for Foreign Affairs]'. The government also has to abide by the Air Navigation Carriage of Munitions of War, Weapons and Dangerous Goods Act 1973. This prohibits the carrying of 'munitions of war' on civilian aircraft used by the military (or anyone else), except where the Minister for Transport has given an exemption. So if Shannon was being used to transport US troops and munitions to Iraq, then the government had to have given specific permission for this to occur.

Allen and Coulter go on to say:

"As more and more people became aware of the nature and scale of US military activity at Shannon, journalists from the Observer newspaper began to investigate what was happening at the airport. Their story, which appeared in the edition of 12th January 2003, indicated that thousands of US troops had passed through Shannon and that employees at the airport had seen them with weapons. One worker was quoted as saying, 'Several of the transport planes using the airport carry only weaponry. But the troops arriving in Ireland are fully armed.' Another commented that 'Aer Rianta and the police have introduced a policy of turning a blind eye to what is happening here. I have seen guns and weapons. There isn't a great effort to hide them'.

On 13th January, the day after the revelations in the Observer, Minister Cowen issued a statement that confirmed Shannon was being used as by the US military. He also acknowledged for the first time that 'troops travelling on civilian aircraft are sometimes accompanied by their personal weapons'.

It now appeared that permission was being granted for the landing at Shannon of US troop carriers which were carrying weapons and which were taking part in military operations. This practice has continued to the present day.

Cowen also used his statement on 13th January 2003 to try to close another legal breach. The use of Shannon by US troops in full uniform was illegal under the Defence Act of 1954. The Foreign Minister confirmed, however, that 'US troops have been permitted to wear uniforms in the transit areas of Irish airports'.

What had started as a denial that anything unusual was happening at Shannon had ended up with an attempt to normalise practices there, once they had become a matter of public knowledge and political controversy.

According to Allen and Coulter the final element of this strategy of "regularising the irregular" occurred when the Dáil was convened to debate the issue on 20th March 2003. The resolution to allow the US military continued use of Shannon contained the following. It asserted that the Dáil 'Recalls the long standing arrangements for the over flight and landing in Ireland of US military and civilian aircraft and supports the decision of the government to maintain these arrangements'.

Over 30,000 US troops had passed through Shannon from January 1 2003 to the time of this debate. Yet the government presented the matter as part of 'long-standing arrangements'. These arrangements were supposed to be that foreign troops passing through Irish airports did not carry munitions of war or were not taking part in a military exercise.

However, a document from the security policy section of the Department of Foreign Affairs dated 16th December 2002 revealed that what was occurring at Shannon was not in fact normal but was entirely exceptional. The document noted quite explicitly that, 'on an exceptional basis', a decision was taken to provide landing and refueling facilities pursuant to the State's obligations under UN Security Council Resolution 1368, which requested states to work together to bring to justice those responsible for the attacks on 11th September 2001.

This confirmed that the use of Shannon Airport was exceptional – and not just part of 'long standing' arrangements.

Between 2002 and 2014 inclusive, almost 2.5 million US troops have gone through Shannon Airport (see Table 1). The numbers were at their highest in 2005 when Shannon facilitated 341,000 soldiers on their way to war. The figures for 2012 were less than half that number, but this decrease does not in any way diminish Ireland's complicity in war.



Omni Air International troop carrier at Shannon, 12th August 2015

Ministerial Responsibility

One of features of successive governments' responses to activist and opposition TD requests for information about the US military use of Shannon has been the obfuscation between government departments and Ministers. Parliamentary questions are typically answered (or it would be more correct to say not answered) by Ministers who claim that responsibility lies elsewhere. Ministers for Defence, Justice, Transport and Foreign Affairs all pass the buck from one to the other, with no Minister ever taking responsibility for Irish complicity in the widespread killing and suffering that accompanies war.

In his evidence to the Petitions Committee in June 2015, Minister Charlie Flanagan put it as follows:

"My Department [Foreign Affairs] has the lead role in respect of foreign military aircraft. In administering this role, it consults with the Department of Transport, Tourism and Sport; the Department of Defence; and the Department of Justice and Equality. Lead responsibility for the regulation of civil aircraft lies with the Department of Transport, Tourism and Sport, which consults as appropriate with other Departments, including mine, on applications concerning the carriage of munitions of war".

One of the reasons for the lack of overall oversight and authority is a distinction that's made between civil and military aviation. Military aviation is the use of military aircraft for the purposes of conducting or enabling aerial warfare, including national airlift (air cargo) capacity to provide logistical supply to forces stationed in a theatre of war. Civil aviation represents all non-military aviation, both private and commercial. It includes two major categories: scheduled air transport which includes all passenger and cargo flights operating on regularly scheduled routes; and general aviation which covers all other civil flights, both private and commercial.

One of the main problems in relation to the US military use of Shannon and the reason why there are different ministerial responsibilities is that most of the aircraft carrying US troops and their weapons are designated as civil aircraft. Responsibility for these rests with the Department of Transport, Tourism and Sport.

Aircraft that are designated as military aircraft also land at Shannon. Oversight of these is the responsibility if the Department of Foreign Affairs and Trade.

Military aircraft are categorised as either combat or non-combat. The latter are not designed for combat as their primary function, but are nonetheless likely to carry weapons, at the very least for self-defence. They mainly operate in support roles, including search and rescue, reconnaissance, observation/surveillance, transport, training, and aerial refueling.

The military aircraft that land at Shannon may be combat or non-combat. It's impossible to know given the lack of oversight or inspections.

US Troop Carriers and Other Civil Aircraft Carrying Munitions

International civil aviation is governed by the 1944 Convention on International Civil Aviation which is also known as the Chicago Convention. This established a framework of rules and best practice for the operation of civil aviation internationally. It also established the International Civil Aviation Organization (ICAO) which provides general aviation rules and mediates international concerns regarding aviation law. The ICAO is an agency of the United Nations. Like most countries, Ireland is a member of the ICAO.

Ireland is also a signatory to the Chicago Convention. It is given effect in domestic law through the Air Navigation and Transport Act, 1946. This makes provision for the making of Ministerial Orders to give effect to the terms of the Convention.

Article 35 of the Chicago Convention states that "no munitions of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State". This has been enacted in Irish law through a Ministerial Order known as the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order, 1973, amended in 1989.

Under this Order any civilian aircraft seeking to land or overfly the State requires the permission of the Minister for Transport to carry "munitions of war" on aircraft overflying or landing in Ireland. This includes weapons and ammunition designed for use in warfare⁵. Under Section 5 of the Order (as amended in 1989), the Minister for Transport is empowered to exempt a specified aircraft from this prohibition to allow for carriage of munitions of war.

Table 2 shows the number of permits requested and granted to carry munitions of war through Ireland or Irish airspace since 2007.

Table 2:

Permits Issued to Carry Munitions of War through Ireland or Irish Airspace

Year	Number of applications made	Number of permits issued
2007	1517	1495
2008	1387	1359
2009	1306	1276
2010	1352	1307
2011	1393	1382
2012	821	807
2013	714	693
2014	606	584

In his evidence to the Petitions Committee on 18 February 2015, the Minister for Transport, Tourism and Sport, Paschal Donoghue said

"In accordance with the provisions of the 1973 Order, my Department operates a procedure under which airlines wishing to carry weapons or munitions through Irish airspace or airports must apply for each individual flight at least 48 hours in advance. My Department seeks the views of the Department of Foreign Affairs and Trade in relation to foreign policy issues and the Department of Justice and Equality in relation to security issues."

Details of the requests made in 2014 were obtained by Shannonwatch under freedom of information. There were 606 of them, and the information obtained shows that

- Over 270 flights were given permits to take weapons or explosives through Shannon Airport in the year. 98% of these were US troop carriers.
- The airlines taking US troops and their weapons through Shannon were mostly operated by Omni Air International but National Airlines, Atlas Air, Delta Airlines and North American Airlines also took US troops and weapons through Shannon.
- Atlas Air were also given permission to land an aircraft carrying class 1 explosives, cartridges and power devices at Shannon in August 2014
- In addition to the flights through Shannon, a further 288 flights were granted permits to take weapons and explosives through Irish airspace. Most of these were troop carriers operated by Atlas Air. They also included Southern Air and Kalitta Air flights carrying cartridges, small arms and similar material.
- Permits were also granted to civil airlines that were not identified by the Department of Transport but were transporting automatic and semi-automatic weapons, machine gun parts and other war related material.
- The official count of permit requests that were refused is 22. It is known that at least some of these were refused after consultation with the Department of Foreign Affairs and Trade, but the specific reasons for the refusals are not known.

- Of the US troop carriers granted permission to take "munitions of war" through Shannon or Irish airspace, approximately half were coming from the US on their way to forward operating bases. The other half were on their way back to the USA.
- The main destinations for US troop flights through Shannon on their way from the US were Kuwait, Romania and Kyrgyzstan. Overflights by troop carriers were also destined for Germany, Kosovo, Afghanistan, Bahrain, Qatar, United Arab Emirates and Pakistan.

In relation to troop landings, Minister Donoghue told the Petitions Committee that "while the dangerous goods rules do not apply to the carriage of unloaded weapons, there are other rules regarding the carriage of unloaded weapons in aircraft to ensure the safety and security of the aircraft." He did not elaborate on what those rules are, so it is not clear what safety and security measures if any are in place at Shannon when aircraft carrying hundreds (sometimes up to 350) soldiers and their weapons land.

The Air Navigation and Transport Act, 1988 is intended to cover provisions to promote security and safety of civil aviation, as well as provisions in relation to aerodromes and aircraft. Section 33 of this Act provides that an "authorised officer" - meaning a member of an Garda Síochána (police) or other person designated by the Minister for Transport may in the interest of the security or safety of those in the aerodrome "stop, detain for such time as is reasonably necessary for the exercise of any of his powers under this section, and search any person or vehicle on an aerodrome".

The 1988 Act also allows an authorised officer to require any person on an aerodrome to give his name and address and to produce other evidence of his identity; state the purpose of his being on the aerodrome; and account for any baggage or other property which may be in his possession.

The Minister and the authorities are not known to have used this provision in relation to civil aircraft carrying troops or

munitions. However they regularly use it to impede peaceful protest and the monitoring of US military planes. This has resulted in local activists being repeatedly ordered to leave the aerodrome, forcibly removed, and/or arrested.

From a safety and security point of view it is important to recognise that Shannon Airport is at risk of being targeted by individuals or groups wishing to engage in acts of aggression against the US or its allies. The sworn evidence of two military security experts, Commandant Edward Horgan and Captain Tom Clonan in the trials of Clare Daly TD and Mick Wallace TD in Ennis District Court in 2015 clearly stated that US military use of Shannon Airport does pose a very definite security risk to workers and travellers. Indeed supporting US aggression puts all Irish people at risk, at home and abroad.

Military Aircraft and Landings

In addition to the civil aircraft that land in or overfly Ireland with US troops and weapons, US Air Force and Navy military aircraft and other US State aircraft also pass through.

Under the Air Navigation (Foreign Military Aircraft) Order 1952, all foreign military aircraft require the permission of the Minister for Foreign Affairs to overfly or land in the State. The official position, as stated repeatedly by government ministers, is that requests for permission are considered in consultation with relevant Government Departments and agencies, including the Department of Justice and Equality and the Department of Defence. They also claim that procedures relating to these requests are kept under review, and that "In cases where permission is granted, this is subject to strict conditions including that aircraft must be unarmed, carry no arms, ammunition or explosives, and must not engage in intelligence gathering and that the flights in question must not form part of military exercises or operations."

It is inconceivable that all military aircraft, even non-combat ones, landing in or overflying Ireland meet these conditions. Indeed on 15th October 2013 the Minister for Foreign Affairs



An Air Force Reserve C-130H being protected by Irish Defence Forces at Shannon, 18th Apr 2015

at that time, Eamon Gilmore, said "I am aware of one landing at Shannon Airport ... in which a US military aircraft, contrary to notification, was found to be armed with a fixed weapon"⁶. He claimed that the landing, which was on 5th September, was an "administrative error". The aircraft in question was a US Air Force Hercules AC-130W, registration 87-9288 and it had a 30mm cannon clearly visible on the side. This is a large weapon, designed to cause great damage and potentially great loss of life.

It is also known that early on the morning of 28th February 2015 an EC-130H 'Compass Call' which operates in an airborne tactical weapon system role to disrupt enemy command and control communications, landed at Shannon.

These are just two examples of US military aircraft at Shannon that were armed and almost certainly part of military exercises or operations.

In the 12 months up to 1st July 2014 the Irish authorities issued 666 permits for military aircraft to land at Shannon. The breakdown by country is shown in Table 3.

Table 3:
Military landings at Shannon in 12 months up to 1st July 2014

Country	Number
Bahrain	1
Belgium	2
Canada	5
Croatia	3
Egypt	4
France	7
Germany	4
Italy	8
Malaysia	1
Mexico	1
USA	630
TOTAL	666

The figures show that 95% of the military flight landings at Shannon are from the US. According to the Minister for Foreign Affairs most of these concern aircraft refueling and crew/passenger rest, with smaller numbers relating to the transport of dignitaries, flight crew training, airport familiarisation and aircraft maintenance⁷.

Shannonwatch records show that the US military aircraft that land at Shannon are predominately C-130 Hercules turboprop military transport aircraft capable of carrying cargo or passengers; tanker aircraft, including Boeing KC-135 Stratotankers used by the US Air Force for aerial refueling; executive jets; and US Air Force and Navy Boeing jets.

Despite Government claims that these aircraft are not carrying any weapons or aren't involved in any military operations, they get special protection by the Irish authorities. Instead of searching or inspecting US military aircraft the Gardaí and armed Irish Defence Forces provide

security for them on the ground. In the first 5 months of 2015 (up to June 4th) there were a total of 139 deployments of the Irish Defence Forces for this purpose at Shannon. The total cost of these operations to the Irish State was €72,692.

In total the cost of the army protection provided to the US military at Shannon Airport from 2006 to the end of 2014 was €2.36 million (see Table 4). This is an average of €262,000 a year.

Table 4:
Irish army costs for Shannon Airport

Year	Cost
2006	€403,375
2007	€275,054
2008	€286,273
2009	€258,040
2010	€203,366
2011	€259,739
2012	€275,008
2013	€221,000
2014	€180,000
TOTAL	€2,361,855

US military aircraft are also granted permission to land at Casement Aerodrome, Baldonnel. In response to a question from Seán Crowe TD, Sinn Féin Spokesperson on Foreign Affairs, Trade and Defence in December 2014, the Minister for Foreign Affairs and Trade said that records of landings at the Aerodrome are held by the Air Corps but that statistics for the period 2001 to 2014 "are not readily available".

Again this shows the complete lack of oversight of US military traffic through Ireland.

Permission is also granted for the landing of foreign military aircraft at Dublin Airport. Official numbers for 2013 and 2012 were 34 and 37 respectively; in the vast majority of cases these were for the transport of dignitaries and other participating in high-level visits. They also included visits for official meetings like the OSCE Ministerial meeting in Dublin in 2012 and meetings relating to the Irish Presidency of the EU in 2013.

Military Overflights

According to Mr. Niall Burgess, Secretary General of the Department of Foreign Affairs and Trade, in evidence to the Petitions Committee on 3rd December 2014, there are specific arrangements in place with the US for military overflights. They are, he said

"... handled under arrangements which were set out under an exchange of letters between the then Minister for Foreign Affairs and the US ambassador in 1959. That arrangement permits overflights without prior notification on the basis that the aircraft are unarmed, they carry only cargo and passengers, and they comply with any relevant navigational requirements."

Once again unspecified "longstanding arrangements" are being used to justify the movement of US military aircraft.

The situation with overflight of military aircraft is even more unclear than with landings at Shannon. In answer to a parliamentary question on 15th April 2015, the Minister for Foreign Affairs and Trade said:

"The US is granted blanket permission for overflights by unarmed military aircraft. The US Embassy provides my Department with post hoc monthly statistical returns on the total number of overflights by such aircraft.

The number of overflights would appear to be in the order of 40 or more per month⁸. Clearly there is no prior notification of exactly what is on the aircraft, where they are going, or what type of operations they are engaged in. "Post hoc monthly statistical returns" would appear to mean that at the end of every month the US Embassy tell the Irish authorities how many of their military aircraft passed through Irish airspace.

For a country that claims to be neutral that is not good enough.

Air Traffic Control and Military Flights

Between 2003 and 2015 it has cost the Irish state €42 million to cover the air traffic control costs of foreign military aircraft using Irish-administered airspace. This covers officially designated military aircraft and not troop carriers operating as civil aircraft. Most of the cost is associated with US planes en route to Europe and the war zones in the Middle East and southwest Asia.

The €42 million cost is due to Ireland's participation in a multilateral agreement overseen by Eurocontrol, which is the European Organisation for the Safety of Air Navigation. This is an intergovernmental organisation made up of 39 Member States and the European Community.

The then Minister for Transport Martin Cullen explained how the Eurocontrol agreement works in a reply to a parliamentary question in 2006:

"Under a Eurocontrol, European organisation for the safety of air navigation, multilateral agreement to which Ireland is a party, various categories of flights — flights under visual flight rules, flights performed by small aircraft, flights performed for the transport of Heads of State and search and rescue flights — are exempt from paying en-route charges. In the case of other categories — military flights, training flights, flights performed to test air navigation equipment and circular flights — states have the option to exempt such flights from payment of the en-route charge. In common with most Eurocontrol member states, Ireland exempts all such flights, including military flights of member states of Eurocontrol, United States and Canada, from payment of the en-route charge and this arrangement has applied since Ireland joined the Eurocontrol en-route charging scheme in the early 1970's. Because of this arrangement the IAA costs in relation to military flights are met from my Department's Vote."

The exemption of US military flights from charges was also noted by the then Minister of State for Transport, Ivor Callely, in 2005:

"In common with most Eurocontrol member states, Ireland exempts all such flights, including military flights of member states of Eurocontrol, United States and Canada, from payment of the en route charge and this arrangement has applied since Ireland joined the Eurocontrol en route charging scheme in the early 1970s."

The Eurocontrol agreement is a reciprocal agreement but there is very little benefit accruing to Ireland. The fee waiver agreements are highly advantageous to countries like the US that have very large armies and air forces, but they are virtually no benefit to countries like Ireland whose miniscule number of military aircraft rarely travel abroad (except for the Government executive jet). By waiving US military charges, Ireland is losing a substantial amount of fees that should be paid by the US military.

The waiving of fees for US military planes is particularly irrational. Because they are not a member of Eurocontrol, Ireland is not obliged to cover the cost of US military flights. However the State has chosen to do so. Other



Suspect rendition aircraft N478GS which has stopped at Shannon many times. Photograph: Chuck Fager, North Carolina

European neutral countries, particularly Austria, Finland and Switzerland, do not give free passage to US military flights.

The fee waivers translate into air charge payments to the Irish Aviation Authority (IAA). These are buried deep in the Transport section of the annual Book of Estimates, under "Civil Aviation". They are innocuously called "Payments to the Irish Aviation Authority in respect of exempt services".

The reason for the 'payments' is as follows. The IAA provides air traffic control and communications services to all aircraft passing through Irish controlled airspace, as well as to aircraft landing and taking off from Irish airports. Their costs in regard to military flights are met from the Department of Transport's budget, hence the payments to the IAA.

The costs for each year since 2003 are given in Table 5.

Table 5:
Payments by the Department of Transport to the Irish Aviation Authority

Year	Cost
2003	€2,751,000
2004	€4,612,000
2005	€3,156,000
2006	€2,466,000
2007	€2,930,000
2008	€3,003,000
2009	€3,283,000
2010	€2,809,000
2011	€2,558,000
2012	€4,059,000
2013	€4,075,000
2014	€3,071,000
2015	€3,571,000
TOTAL	€42,344,000

In 2001, prior to the "war on terror", the Department of Transport paid the IAA €1,539,000 for the exempt services. This is €1.2 million less than 2003, the year in which the Iraq war started, and €1.7 million less than the average annual cost since then. In other words the additional US military flights have cost the Irish state an average of €1.7 million a year in unpaid air traffic control fees since 2002.

War Crimes

War crimes are serious violations by a country, its civilians or its military personnel of international humanitarian law. The concept is based on the idea that an individual can be held responsible for the actions of a country or that nation's soldiers. As a result of the transit of US soldiers and military aircraft through Shannon for a decade and a half, it is likely that Ireland has facilitated war crimes.

War crimes are divided into two broad categories. The first are crimes against peace. These include the planning,

preparation, or initiation of a war of aggression. The second are crimes against humanity. These are violations of the rules covering the means and manner by which war is to be conducted once begun. They include the killing of civilians, indiscriminate bombing, the use of certain types of weapons, killing of defenceless soldiers, ill treatment of prisoners of war and attacks on non-military targets.

The main body of laws that define war crimes are the Geneva Conventions. Article 147 of the Fourth Geneva Convention defines them as:

"Willful killing, torture or inhuman treatment, including... willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile power, or willfully depriving a protected person of the rights of fair and regular trial, ...taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

On becoming a party to the Geneva Conventions, as Ireland has, states undertake to enact any legislation necessary to punish persons guilty of grave breaches of the Conventions. States are also bound to prosecute in their own courts any person suspected of having committed a grave breach of the Conventions, or to hand that person over for judgment to another state. In other words, perpetrators of grave breaches, i.e. war criminals, must be prosecuted at all times and in all places, and states are responsible for ensuring that this is done.

Under the principle of universal jurisdiction, Ireland may investigate and prosecute foreign nationals when their country of residence or origin won't, can't, or hasn't for any reason. As many of the people suspected of war crimes in Iraq, Afghanistan and elsewhere use Shannon Airport they could and should be arrested by the Irish authorities.

Rendition Flights

As far back as December 2005 the then Minister for Foreign Affairs Dermot Ahern was asked about the US Central Intelligence Agency (CIA) rendition planes use of Shannon Airport. In response he said "If anyone has any evidence of any of these flights please give me a call and I will have it immediately investigated." He got the evidence - Amnesty International brought flight logs to the Irish Government's attention showing that six planes known to have been used by the CIA for renditions had made approximately 800 flights in or out of European airspace including 50 landings at Shannon Airport. No investigation was undertaken by Dermot Ahern, his government, or by any Irish government since.

In the years that followed, there were Council of Europe and European Parliament inquiries that also identified Shannon as a stopover point in the US renditions programme. Furthermore the UK-based Rendition Project⁹ has shown that since 2001 the CIA was allowed to refuel at Shannon during operations that involved some of

the most notorious renditions of the post-September 11 years. Their database contains information on 371 circuits by companies and aircraft linked to renditions that included Shannon. These are broken down by year as follows: 3 in 2001, 52 in 2002, 72 in 2003, 87 in 2004, 85 in 2005, 93 in 2006, 11 in 2007 and 2 in 2008.

The former Irish Human Rights Commission repeatedly advised the Irish Government that the only effective way of ensuring that it was not complicit in dispatching people to be tortured or ill-treated is through establishing an effective regime of monitoring and inspection. This has not been done.

Rather than take measures to identify past involvement in rendition or to prevent further complicity, successive Irish Governments have simply denied any possibility that Irish airports or airspace were used by US rendition planes. Despite evidence to the contrary, Irish Governments have insisted that they can legitimately rely on US 'assurances' that Ireland has not and will not be used for rendition purposes. However Amnesty International, the Council of Europe and the European Parliament have repeatedly stressed that reliance on such assurances does not fulfill Ireland's human rights obligations.

Rendition Planes and the Law

A number of international treaties apply to Shannon in relation to rendition flights. The main one is the United Nations Convention Against Torture (UNCAT) which came into force on 26th June 1987. Ireland is a party to UNCAT and has ratified it through the Criminal Justice (United Nations Convention against Torture) Act 2000.

Ireland therefore has an obligation to arrest and charge anyone reasonably suspected of having committed torture or cruel, inhuman or degrading treatment, and legislation has been put in place to provide for that. The Criminal Justice (United Nations Convention against Torture) Act's main purpose was to create the statutory offence of torture with extra-territorial jurisdiction. Section 2 (1) of the Act states that

"A public official, whatever his or her nationality, who carries out an act of torture on another person, whether within or outside the State, at the instigation of or with the consent or acquiescence of, a public official, shall be guilty of the offence of torture".

According to Article 2 of the UNCAT, each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. Article 12 states that each State party shall also ensure that its competent authorities precede to a prompt and impartial investigation wherever there is reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction.

Another treaty to which Ireland is a party is the International Covenant on Civil and Political Rights (ICCPR). Article 7 of the ICCPR states that "no-one shall

be subjected to torture or to cruel, inhuman or degrading treatment or punishment". This is a non-derogable provision which cannot be suspended or set aside even in times of war or crisis.

The European Convention on Human Rights (ECHR) protects human rights and fundamental freedoms in Europe. It established the European Court of Human Rights, to which any person who feels his or her rights have been violated by a State party under the Convention can take a case. Article 3 of the ECHR states that no-one shall be subjected to torture.

Ireland is bound by the ECHR as it has been carried into domestic law by the European Convention on Human Rights Act, 2003.

In terms of preventing torture, there have been a number of cases before the European Court of Human Rights in which it has been held that there is an obligation on public authorities to intervene to prevent serious harm to someone. This applies in the case of Ireland as the European Convention on Human Rights Act, 2003 creates an obligation on "every organ of the State" to perform its functions compatibly with the European Convention on Human Rights.

The organs of the State have not done this at Shannon.

Shannonwatch estimates that more than 20 different known or suspected rendition planes used Shannon regularly. It is therefore very likely that prisoners were transported through the airport on their way to Guantánamo Bay Detention Centre. Allowing a situation like that to occur even though they were told about the rendition planes means that the Government, the Gardaí and the airport authorities facilitated torture. Their actions were in contravention of the European Convention on Human Rights, the UN Convention Against Torture and other international treaties.

A number of specific concerns exist in relation to the use of Shannon by rendition planes.

1. Overly Narrow Interpretation of State's Responsibilities

In its response to the UN's Human Rights Committee recommendations on Ireland's Third Periodic Report under the ICCPR, the Irish Government stated that "There is no evidence that any Irish airport has ever been used for the purpose of extraordinary rendition" and that "... there is no evidence to suggest that they were carrying prisoners at any time when they transited through Irish airports." This implies that prisoners must be found on board an aircraft for Ireland to be in violation of Article 7 of the ICCPR. However even if there is no evidence of prisoners on board aircraft when they landed at Irish airports, this does not excuse the State from its responsibilities under human rights law, and in particular the Convention Against Torture. Facilitating rendition aircraft that are en route to or from the illegal abduction and transfer of a prisoner is complicity in torture.

2. Reliance on Diplomatic Assurances

The Irish government's reliance on diplomatic assurances from the US Administration that prisoners had not been and would not be transported illegally through Irish territory is not sufficient to comply with Ireland's international human rights obligations. Indeed as the Council of Europe Report by Dick Marty noted, "[r]elying on the principle of trust and on diplomatic assurances given by undemocratic states known not to respect human rights is simply cowardly and hypocritical."

3. Failure to Investigate Military Aircraft Involved in Kidnapping and Torture

The torture carried out by the US and others acting on its behalf in locations such as Abu Ghraib in Iraq and Bagram airbase in Afghanistan involved the US military. Furthermore the whole rendition and torture programme was related to the wars waged by the US military in Afghanistan and Iraq. Many of the prisoners who were transported to Guantanamo were transported on US military aircraft, particularly in 2001 and 2002, and not on CIA executive jets.

As with civilian aircraft operated by or on behalf of the CIA, there has been a failure to inspect US military aircraft at Shannon. This should be addressed immediately by implementing an inspection regime that will identify any and all breaches of international law.

4. Complaints not Investigated

There are grave concerns about the extent and veracity of how the State has responded to and reported on complaints relating to suspect rendition flights at Shannon. An estimated 100 or more complaints relating to requests to search aircraft have been made to the Gardaí. A large number of these complaints were either ignored or responded to inappropriately; for example by forcibly removing the complainant from the airport, and in some cases by arresting them. This has resulted in further complaints having been made to the Garda Ombudsman in relation to Garda behaviour.

The behaviour of the Gardaí suggests a systemic unwillingness to investigate potential breaches of international law linked to the US military and CIA use of Shannon Airport.

5. No Parliamentary Oversight

The 2007 report from the European Parliament Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners noted the absence of Irish parliamentary scrutiny of either Irish or foreign intelligence services and the potential that this creates for abuse. It recommended that, in the absence of a system of random searches, a ban should be imposed on all CIA-operated aircraft landing in Ireland¹⁰

According to Article 1 of the Chicago Convention, every State has complete and exclusive sovereignty over the airspace above its territory. Article 5 allows civil aircraft such as those not operating regular, scheduled services to fly over

other States or to land in them without prior permission. Article 16 states however that the appropriate authorities of each of the contracting States "shall have the right, without unreasonable delay, to search aircraft of the other contracting states on landing or departure, and to inspect the certificates and other documents prescribed by the Convention".

This is relevant to the use of Shannon Airport by known and suspected rendition planes.

While there is no requirement under the Convention to provide information on passengers, crew or cargo for a transit flight, this does not preclude states from unilaterally making transit or overflight dependent on the provision and verification of such information. In other words there is nothing in the Convention to prevent the Irish authorities from demanding this information and from refusing clearance if it is not provided¹¹.

Furthermore the right to search aircraft on landing or departure under Article 16 of the Convention is not made subject to any requirement of "reasonable grounds" or other suspicion of wrong-doing. This makes it possible to have a system of inspection of suspected rendition planes or troop carriers. This could be done on a random basis without any significant cost or resource overhead.

Conclusion

The maintenance of peace and security as enshrined in the UN Charter is a goal of Ireland's foreign policy. Despite this, Shannon Airport has been used as a vital cog in the invasions of Iraq and Afghanistan, and in the illegal rendition circuits operated by the CIA. The contradictions between stated policy and actual reality are a matter of grave consequence for millions of people.

Despite the hundreds of thousands, perhaps even millions, of lives lost in Iraq and Afghanistan, the widespread human suffering in these countries, the political instability caused and the ongoing fighting that has spread to Syria and elsewhere, it would appear that there has been little oversight of what is taken through Shannon Airport by the US military. The State has obligations under international law, in particular the Geneva Conventions and the Hague Convention on Neutrality, to limit the effects of armed conflict. However the willingness of successive governments to allow US forces to pass through Irish territory and airspace calls their commitment to these obligations into question.

While the number of US troops passing through the airport has declined from a high of 341,000 in 2005 at the height of the Iraq war, there are still significant numbers of troops transported through the airport on a weekly basis.

The systematic use of Shannon Airport by the US military for the purpose of engaging in war should be ended. The government should also review, and if necessary strengthen, procedures governing the search and inspection

of military and other State aircraft that may land at Irish airports, to ensure that it's civil and police authorities have the necessary power to investigate and safeguard against potential breaches of international law. The power to inspect US and other military aircraft is essential if and when there are reasonable grounds to suspect that the cargo, passengers or crew members are involved in acts that may contravene international and/or national law.

The State has also failed to inspect suspect CIA and US military aircraft at Shannon, and references have been made by Gardai to instructions or advice from the Attorney General not to search or investigate such aircraft. The UN Convention Against Torture, to which Ireland is a party states that "Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture". Rendition planes, which are planes used to commit torture, passed through Shannon Airport. That constitutes participation in torture.

The presence of rendition planes was brought to the attention of the authorities on numerous occasions, yet no action was taken.

The government should establish an independent and impartial inquiry into the use of Irish territory, and in particular Shannon Airport, as part of the CIA's illegal renditions programme. This inquiry should address the failure to inspect suspect rendition aircraft, and the reasons for this failure. The outcome of this review should be made public.

Finally, greater transparency is required in relation to matters of fundamental importance to Ireland's foreign policy. As a first step towards achieving this, a full disclosure of all agreements pertaining to the US military and CIA use of Shannon Airport is required.

The logistical support provided for the US military and CIA at Shannon is in contravention of Ireland's neutrality. They have contributed to death, torture, starvation, forced displacement and a range of other human rights abuses. We don't know who or what they took through Shannon; we don't know if drones were brought through for example. But we do know that two cargoes of cruise missiles of the type used to attack Baghdad in 2003 were taken through. We also know that Class 1 explosives were taken through on planes contracted by the US military. This is a wholly unacceptable situation.

Over 1000 civilians have been killed by drone strikes intended to assassinate US enemies in contravention of international and national laws. Shannon may well have been complicit in this, in the same way as it was complicit in the grotesque and illegal torture of people deemed to be enemies of the US. The only way to know if this is the case is by inspecting the aircraft passing through. Diplomatic assurances are not sufficient to ensure the law is being upheld when it comes to the US military and CIA's actions around the world.

The ongoing violent conflict in Syria is in part due to the illegal 2003 invasion of Iraq which Ireland facilitated. Ireland's role as a proud peacebuilding nation is undermined by its support for such unilateral interventions. To re-establish our reputation as a nation, the ongoing US military use of Shannon and airspace must be ended fully. After over a decade of supporting war, it is time to start supporting peace.

¹ See 'The Illegal Iraq Invasion According to the UN Charter, the U.S. Constitution, Resolution 1441, and the Nuremberg Charter' by Edward Jayne and Ronald Kramer. *Dissident Voice*, September 20, 2004.

² See <http://www.independent.ie/business/world/news-focus-war-is-still-very-good-for-business-30336660.html>.

³ See <http://www.rte.ie/news/2011/0812/304870-shannon/>

⁴ Conflict Armament Research (2014) Islamic State Weapons in Iraq and Syria. Available at: http://conflictarm.com/wp-content/uploads/2014/09/Dispatch_IS_Iraq_Syria_Weapons.pdf

⁵ Also includes parts of weapons, parts for weapons and ammunition.

⁶ Written answers to parliamentary questions, 15th October 2013. Available at <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debate-swebpack.nsf/takes/dail2013101500059>.

⁷ Response to Parliamentary Question, 20th January 2015. Available at <http://oireachtasdebates.oireachtas.ie/debates%20authoring/debatesweb-pack.nsf/takes/dail2015012000080>.

⁸ According to the Minister's evidence to the Petitions Committee the US embassy's return for February 2015 states that there were 48 such over-flights by transport, passenger and refuelling aircraft.

⁹ The Rendition Project is a collaborative research initiative run by Prof Ruth Blakeley at the University of Kent and Dr Sam Raphael at the University of Westminster. Working closely with a number of other organisations, in particular the legal action charity Reprieve and the Bureau of Investigative Journalism, this project aims to bring academic expertise to bear in order to research the CIA's rendition, detention and interrogation (RDI) programme. See <http://www.therenditionproject.org.uk/>.

¹⁰ European Parliament Report on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners report, Rapporteur: Giovanni Claudio Fava, FINAL, A6-9999/2007, 26/1/2007

¹¹ See Amnesty International's 2008 report, *Breaking the Chain: Ending Ireland's Role in Renditions*

Shannon and the European Empire



Roger Cole, Peace and Neutrality Alliance

The Peace & Neutrality Alliance was established to advocate for Irish neutrality because the Irish ruling elite clearly intended to integrate Ireland into the EU/US/NATO military structures. Discussing Shannon Airport without the emerging European Empire is like Hamlet without the Prince.

The EU's ruling caste had no doubt about their objective; to quote a few:

"We must face the difficult task of moving towards a single economy, a single political entity, for the first time since the fall of the Roman Empire, we have the opportunity to unite Europe" EU Commission President Romano Prodi, Speech to EU Parliament 13/10/99

"We are a very special construction, unique in the history of mankind. Sometimes I like to compare the EU as a creation to the organisation of an Empire. We have the dimension of Empire." EU Commission President Jose Manuel Barroso, EU Press Conference, 11/7/2007 (Daily Telegraph)

"We need a EU Army" EU Commission President Jean-Claude Juncker, 9/3/2015 interview with Welt am Sonntag, in the context of a war with Russia

In treaty after treaty, especially the Lisbon Treaty in the area of EU militarisation, more and more power has been transferred from the Irish people, and all the other peoples of the democratic states in Europe, to the EU and its institutions, including those covering foreign policy, security and defence. This has happened to such an extent that at its Lisbon Summit, NATO formally recognised the EU as a military strategic partner.

The Ministers of Foreign Affairs of all the EU and NATO states meet on a regular basis to discuss foreign, security and defence policy.

Sweden and Finland, once neutral states, now take part in NATO military exercises. Irish troops serve in NATO in the Afghan war.

The Lisbon Treaty was the most recent EU treaty that focused on the EU military dimension. In particular,

1. It gave the EU a distinct legal identity, separate from and superior to the individual member states;
2. It created an EU Council President who presides over the elected leaders of the member states;

3. It created a new Minister for Foreign Affairs responsible for a EU Common Foreign, security and defence policy with a EU Dept. of foreign, security and defence policy;

4. It legalised the core instruments of the growing military aspects of that policy, the EU Battle Groups and the European Defence Agency, which were made part of the treaty. The EU Battle Groups have increased in number from the 13 originally envisaged to 18. The size of each BG has increased from being able to send a military force to war of 1,500 to 3,000, such as the German led BG Ireland participated in. Since 9 soldiers are needed to provide back up for every soldier in the field of battle, and two are operational at any one time, that means that the EU has a 60,000 strong army at its disposal. While each BG up to now has been operational for only a six month period, from next January 2016, the Polish led BG is to become permanent, and you can be sure they will seek to ensure they all become permanent.

5. It allows member states to form military forces "in accordance with the principles of a single set of forces", that is, a EU Army, which once established would be operationally independent. This applies to Battle Groups and even these larger military formations envisioned by the EU elite. They do not need a UN mandate to be deployed.

6. The tasks of the EU Battle Groups and these new EU armies include "joint disarmament operations, military advice and assistance tasks and post conflict stabilisation" to "contribute to the fight against terrorism, including by supporting Third Countries in combating terrorism in their territories".

7. The EU CSDP is to be compatible with NATO policy (including its first strike with nuclear weapons strategy) to ensure that "a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance."

8. If an EU member state was the victim of armed aggression the other member states have an obligation of assistance.

9. Article 28 A (7) has all the qualities of a common defence pact, to such an extent that the Western European Union, which had a common defence pact, has been abolished.

Together the EU's Defence College, its European Institute for Security Studies, its European Defence Agency, its EU

Intelligence Analysis Centre (INTEN), its Mutual Defence clauses, its Political & Security Committee, its Military Committee, its Battle Groups, its recognised role as a military partner of NATO, have already established all the instruments of a militarised European Superstate in alliance with the United States.

Thus the leaderships of all the three major parties, Fianna Fail, Fine Gael and Labour along with the entire corporate media are totally committed to the integration of all of Ireland into the EU/US/NATO military axis and its doctrine of perpetual war (Northern Ireland already is an integral part of NATO).

This is all taking place in the context of the invasion, conquest or destruction by bombing of Yugoslavia, Afghanistan, Iraq, Syria and Libya.

Not content with their perpetual wars in the Middle East and Africa, the EU/US/NATO axis supported the overthrow the democratically elected President of the Ukraine (elected in 2010, in elections that had 3,249 international observers who declared it transparent and honest) by neo-fascists, thus deliberately provoking a conflict with the nuclear-armed state, Russia.

Obama's Nominee for the US Joint Chief of Staff, Joe Dunford, said on July 10th 2015 at a US Senate confirmation hearing that "Russia is an existential threat ... the threats list is Russia, China, North Korea and ISIS in that order"

NATO states have agreed to a major increase in military expenditure and are conducting massive military exercises in Eastern Europe. If you are not scared of the axis launching World War III, you should be.

The problem for the axis however is that is their policy is not working. Their problem is that there are no European people; there is no European Demos. The Irish are Irish, the Greeks are Greeks, and the Germans are Germans. How many people really think that Greek people will die defending the Germans by joining a European Army to go to war with Russia?

The massive number of refugees pouring into Europe as a direct consequence of the wars of the EU/US/NATO axis has already destroyed the Schengen Agreement, a core value of European Empire. There is little or no possibility of a war with Russia when its rail system has been closed down as a consequence.

The wars of the emerging European Empire are in the process of destroying the Empire.

PANA's job is to give it a helping hand by opposing not just the use of Shannon Airport by the US, but by also opposing the European Empire. Our vision of Europe is a partnership of European states, including Russia, without a military dimension. It is a vision that is not just based on a more realistic analysis of Europe, but provides hope for a better future for all the nations in Europe and in the wider world.

Putting Lives at Risk: Military Emergency Landings at Shannon

John Lannon, Shannonwatch

Early on the morning of Saturday 28th February 2015 an EC-130H 'Compass Call' landed at Shannon after suffering engine problems. As the Clare Herald reported at the time, Shannon Airport's emergency plan was quickly implemented with units of the fire brigade from Shannon and Ennis along with ambulances from Limerick and Ennis being sent to the airport in support of the airport's own fire and rescue service.

The EC-130H Compass Call operates in an airborne tactical weapon system role to disrupt enemy command and control communications. It was developed primarily for the US Air Force through collaboration between Lockheed Martin, L3 Communications and BAE Systems. It executes electronic warfare, tactical air and countermeasure missions to support the US tactical air, surface, and special operations forces. One of its primary roles is to deny and disrupt enemy command and control networks.

Less than a week after the EC-130H landed at Shannon another US military aircraft made an emergency landing. This one was a KC-135 mid-air refueller. It landed on Friday 6th March after the crew reported a problem with the jet's hydraulic system.

As many as 30 emergency vehicles were standing by when the KC-135 landed an hour and a half after the emergency was declared. Fire and ambulances crews from Clare and Limerick were sent to the airport along with local Gardaí, and the main runway was blocked for about 30 minutes by the jet which was left without steering after landing.

There were several other US military aircraft at Shannon at the time of the emergency landing on 6th March. They included a Hercules C-130 operated by the Air National Guard out of West Virginia, a Hercules C-130 operated by the Air National Guard Wyoming and a Boeing 757-200.

If Ireland was a neutral country it would not provide landing permission to these planes. They are military aircraft, operated by the US Air Force, hence they are engaged in military operations. It is inconceivable that there are no weapons on board as our Minister for Foreign Affairs would have us believe.

While it is not unreasonable that aircraft in difficulty should be allowed to land, the EC-130H electronic warfare system and the KC-135 mid-air refueller should not have been near Shannon to begin with. By allowing them to fly through Irish airspace we have become fully complicit in a militarised US foreign policy that results in ongoing conflict around the world. We are supporting military operations that have destroyed lives, communities and even entire countries. We are no longer neutral in any sense of the word.

In addition to the grave risks that US military operations present for civilians living in Afghanistan, Yemen, Iraq and other parts of the world, the military emergencies at Shannon also put the lives of passengers at Shannon, as well as people working at the airport or living nearby, at risk. The aircraft that are landing are old - the EC-130H has been flying for over 30 years and the KC-135 refueller was built as far back as 1965 - and they are experiencing mechanical problems with increasing regularity. Shannon Airport was not



EC-130H electronic warfare aircraft at Shannon on 1st March 2015, after making emergency landing



KC-135 refueller making emergency landing at Shannon on 6th March 2015

built with the intention of dealing with emergency landings of airborne weapons systems or refuellers carrying huge amounts of flammable liquid. It was built to provide safe travel for people whose lives are now being put at risk by unsafe military aircraft. There are no safety protection shields or blast walls to protect occupants of the terminal building from an aircraft explosion. Instead there are large areas of plate glass facing on to the aircraft parking areas. Any significant explosion in an aircraft at the airport would send most of this glass flying in into the passenger and worker areas of the terminal building.

As it happened, a Shannonwatch member was on hand to photograph the US military emergency landing at Shannon on 6th March. He was joined by two Gardai, one of whom was a sergeant. This presented an ideal opportunity for inspection of the aircraft, to see if there were weapons on board or if they were engaged in military operations. But when asked to search and investigate the aerial refueller, the two Hercules C-130's and the military Boeing 757 the sergeant, true to form, and probably following orders, asked if the complainant had any concrete evidence to justify Gardai searching the aircraft.

The Shannonwatch member pointed out that the evidence was there in front of him - two US military aircraft with up to a dozen soldiers on the ground outside the aircraft. He and the sergeant then had the usual circular discussion about Gardai responsibilities to investigate and prevent crimes, before the sergeant and his colleague walked off. And of course no inspection was undertaken.

One of the Hercules C-130's seemed to have an unusual mounting towards the rear, just over the US Air Force logo. It could be gun mounting, perhaps with the gun pulled back in out of sight. This is not at all unlikely. We know that on 5th September 2013, an AC-130W Hercules turbo-prop aircraft, attached to the United States Air Force (USAF) 73rd Special Operations Squadron (SOS), landed at Shannon

with a 30mm modified MK-44 cannon located low on the front of the fuselage in front of the wings. This weapon is capable of firing depleted uranium munitions to enable it to penetrate armoured vehicles and reinforced bunkers. As usual this aircraft was not searched by the Gardai, as far as Shannonwatch are aware, even though they and Irish army personnel may well have spent the night of 5th September 2013 guarding it.

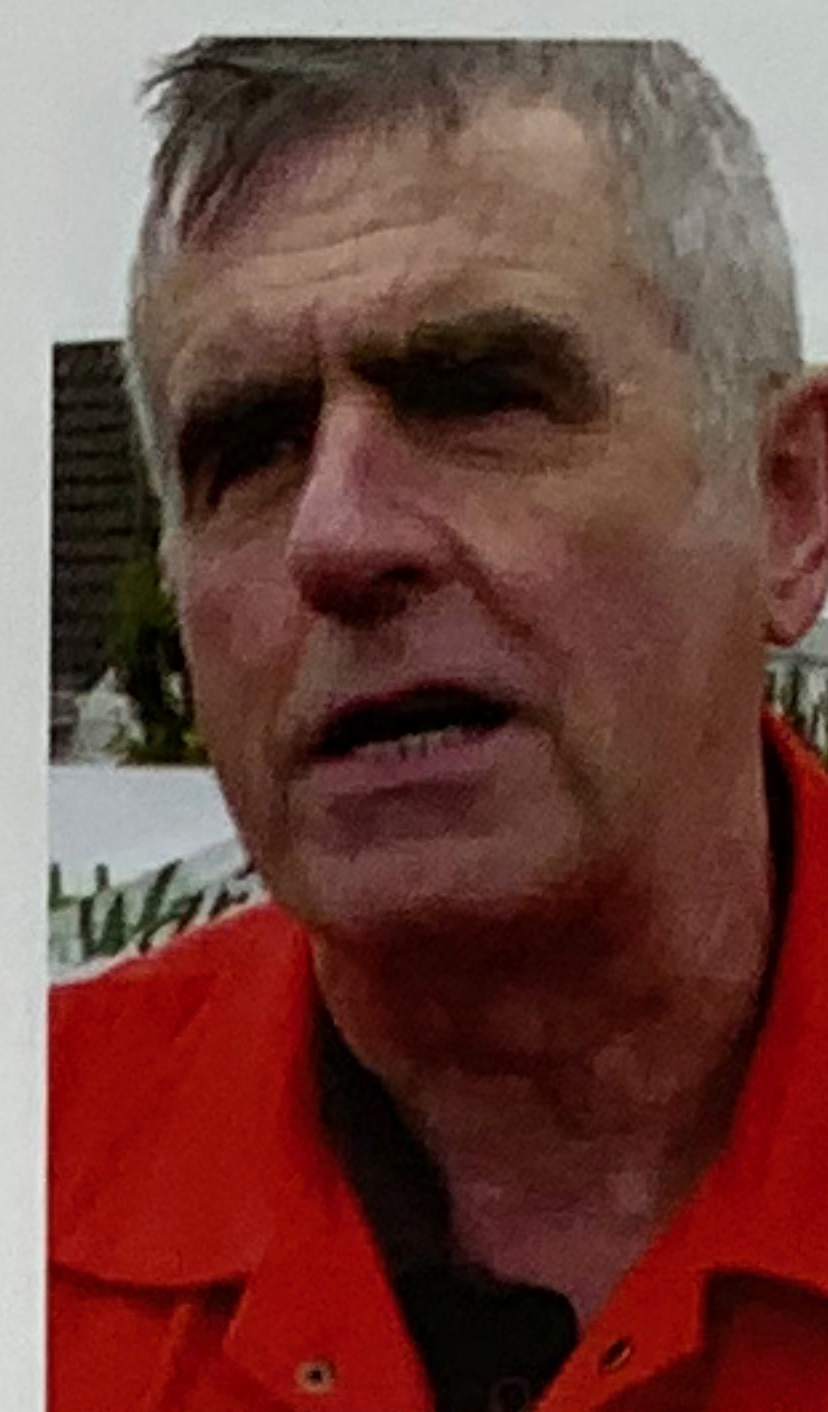
The Minister for Foreign Affairs, Eamonn Gilmore, claimed in the Dáil that the landing was an "administrative error".

Of course there is no concrete evidence that any of the US military aircraft that land at Shannon are carrying weapons unless the weapons are clearly visible (like they were on 5th September 2013). This is largely because nobody is allowed to discover the evidence. The authorities steadfastly refuse to inspect US military aircraft, and attempts by concerned citizens like TDs Clare Daly and Mick Wallace have resulted in them being prosecuted for violating airport byelaws.

Instead successive Ministers for Foreign Affairs have accepted US "assurances" that their military aircraft that pass through Irish airspace or Shannon are unarmed, carrying no arms, ammunition or explosives, not engaged in intelligence gathering, and not part of any military exercises or operations at Shannon. But recent history has shown that US "assurances" are worthless. They gave "assurances" to their close ally, the UK, that its territory was not being used for rendition purposes. Yet in February 2008 the foreign secretary Ed Miliband had to tell parliament that "Contrary to earlier explicit assurances that Diego Garcia had not been used for rendition flights, recent US investigations have now revealed two occasions, both in 2002, when this had in fact occurred".

It may well be just a matter of time until investigations reveal that the people of Shannon are being lied to and that their lives are being put at risk by the presence of lethal weapons systems and explosives at the airport.

Activist Perspectives



Niall Farrell, Galway Alliance Against War

We marched in our tens of thousands demanding Ireland play no part in the USA's wars in Afghanistan and Iraq.

We were ignored: Irish airspace and Shannon Airport became the virtual property of the US war machine. Irish neutrality was truly dead.

Meanwhile, Mary Kelly and the Pitstop Ploughshares carried out their peace actions against the US war machine at Shannon, sowing the seeds for the future. We expressed our solidarity and gave financial support towards their legal costs.

Opposition politicians held passionate speeches from peace platforms declaring it would be different once they were at the Cabinet table.

We were betrayed: the Green Party entered government and the US military continued to wage war via Ireland.

We listened as Labour stridently condemned the Fianna Fail \ Green coalition in the Dáil for its collusion in war and mass murder.

We had grown skeptical. Labour's support for a re-running of the Lisbon Treaty referendum, a treaty that bristled with military clauses, set its true pro-militaristic tone.

And Wikileaks, thanks to Chelsea Manning, informed us how duplicitous the Labour leader, Eamon Gilmore, was. While on national television he told the Irish people of his opposition to Lisbon II, privately he told the US ambassador of his support.

Ten years had elapsed. Over a million were dead. Millions were injured. Millions more were refugees. From Afghanistan in Central Asia to Libya in North Africa countries were in flames. Syria too was about to ignite, fanned by weapons from Libya and NATO-trained jihadists.

During the bloody Vietnam War back in 1967 Martin Luther King felt compelled to famously declare: "A time comes when silence is betrayal."

However, amongst the Irish political elite there were no words of condemnation of Ireland's complicity in never-ending war.

The Irish media also looked the other way. Our role in the USA's "war on terror" was not "news". This remained the case when supporters of Galway Alliance Against War secretly carried out an act of peace and goodwill during Christmas

Week 2011 by sabotaging a US military transport plane at Shannon Airport.

We needed to break the silence.

This led to two peace actions by Margaretta D'Arcy and I on Shannon Airport's runway. The same runway that had been used by over two million armed US soldiers, the largest military force ever to traverse our island. The same runway that had been used to transport millions of tons of war materials to kill and maim innocent people caught up in Washington's imperial wars. The same runway that welcomed the CIA jets to and from Guantanamo. It is no exaggeration to put Shannon's runway on a par with the railway tracks leading into the Nazi death camp at Auschwitz.

Successive Irish governments have denied any knowledge of arms being conveyed via Shannon. Deputies Clare Daly and Mick Wallace were told to produce proof of these breaches of our supposed neutrality. The TDs tried to establish that by attempting to search a US military transport plane at Shannon.

The subservient media could not ignore our acts of peaceful protest and all the court cases, presided over by a former Fine Gael Senator appointed a judge by the Fine Gael / Labour coalition, and the guilty verdicts handed down. Nor could it ignore the jailing of the then 79 year old Margaretta D'Arcy or the attempts to imprison Deputies Wallace and Daly.

Nevertheless, Shannon remains a US virtual forward military airbase.

We now see Washington has turned its sights towards Eastern Europe.

We wonder is its goal to turn the European continent into another wasteland of war?

Naomi Klein in her book *The Shock Doctrine* argues that we are now witnessing the era of "disaster capitalism". It has spawned widening inequality, deepening instability, unstoppable environmental destruction and expanding militarism and war.

For the latter it needs to conjure up an enemy. Moscow is now the "threat", even though in 2014 the USA accounted for 34% of global military spending in contrast to Russia's 4.8%.

US missile sites are now in situ along Moscow's European borders.

The US government spent \$5 billion to engineer a right-wing coup in the Ukraine overthrowing the democratically elected government. Armed conflict now reigns between the Kiev regime and those forces that see their future separate from this US puppet government.

In 2015 alone NATO will have conducted 14 major military maneuvers on land, air and sea directed at Russia. A new Cold War is truly underway and Shannon Airport may well be part of this strategy (and perhaps even Baldonnel Aerodrome).

But President Putin is not Saddam Hussein. His country does possess "weapons of mass destruction" and in response to NATO aggression it has increased its arsenal of nuclear ballistic missiles. Moscow also reacted to the coup in the Ukraine by reclaiming the Crimea, historically part of Russia, with the support of the vast majority of the peninsula's population, and by securing the Black Sea bases of Russia's naval fleet.

The drums of nuclear war are beating and such a conflict will not be limited to Eastern Europe. It will engulf the whole planet.

We need to break the Irish link to the Washington controlled "axis of evil" and perhaps see an international chain reaction that will halt the drive towards a nuclear Armageddon.

We must review our tactics and continue to adhere to the Nuremberg Principles composed to counter warmongers: "Individuals have international duties which transcend the national obligations of obedience. Therefore individual citizens have the duty to violate domestic laws to prevent crimes against peace and humanity from occurring."



Margaretta D'Arcy, Women in Media and Entertainment

On September 1st 2002, world peace day, Women in Media and Entertainment organised the first women's peace camp at Shannon Airport. Running for 24 hours, from twelve noon on Saturday, it was followed by a rally and vigil in protest at the government that refused a vote in the Dáil - or a national referendum - on allowing the US to use an Irish civilian airport as a military airport.

The women were also protesting against the 26-county government spending Irish taxpayer's money on projects connected with warfare. In 2001 the IDA and Enterprise Ireland confirmed that during the previous five years over £20 million of taxpayers' money had been used to grant-aid Irish companies manufacturing weapons components.

As far as I know this was the first visible organised protest at Shannon. Notably it included veterans of Greenham Common.

On September 5th, four days after the peace camp, Eoin Dubsky invaded the airport. He painted 'No way' on a warplane and was subsequently fined.

On January 5th 2003 Mary Kelly and I set up a 24 hour women's camp. In time this became a mixed camp.

Mary Kelly went over the fence and whacked a military plane. Some days later the Pitstop Ploughshares five, including three women (Karen Fallon, Deirdre Clancy and Nuin Dunlop) went in and whacked the same plane.

Since then, women have played a pivotal part in keeping the spotlight on Shannon, setting up women's camps throughout the years. One of these camps resulted in a painting being put into the Victoria and Albert Museum in an exhibition of disobedient objects. It was a painting of one of our women's camp supporting Afghan women.

In time, Shannonwatch was set up by a group from Limerick and Clare. Their chief work was monitoring every military and suspect rendition plane that came through Shannon. They also started holding a monthly vigil at the entrance to Shannon Airport to maintain a visible presence.

The strength of Shannonwatch is continuity. It is the only group in the country that keeps a visible presence concerning the use of Shannon by the US military.

It's interesting that the aviation authorities at Shannon have said they will no longer carry dead wild life since the killing of Cecil the lion. This is because they are frightened of the mass protests that could result from the spilling of blood. So the revulsion and protest of the killing of wild life can change what is carried on at an airport, but killing and destruction of human life and their habitats doesn't seem to raise our consciousness to such a rage!

Peace Activist on Trial



Carol Fox, Peace and Neutrality Alliance

Margaretta D'Arcy, veteran peace and human rights activist, feminist, writer, actor - and ex-con - was standing before District Court Judge Patrick Durcan on June 24th 2014, defending her right to protest the illegal and immoral goings-on through Shannon Airport, County Clare. This was her second trial, along with co-defendant Niall Farrell, in a matter of months. The two were facing charges connected with sitting on the runway to highlight that "neutral" Ireland's territory was being used as a forward base for US devastating war campaigns against Iraq, Afghanistan and 'enemies' elsewhere. Shannon has also been implicated in transiting illegal US rendition flights. The defendants were charged with interfering with the 'proper' use of the airport.

Margaretta and Niall had already been convicted in December 2013 of one incursion onto the runway on October 2012, and Margaretta was given a three month sentence and placed first in Limerick Prison, and then Mountjoy Prison, after refusing to sign a bond 'to keep the peace'. She reckoned that was exactly what she had been doing. A strong campaign was mounted for Margaretta's release and she was visited by a number of celebrities, including the President's wife, Sabina Higgins, a friend of Margaretta's from former days in the theatre. Margaretta served nine and a half weeks and upon her release on Saturday, March 22nd she changed into her trademark orange Guantanamo Bay suit to greet the many well-wishers outside the Mountjoy Prison gates. She proceeded straight to a press conference and then to RTE's Saturday Night Show to be interviewed by Brendan O'Connor. All in a day's campaigning!

But now Margaretta and Niall were in Ennis District Court again, facing the same Judge on the same charge, different date. This time it was for entering the runway in September 2013 - a time in which an attack on Syria seemed imminent. Margaretta had again decided to defend herself and I was to serve as her McKenzie friend (I had to look that up; it means "sits with a party during a hearing to offer assistance and advice"). I, in turn, was assisted and advised by my barrister daughter Julia. Niall was to be represented by barrister Mark Nicholas. The lineup of witnesses to support Margaretta and Niall was impressive: Clare Daly TD; Dr. Tom Clonan, retired Captain of the Irish Army, and security analyst for the Irish Times; Mairead Maguire, Nobel Peace Laureate and co-founder of the Peace People; Dr John Lannon of Shannonwatch and lecturer at the University of

Limerick; and Dr Edward Horgan, also of Shannonwatch, a former army commandant with extensive experience in UN peacekeeping missions.

The Prosecutions' witnesses - the Gardai and airport personnel present on the day of the arrests - after giving their versions of events to the court were then questioned by Margaretta and Niall's defence team. The cross-examination concentrated on the manner of the arrests (both defendants, though fully cooperative, had been handcuffed - a fact which angered Judge Durcan and led to an admonishment of the Gardai involved), and on the inconsistencies in Shannon security. Margaretta set out the relevant sections of the Air Transport Act allowing for an arrest, and asked the arresting Garda to explain which section she had violated: "Did I assault anyone? Did you suspect me of carrying stolen goods? Did you suspect me of carrying a firearm, explosives, or radiological materials?" And from Section 19: "Did I fly an airplane carrying firearms, explosives or radiological materials onto the runway at Shannon?" Oh, the irony of it!

After receiving negative responses to all these, Margaretta asked all the relevant witnesses whether they were on duty four days after Niall and Margaretta's arrest (5th September 2013) when a US Air Force Hercules plane, possibly chock full of explosives, cannons and laser guided missiles, illegally landed at Shannon. Why was the pilot not arrested?

"Are there two sets of rules?" asked Margaretta. "One for people like us trying to stop bombing and one for the bombers?"

The Airport Police Inspector replied: "I don't understand the question".

Running through the entire court case was a questioning of the validity of the charge itself, which was "interfering with the proper use or operation of an airport". The Defence witnesses would be called to highlight exactly how Shannon Airport was being used - not 'properly' at all. Shannon, a civilian airport in "neutral" Ireland, has been hijacked by the US military.

There is a permanent military liaison officer stationed at Shannon Airport to assist the transit of US military aircraft, cargo and troops. A Shannon Airport Duty Manager testified to Margaretta that there was no such officer 'currently' at the airport, a statement immediately contradicted by Dr. Tom Clonan when he took the stand. The officer was a Lt. Colonel reporting directly to Stuttgart in Germany and Dr Clonan had both his name and his phone number which he could provide to the Judge if required.

Dr Clonan went on to provide a riveting and highly informative description of the pivotal strategic role



Margaretta D'Arcy and Niall Farrell's incursion onto the runway at Shannon Airport on 7th October 2012.

Shannon Airport plays in the US military structure. He described Shannon as "a virtual forward operating base" through which two and a quarter million US troops have passed in the last decade, a fact that leaves Shannon open to being targeted. It also exposes Irish troops in the Middle East to increased risk. Dr. Clonan reported as well on a visit to Guantanamo Bay, and the sighting of rendition flight aircraft which had transited Shannon.

It was notable in the courtroom that both the Gardai and the airport staff were very uncomfortable with Dr Clonan's testimony.

Clare Daly TD elaborated on the difficulties of eliciting information in the Dáil about the activities at Shannon and her frustration at the Government's complete unwillingness to inspect suspect planes. This was a dereliction of duty that Clare and fellow TD Mick Wallace would attempt to rectify several months later.

Mairead Maguire, winner of the Nobel Peace Prize, had witnessed the carnage, helplessness, and destruction in Afghanistan, Syria and Iraq. She believed that the Irish Government's inaction made it complicit in these wars and she praised the bravery of the co-defendants, who were following the highest law of all: the law of conscience. The Nuremberg principles called for such individual acts to counter war crimes.

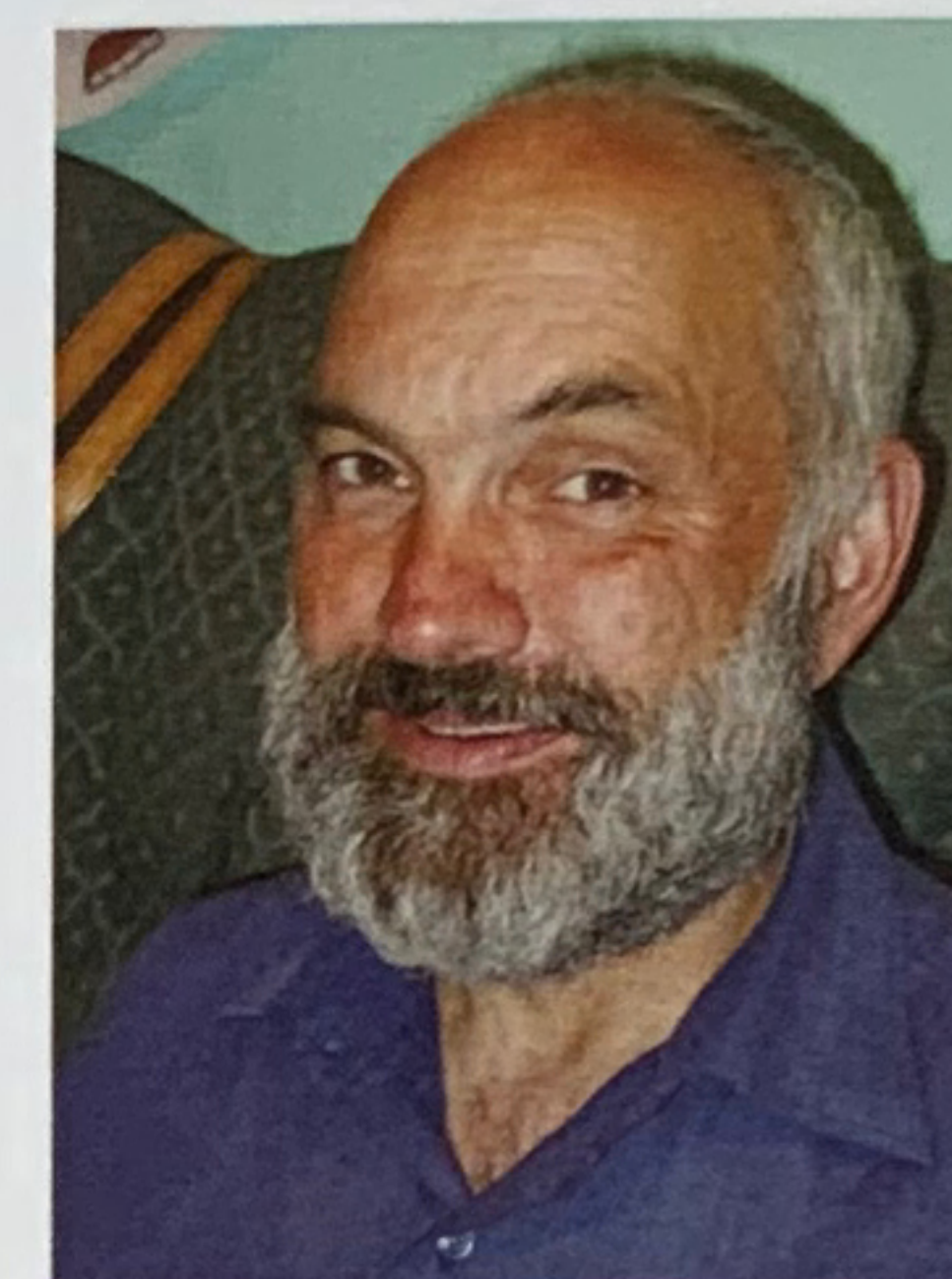
Both John Lannon and Edward Horgan detailed what was happening at Shannon, and had extensive knowledge of the types of planes, activities, safety concerns, and the broader legal issues.

It was a day of theatre, great theatre, of drama, farce, some light relief, but all underlined by a deadly serious theme. Anyone there will never forget it. More was learned in that one afternoon than countless queries or entreaties to the Government or officialdom have ever revealed. A day of high emotions. And Margaretta put in a star turn as a barrister.

The farce - and the tragedy - is that Niall and Margaretta were convicted and served a number of days in prison. The court ruled that they had in fact interfered with the proper running of the airport.

The theatre of the absurd.

Pitstop of Death



Harry Browne

'Pitstop of Death.' That's what Deirdre Clancy spraypainted on the SLS hangar at Shannon Airport, while on the pavement nearby Karen Fallon and Nuin Dunlop assembled a makeshift shrine from some photos and objects they'd packed. Damien Moran and Ciaran O'Reilly set about getting a door open.

It was the wee hours of the morning, February 3rd, 2003. The five activists who were now calling themselves (in a statement already prepared) the 'Pitstop Ploughshares' had cut through a perimeter fence and approached this hangar hoping to find a US military plane there. They were not to be disappointed: a C-40 transport, the very same modified Boeing 737 that Mary Kelly had damaged with an axe a few days previously, was in there, its repairs complete, a Garda car parked alongside.

The officer in the car was helpless to prevent what followed, as the five attacked the aircraft with various implements. A

sizeable agricultural mattock, or pickaxe, in the hands of the sizeable O'Reilly did most damage, as he smashed it into the nosecone. The official repair bill this time: \$2.5 million.

Three of the five, O'Reilly from Australia, Fallon from Scotland and Dunlop from the US, had scarcely spent more than a few months in Ireland, though they had Irish ancestry. Now all five were to find themselves jailed in Limerick for weeks on remand, then tied up in the Irish legal system for three-and-a-half years. For most of that time they were unable to travel outside the State, or near Shannon for that matter.

Worse yet, perhaps, they had acted at a time when much of the organised anti-war movement, courting political and media respectability, couldn't stomach such direct action. The five's visible support, then and thereafter, tended to number in the dozens, rather than the hundreds or thousands.

Their long court battle was, however, fought with impressive intellectual and legal resources. Despite what RTÉ initially reported, they would not be charged with assault on a Garda: they had laid hands on the sergeant only to comfort him. But they could have faced five to ten



The Pitstop Ploughshares (from left, Ciaran O'Reilly, Damien Moran, Nuin Dunlop, Karen Fallon and Deirdre Clancy, with their solicitor Joe Noonan and, behind them, Shannonwatch activist Tim Hourigan. Photograph: Indymedia

years for criminal damage – if their lawyers failed to show they had 'lawful excuse', bashing the plane in an effort to protect lives and property.

The lives and property, however, were thousands of miles away, in Iraq, in a slaughter that didn't start until six weeks after their action. The legal team would have to persuade sceptical judges that distance in space and time was irrelevant under the legislation. Then they'd have to persuade a jury that hammering a plane in Ireland was a reasonable way, in the circumstances, to give some of that protection.

Two senior counsel were ever present through three trials: Michael O'Higgins and the emotive, Rumpole-lookalike Brendan Nix, who sadly died in 2015. Then-junior counsel Giollaíosa Ó Lideadha lovingly nursed the headwrecking legal arguments. Solicitor Joe Noonan was also on the job.

But it was always obvious that if the full case could only get past a judge and be presented to a jury, it would be made, most of all, by the defendants themselves.

Varyingly immersed in the Catholic Worker tradition that informed their action – 'the Catholic Worker is full of atheist slackers,' one of them joked – and not always seeing eye-to-eye on strategy in and out of court, the 'Shannon Five' nonetheless presented a compelling spectacle: decency, honesty, and sincere, irresistible commitment shone from the eyes of each and all of them. When you heard them speak, you no longer wondered why they had done it. You wondered why you hadn't.

The first two trials collapsed for different reasons, but at long last, in July 2006, they got to make most of their case to a jury. The effect, then, was to put the Iraq war, and Irish support for it at Shannon, on trial in front of 12 random Dubliners. That jury didn't take long to distinguish between who was doing wrong and who had done right at a small civilian airport in county Clare: the defendants were acquitted of all charges, unanimously, after just three hours' deliberation.

Nuin Dunlop's testimony remains a touchstone for those who have not forgotten the slaughter that Shannon still facilitates, and those willing to make the sometimes dangerous commitment to fight brutality and injustice wherever it manifests itself. Why had she taken this action?

'There were several reasons. Four reasons actually. I would say the words responsibility, solidarity, urgency and prayer.... Responsibility to me means the ability to respond. I'm not an Iraqi person standing under the threat of bombardment. I'm not an economic conscript in the US military. I am a person who had an ability to respond to what I saw was going to be the killing of innocent people....

'Secondly, solidarity. Solidarity to me is "being with", it is a presence with people who are suffering in some way, and I saw the Iraqi people as very much suffering under the psychological threat of potential full-on war. And I wanted to say to those people in Iraq, you are seen, you are heard, and you are not alone in this....

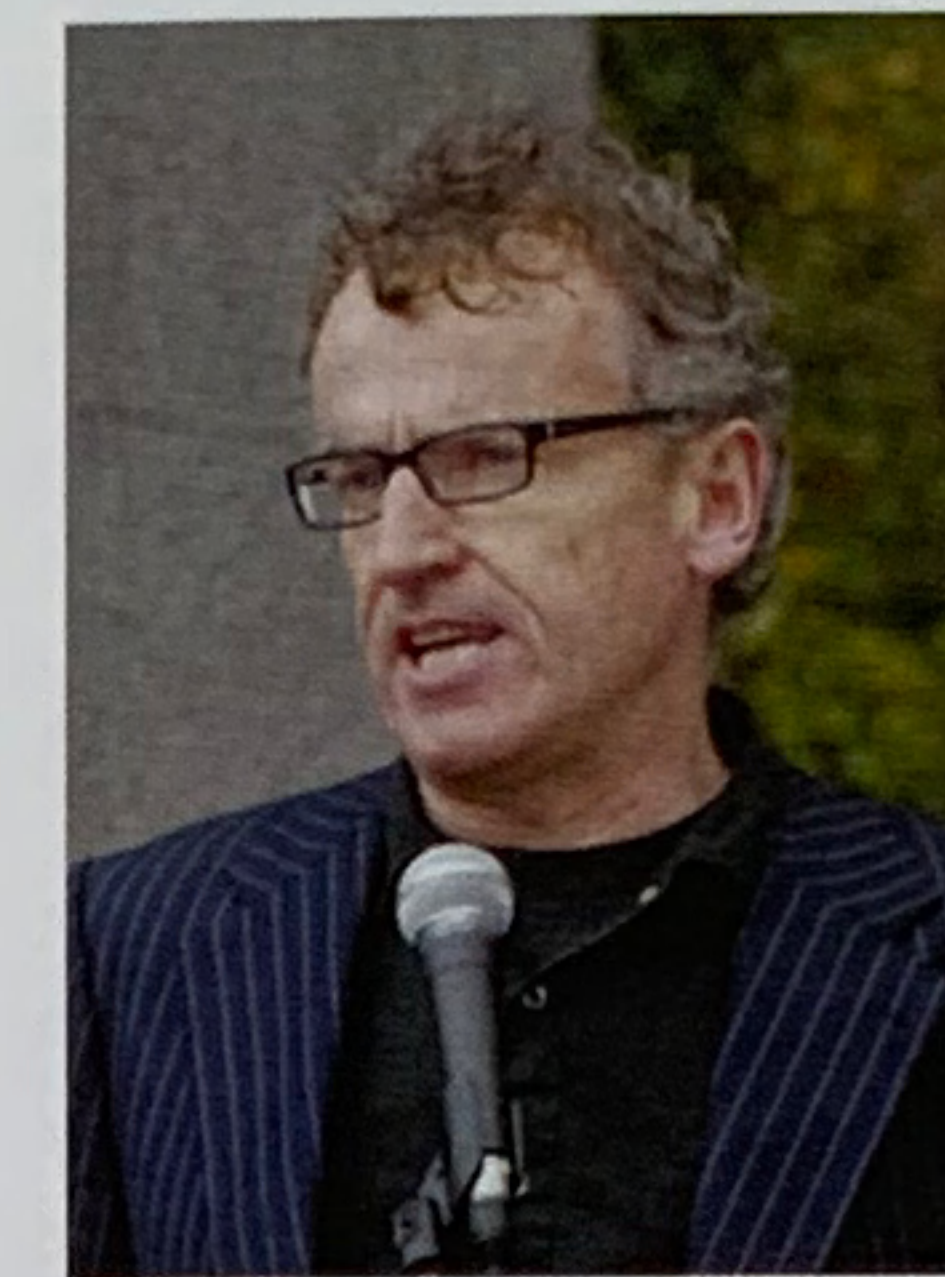
'Urgency: I had a sense that war was imminent, that bombs were going to be crashing down on people in the very near future... and action needed to be taken to protect the people and land of Iraq. And prayer: I had a sense through prayer that I need to participate in this particular action at Shannon.'

She is American, her lawyer noted. So why Shannon? Why Ireland? 'I think a lot of Americans – I think especially Americans of Irish descent, and I am partly of Irish descent – we grew up with all sorts of notions... about Ireland being a peaceful country.... It is a country of peace, a neutral country, a country that stands up to people oppressing the innocent all over the world.... This is just part of the myth, you could say, that Irish-Americans grew up with.... When I did visit here and heard about Shannon, I could not believe what was going on....

'If you can imagine the people of Iraq, or a large group of civilians in Iraq, standing with a chain wrapped around them. Let's say the chain is rusty, and has barbed wire on it, and is being pulled tighter and tighter until they are being crushed by this chain. And at Shannon Airport, because of my country's use of that airport, is a signature link in this chain.

'And if that link can be broken, then the chain itself might fall apart, and then people would live.'

Lawful Excuse: Criminal Trials Vindicate Direct Action at Shannon Airport



Mark Price, Irish Anti-War Movement

In late January 2003 Mary Kelly broke into Shannon Airport and carried out acts of sabotage on a US Navy C-40 transport plane, which was stationed there en route to the invasion of Iraq. A week later, the Pitstop Ploughshares (Deirdre Clancy, Nuin Dunlop, Karen Fallon,

Damien Moran and Ciaran O'Reilly) went and did roughly the same things to the same aircraft. A Peace Camp had been established some time earlier to draw attention to, and register the almost universal disapproval of, the tacit Irish government policy of allowing the US military to treat Shannon as a transfer and logistics base.

The Criminal Trials 2003 - 2006

All of the activists were charged with trespass and criminal damage. The criminal charges resulted in a series of mistrials before verdicts were eventually reached. The jury in Mary Kelly's first trial in Kilrush in July 2003 couldn't agree on a verdict on the criminal damage charge, so she was sent for retrial. Her second trial was discontinued when her lawyers withdrew. At the third attempt in October 2004, a jury at Ennis Circuit Criminal Court found her guilty of criminal damage. She received a sentence of two years imprisonment, which was suspended for four years.

The first trial of the Pitstop Ploughshares fell apart in 2005 when the judge accepted that he had ruled on a legal matter without hearing submissions from counsel, thereby giving the impression of bias. In November of that year their second trial collapsed when it transpired that the judge had attended George W Bush's inauguration in 2001. Finally in July 2006, the Ploughshares were acquitted on the charges of criminal damage by a jury in Dublin.

The reason why the Ploughshares were acquitted and Mary Kelly was convicted has to do with the admissibility of the defence of 'lawful excuse'. A person charged under the Criminal Damage Act is accused of damaging property 'without lawful excuse'. Lawful excuse is defined in section 6 as acts done honestly to protect life or property. All of the defendants claimed that they had acted in order to protect lives in Iraq (when Mary Kelly was arrested in Shannon in 2003, she said "I'm here to damage the plane, to prevent it

from going to Iraq to prevent the killing of innocent Iraqi people"). Mary Kelly's trial judge, and the first two judges in the Ploughshares' trials, refused to allow the defence to be put to the jury.

The reason given by Mary Kelly's trial judge for disallowing the defence was that there was 'insufficient nexus in time and place' between the threat which she was trying to avert (the loss of life in Iraq), and the act of damage which she carried out at Shannon. The Ploughshares' third trial judge however found no such limit to the defence. She appears to have accepted legal argument which referred to an English Court of Appeal ruling, the so-called 'Fairford Case', to the effect that the only reason why lawful excuse could be withheld from a jury would be if the act of damage could not in fact have saved lives or protected property. She directed the jury to defence evidence from a military logistics expert, which went to prove that military supply vehicles were necessary for waging war. In other words, damaging a supply plane could have saved lives, because it could have impeded the military action. Beyond that, all the defendants need to show under the Act was that they honestly believed that they were acting to save lives, and the Ploughshares' jury had no trouble accepting this.

Mary Kelly's Appeal Against Conviction

Following the acquittal of the Pitstop Ploughshares the Irish minister for foreign affairs told the American ambassador that the Government was 'seriously disturbed' by the verdict and was looking into ways to 'close off the legal loopholes' which led to it. No such change in the law has taken place. In 2005 Mary Kelly lodged her appeal against conviction, arguing that the trial judge was wrong to withhold the defence of lawful excuse from the jury: it had in fact amounted to a direction to convict her, because she had admitted the damage, and had offered no other excuse.

In February 2011 the Court of Criminal Appeal ruled in her favour and she was acquitted. The court based its ruling on the fact that her trial judge hadn't acknowledged that section 6 of the Criminal Damage Act had been amended in 1997, and that the amendment had removed the requirement that the defendant believed the property or life to be in immediate need of protection. The 1997 amendment had been made in order to partly codify criminal defences according to recent common law developments, which had originated with a notorious English rape case from 1975, DPP v Morgan. The effect of this was that a defendant would be entitled to an acquittal if her actions were (objectively)

reasonable, in circumstances which she (subjectively) believed to exist. In other words, a judge might be allowed to withhold the defence from the jury if he considered the defendant's reaction to have been disproportionate, but he would be required by law to do this from the point of view of the defendant's actual perception of the threat. The 'inexorable logic' of this reasoning of Lord Hailsham's in Morgan has been much criticized, including by the leading Irish commentator, but it would appear to be consistent with the requirement that specific criminal intention forms a necessary part of the definition of any serious crime.

Justification

While the reasoning in Mary Kelly's appeal is technical, and confines itself to the 'narrowest issues capable of resolving the case', it has enormous implications for the status of US military equipment at Shannon. The courts have acknowledged that it is entirely lawful to do what Mary Kelly and the Ploughshares did. Neither in Ireland nor the UK have they been able to distinguish, in terms of necessity, direct action cases from those involving (non-political) private defence.

This is extraordinary when one considers that Section 6 has been described by the Irish Law Reform Commission as a 'statutory example of justifying necessity'. Successful defendants are not merely excused (despite the name of the defence), but rather, they are regarded as being justified, of having done the right thing in the circumstances.

The implications of this for the rights of parties affected by such action are obvious, and judges have been reluctant to admit the existence of any such general defence. For

example, if there exists a right to rescue, does that not mean there is also a corollary duty to rescue? And if such rights were widely known, would this information encourage the criminally-minded to take liberties, thereby undermining the deterrent effect of the law? As Lord Denning put it in the context of trespass, 'If homelessness were once admitted as a defence to trespass, no one's house could be safe'. Mary Kelly's trial judge declared (somewhat dramatically) that society at large expected him as a judge to stop and prevent the social anarchy that would prevail if people were allowed to take the law into their own hands.

In the most general sense, the defence of necessity might be said to pose what one writer calls a 'democracy problem': justificatory defences are not merely concerned with 'liability for an admitted wrong, as with excuses, but [with] the question of what is right and what is wrong. But at least in some contexts we may feel that this latter question is the exclusive province of the legislature.'

Section 6 of the Criminal Damage Act overcomes this problem by providing a means of balancing interests according to that hierarchy of rights, which is inherent in the very idea of right. In such a scheme the right to enjoy property can always be trumped by the right to life. How this plays out in cases of direct action will inevitably cause embarrassment to the government, particularly if the threat has been caused by the authorities themselves. But as one of the commentators above remarked, 'any worry about anarchic consequences would of course be dispelled if the authorities themselves took the initiative in obviating the threat to the right concerned, so that no space for direct action remained'.

Parliamentary Perspectives



Richard Boyd Barrett TD, People Before Profit. Chairperson of the Irish Anti-War Movement (IAWM)

The bitter fruits of the Iraq and Afghan wars, NATO military intervention in Libya, and western

policy in general are now to be seen on the borders of the EU as we watch the nightmarish plight of tens of thousands of refugees desperately trying to enter Europe to escape war and violence in the Middle East and North Africa.

The grotesque images of children and families being washed up on Europe's shores, desperate refugees, risking and losing their lives, trying to cross the sea in unsafe boats, riding on the under-carriage of trucks or on the roof of high-speed trains, or suffocating in containers - these are the direct result of disastrous wars waged by the US, the UK and other major western powers over the last 12 years.

All chickens, in the end, come home to roost, and that is what we are witnessing now as we look on in disbelief while the bodies of tiny babies are being washed up on Europe's shores.

Following the atrocity of 9/11, when the drums of war were beating in Washington and London, those who said the tragedy in New York would be compounded 10 and 20 times over by US and other western military interventions in the Middle East, have tragically been proven to be more right than even they could ever have imagined.

The 2003 war in Iraq destroyed a country, destabilised an entire region, and sowed the seeds for the growth of the barbaric force that is ISIS - creating a disaster, which has now spilled over into Syria and brought about a situation that seems beyond any hope or repair.

One shudders to think where all this may end, or if it will end, but one thing is sure: the road of war and militarism and the cynical economic interests that drive it, will lead us down a terrifying path - one which must be abandoned now before it is too late and replaced with a struggle for peace, human solidarity, social and economic justice.

Tragically, here in Ireland, successive Irish governments have failed to raise their voices against the political, military and economic madness that has driven us to such a pass. Instead and shamefully, they have collaborated every inch of the way with those who have spear-headed the war-mongering and cynical policy, for which millions of innocents are now reaping the whirl-wind.

By allowing 2.5 million US troops to travel through Shannon Airport to the theatres of war and carnage in Afghanistan and Iraq in the last 12 years, by allowing US aircraft implicated in the criminal and despicable practice of so-called "rendition," to also use the airport, Irish governments have colluded with war crimes and actions for which we are now witnessing the most terrible consequences.

Senior US military and political figures have all confirmed that the use of Shannon Airport is a critical hub and part of the forward infrastructure that allows the US conduct its military adventures - adventures that have exacted a terrible price on countless numbers of innocent people, and for which infants who were not born when all this started in 2001-2 are now paying with their lives.

Irish governments that have allowed this to happen have blood on their hands. As the bitter fruits of political cynicism and misguided priorities manifest in nearly a million dead in Iraq, hundreds of thousands murdered in Syria or wash up as lifeless bodies on the shores of Europe, it is not too late to demand that our collaboration with the war and imperialism that created all this must now end.

The tradition of neutrality that is supported by the overwhelming majority of the people in this country, but which is flagrantly being flouted by our political masters, is a legacy of our own struggle against Empire, injustice, discrimination and poverty.

Those who protested in 2003 against the then planned Iraq war and Ireland's collaboration in that war, those that continue to protest at Shannon Airport and demand the re-establishment of Ireland's military neutrality, are honouring the best and most progressive traditions of Ireland's struggle for freedom and the fight for a world free of war, colonialism and racism. They should not be on trial for continuing that struggle. It is those that bear responsibility for the human destruction in Afghanistan, Iraq, Palestine, Libya and elsewhere who should now be in the dock.



Sean Crowe TD, Sinn Féin Spokesperson on Foreign Affairs, Trade and Defence

As we approach the 14th anniversary of the US led invasion of Afghanistan, and the tragedy which has emerged since the illegal invasion of Iraq 17 months later,

it is important to reflect on the role Ireland and Shannon Airport have played.



Mary Kelly (centre) pictured with supporters after her acquittal by the Court of Criminal Appeal in February 2011

Successive Irish Governments have undermined Irish neutrality by allowing a foreign military use Shannon Airport as a virtual forward base for their wars in the Middle East. This happened against the backdrop of over 100,000 Irish citizens marching on the streets of Dublin in protest against the impending invasion of Iraq. They called on the Irish Government, led by Fianna Fáil, to oppose and play no part in that war, but they were ignored.

By allowing unfettered access to Shannon Airport successive Irish Governments have also facilitated the US military in their so-called rendition programmes, which involved kidnapping and torture.

In the face of all of this the Irish Government have rejected these charges by stating that they have assurances from the US Government that these planes do not contain any weapons or arms and that they have not facilitated rendition flights. Yet they have point blank refused repeated calls for An Garda Síochána to inspect these aircraft.

Clare Daly and Mick Wallace's recent trial heard important evidence from military experts that detailed how foreign militaries transport weaponry on aircraft going through Shannon. Dr Tom Clonan, a Security Analyst, played a recording during the court case made on a US military plane in Shannon, which advised US soldiers to leave their weapons on board and he also said in evidence that he personally saw weapons on aircraft.

These planes are guarded by the Irish army and the Gardaí, but despite this evidence they have never been given the order to do even a cursory search for weapons.

Successive Irish Governments have allowed a civilian airport become a virtual forward base for a foreign army, continued Ireland's membership of NATO's so-called Partnership for Peace, and have enthusiastically deepening its engagement in the further militarisation of the European Union.

Sinn Féin is fully committed to Irish neutrality. This is a proud Irish republican position stretching back over 200 years, when Wolfe Tone called for Irish neutrality in the face of an impending war between Britain and Spain in the 1790s.

We introduced a Neutrality Bill to the floor of the Dáil in 2003 that would have created a referendum on enshrining neutrality into Bunreacht na hÉireann. The Labour Party initially supported it in 2003, but when I reintroduced it in March 2015 with Labour in Government, they voted against this same Bill.

The establishment parties want us to forget about Irish neutrality, but if we want to truly end conflicts, poverty, wars and hunger we need to make it the backbone of Ireland's Foreign Policy.



Mick Wallace TD and Clare Daly TD

When Shannonwatch's Edward Horgan took to the Courts to try and have our neutrality enforced and to stop the movement of US troops through Shannon, Justice Kearns found that Ireland was indeed in breach of our international obligations regarding neutrality, but ruled that this was a matter for the Oireachtas to address rather than the courts.

It is over a decade since that judgement, and the Oireachtas has done nothing.

Upon being elected to the Dáil, we sought to use our positions in Parliament to have Ireland's neutrality upheld, to achieve a



position, supported by most Irish people, of not taking sides, and facilitating peace. At every turn we have been thwarted, as the Fine Gael/Labour government, like its predecessor, Fianna Fáil and the Greens, has sought to facilitate US imperialism.

Our efforts to get an honest debate and clarity from the Government have repeatedly been frustrated by four Government Departments - Defence, Foreign Affairs and Trade, Justice and Equality, and Transport, Tourism and Sport. Of course when everybody is responsible, then nobody is responsible, and that is exactly the way they like it. Between us we tabled almost one hundred Dáil questions on these issues.

While they were able to tell us that in 2014, 741 permissions were sought for foreign military aircraft, primarily from the US, to land or overfly our airspace - almost 2 a day, the Government expects us to believe that these aircraft are "unarmed, carrying no arms, and not involved in any intelligence gathering or military activities" and therefore compliant with our neutrality.

How do they know? Did they search the planes? Of course not - they were given "diplomatic assurances" from the US authorities, which recent history has taught us, are worthless. This defies all reason. The reality is that there is no other explanation for their presence in such regular and ongoing numbers, other than their involvement in military activity.

Time and again, with the assistance of the eyes and ears of Shannonwatch, monitoring activity on the ground, we have been able to highlight numerous breaches, such as when an aircraft landed with a 30mm cannon on display, and likewise, when the Minister for Foreign Affairs and Trade had to correct the Dáil record having informed us four times that a Hercules EC-130 operated by a squadron



US troops at Shannon Airport. Their presence makes a mockery of the notion of Irish neutrality.

Photograph: Google Images

which was very active in the wars in Libya and Syria, hadn't landed in Shannon at all. The explanation then, that these were administrative errors, is beyond incredulous.

They told us that if we had evidence of other breaches, to let them know and they would have them investigated. Former Ministers Shatter and Gilmore both told us to go get the evidence ourselves, to come back to them and they would act on it. When we did go to get the evidence by attempting to search the planes in July 2014, we were arrested, charged and convicted of being in parts of the airport without permission.

The Government can talk about triple locks and the authority of the Dáil, but for too long this has been used as a fig leaf in their relentless efforts to avoid transparency and accountability at any cost. Troops and heavy armaments are being transited through Shannon on the way to warfronts which have resulted in the deaths of over 1 million people, the destabilisation of entire regions, and the highest number of displaced people due to war - over 33 million - since World War 2. They wring their hands about the catastrophic migrant crisis, and congratulate the Irish Navy for their part in the rescue, but where is the analysis of why these people are refugees? We have been complicit in the atrocities that have torn apart the Middle East and other regions, driving people from their homes, assisted by the continued use of Shannon Airport by the US military.

This must be stopped, but it is clear that it will not be stopped by waiting for those in Parliament to act, but rather, by pressure from the people of Ireland who want things to be different. We have been inspired by the ongoing efforts of Shannonwatch and believe that anybody who wants to make a difference, who wants to make a stance in defence of our neutrality, should get involved with Shannonwatch campaigns.

Promoting Peace at Shannon

Since January 2008, Shannonwatch has organized regular peace vigils at Shannon Airport on the second Sunday of every month. Lasting for an hour, these are an opportunity for activists and others to remind the public about the unwanted US military presence at the airport and to demand accountability from the Irish authorities and political leaders for allowing Ireland to facilitate US war efforts in the Middle East.

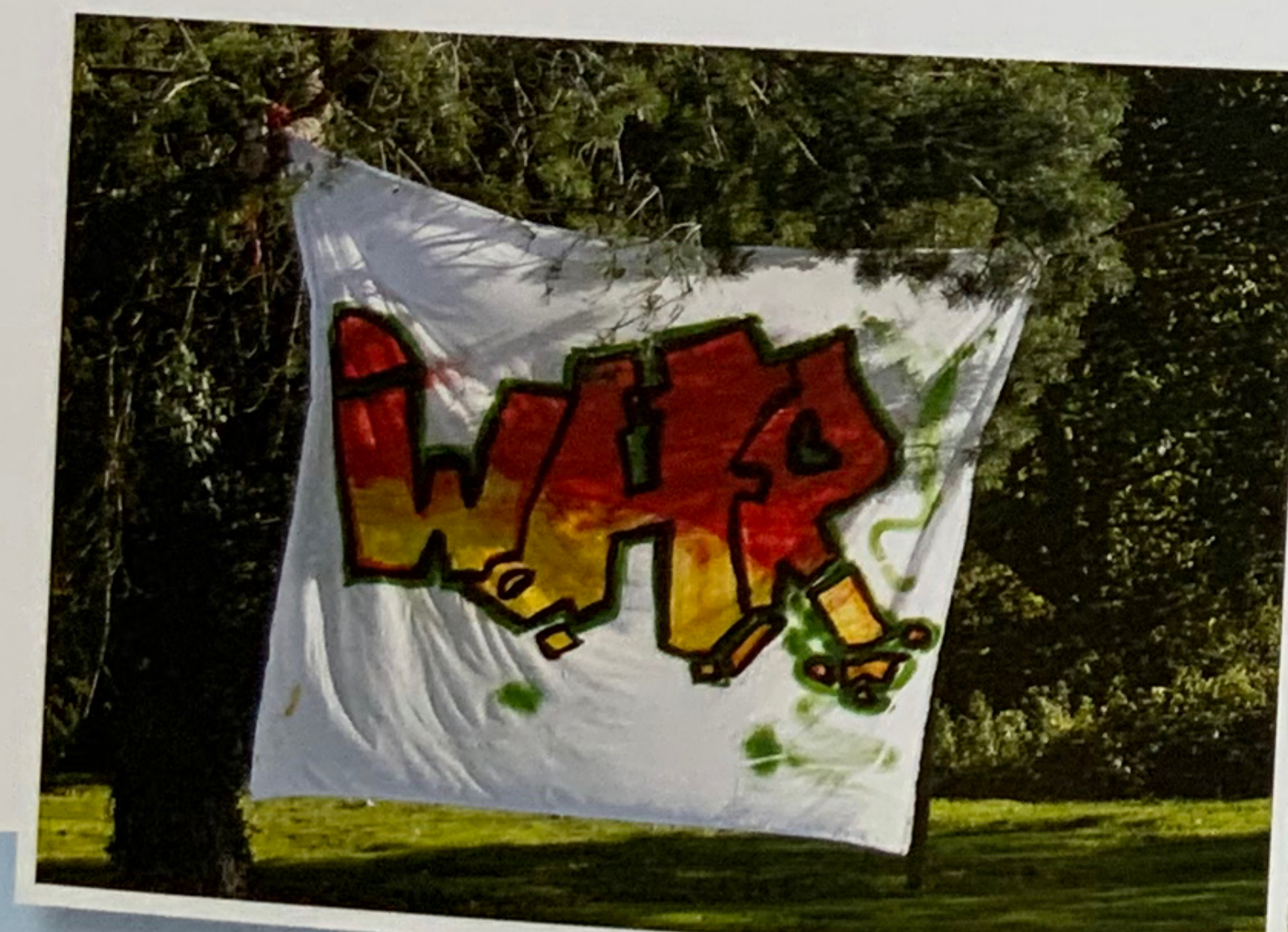
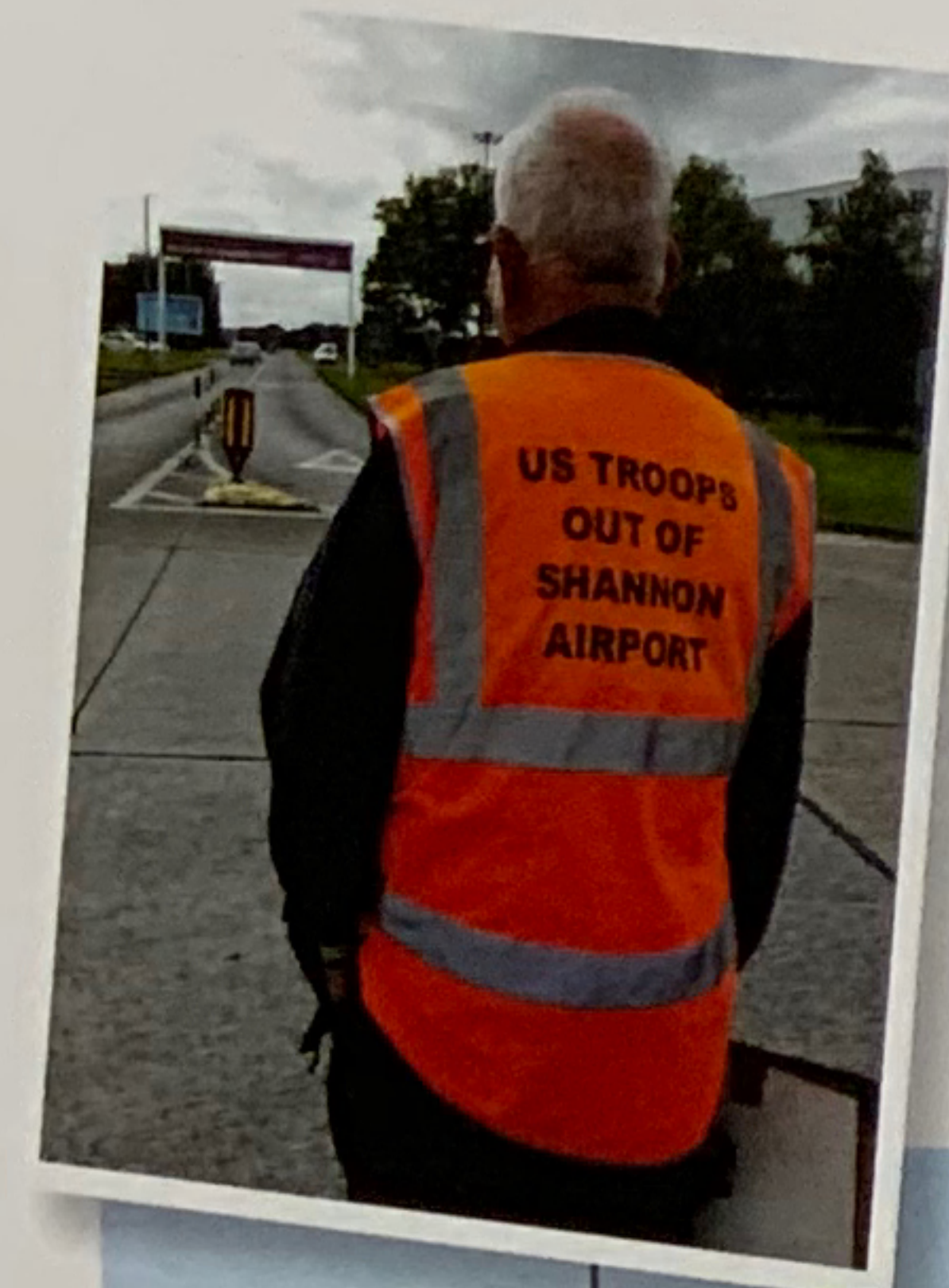
Despite a misleading and irresponsible narrative that the US military is good for business at Shannon, passing motorists, bus occupants and others generally show support for the protests. The attempts to convince the public, and in particular workers at Shannon, that war is an acceptable form of business have been ongoing over the last 15 years. Comments made by the head of the Shannon Airport Authority, Rose Hynes, to an Oireachtas committee in January 2013 show the lengths that the airport authorities will go to. When asked about Shannon's reliance on military traffic, Ms. Hynes said: "Military traffic has been in the DNA of Shannon for many years. It is something that is important, it's lucrative and we are certainly going to go after it as much as possible." In saying this she failed to take any account of the moral and ethical responsibilities of those charged with operating the airport on behalf of the State. She also revealed the government of the day's clear intent to allow one of their airports to be



used for imperialist warmongering despite deep rooted public opposition to this policy.

The monthly vigils at Shannon take place outside the airport as the Gardai (police) won't allow the peaceful protests to take place anywhere near the terminal building. From a legal point of view, no proper explanation has ever been provided for this curtailment of civil liberties. Yet it's an ongoing feature of the authorities' response to visible opposition to the militarisation of Shannon Airport.

Despite this, people from Limerick, Clare, Galway, Dublin and other parts of the country gather on the second Sunday of every month at 2pm in Shannon, to remind the public about the airport's complicity in war. For the protestors and the very many people that support them, killing, bombing and torture are not – or will never be – in the DNA of Shannon.



Irish Neutrality: Interpreting Horgan v An Taoiseach, 2003



**Edward Horgan,
Veterans for Peace**

Even though Ireland hasn't ratified the Hague Convention, a 2003 High Court judgment in *Horgan v An Taoiseach et al.* stated that Ireland was in breach of the Hague Convention (V) by allowing US troops to use Shannon airport on their way to and from war the in Iraq.

The State argued that because Ireland had not signed nor ratified the Hague Convention V on neutrality it was not bound by its provisions. However expert witness (for Horgan) Dr Ian Scobie noted that despite the fact that Ireland has not formally ratified this treaty, the Hague Convention on Neutrality forms an important part of customary international law on neutrality that constitute generally recognised principles of international law binding on all States.

Accordingly, the ruling from Judge Kearns stated that:

"The court is prepared to hold ... that there is an identifiable rule of customary law in relation to the status of neutrality whereunder a neutral state may not permit the movement of large numbers of troops or munitions of one belligerent State through its territory en route to a theatre of war with another."

This judgment effectively declared that Ireland, as a self-declared neutral state, was (and consequently still is) in breach of its international law obligations. Arguably it is therefore no longer entitled to the protection and benefits that international law provides for neutral states.

Since this judgment, Irish Government ministers have argued that Irish neutrality is either military neutrality or non-belligerence, and that Ireland is not politically neutral. This is a spurious argument because the Hague Convention on Neutrality deals primarily if not exclusively with military neutrality, including non-belligerence, and there is no mention of, or restrictions with to "political neutrality", in the Hague Convention V. Based on the work of experts in the field, these arguments do not stand up. International law experts Oppenheim and Lauterpacht say

"...[A]ll States which do not expressly declare the contrary by word or action are supposed to be neutral, and the rights and duties arising from neutrality come into existence, and remain in existence, through the mere fact

of a State taking up an attitude of impartiality, and not being drawn in to the war by the belligerents." (p. 653-654)¹

while Michael Bothe says:

"Neutrality ... is defined in international law the status of a state which is not participating in an armed conflict between other states" and that: "It is incompatible with this conflict restraining function of neutrality that states should try to evade their duties flowing from their neutral status by styling themselves non-belligerents."²

Notwithstanding the ruling in relation to belligerent troop movements across neutral territory, the High Court did not hold the Government to account for their clear breach of international customary law. Nonetheless the State should still be bound in this regard by Article 29, sub-section 3, of the Irish Constitution which states: 'Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States'. However Judge Kearns followed the 1960 decision in *Re O'Laighleis* [1960] I.R. 93 in ruling that this provision only governs relations between states, and confers no rights upon individuals. As Symmons points out, the phrase "in its relations with other States" is 'an example, par excellence, of a phrase in the Constitution being largely seized upon by the judiciary in a literal manner never contemplated by the framers of the 1937 Constitution'³.

In ruling against Horgan on Article 29 of *Bunreacht na hEireann*, Judge Kearns stated that:

"I accept and hold with the submission of the defendants that the provisions of Article 29. Subsections 1- 3 are to be seen therefore as statements of principle or guidelines rather than binding rules on the Executive." He reinforced this later when he stated that: these provisions of the Constitutions were: "more akin to the kind of assertion one might find in the preamble to a convention, or a treaty agreed between sovereign States.

This statement and part of his judgement by Judge Kearns is arguably fundamentally flawed because it seeks to state that a specific article of the Constitution is not in fact a binding article at all, but rather a "statement of principle or guideline". Such statements of principle or guidelines are normally located in the Preamble to the Constitution rather than in one of the definitive articles such as Article 29. Where the people of Ireland and the drafters of the Constitution intended to put



US Air Force KC-135 Stratotanker (military aerial refuelling aircraft) at Shannon 1st Sept 2012

such limitations into specific articles they clearly so stated in any such article. A good example is in Article 45, which has in its first paragraph a clear statement that "The principles of social policy set forth in this Article are intended for the general guidance of the Oireachtas. The application of those principles in the making of laws shall be the care of the Oireachtas exclusively, and shall not be cognisable by any Court under any of the provisions of this Constitution."

In so stating the people and the drafters of the Constitution clearly differentiated this particular article of the Constitution as being a "statements of principle or guidelines" only and not a legally actionable article like all the other articles. If it had intended any other articles of the Constitution such as Article 29, to be of a similar "statements of principle or guidelines" only then it is clearly arguable that any such article would have had a similar first paragraph as that assigned by the people to Article 45.

With regard to Article 28, Judge Kearns ruled that: "The court cannot without proof of quite exceptional circumstances, accept this contention (that the court should decide what constitutes 'participation' in a war) and accordingly the plaintiff's claim under Article 28 of the Constitution also fails."

This part of the Judge Kearns judgement is also arguably flawed in two respects. Firstly it contradicts his earlier judgement that the Irish Government was in breach of customary international laws on neutrality by allowing US troops and munitions to transit through Shannon airport, which judgement clearly implies that this action of the Irish Government does amount to participation in the US-led Iraq war. Secondly, up to the date of this judgement, tens of thousands of Iraqi people had been killed or seriously injured in this war, which was waged in contravention of the UN

Charter, thereby providing de facto 'proof of exceptional circumstances' which Judge Kearns said did not exist. He did so, on the basis that in matters of relation between states, the courts were subject to an unusual degree of restraint and that "there is a presumption of constitutionality in favour of both the Government decision and the existing Dáil Resolution". While the separation of powers between the Executive, the Legislators, and the Judiciary, does impose limitations on all three organs of state, it would appear that the courts are denying their own powers and duties to both interpret and rule on such important issues. Judge Kearns stated that "the court is, in effect, being asked to "second guess" the decision of the Government and the resolution of Dáil Éireann to the effect that the State was not participating in a war". That is precisely what Horgan was arguably justifiably asking the court to do and in this case the court avoided its responsibility.

¹ Oppenheim, L. and Lauterpacht, H. (1952) *International Law: A Treatise*. London: Longmans, Green and Co.

² In Fleck, D. and Bothe, M. (1999) *The Handbook of Humanitarian Law in Armed Conflicts*, Oxford University Press

³ Symmons, c. (2005) "The Incorporation of Customary International Law into Irish Law", in Biehler, *International Law in Practice: an Irish perspective*, Thomson Round Hall.

The difference between Political Neutrality and Military Neutrality



Karen Devine

Based on a submission to the Oireachtas Joint Committee on Public Service Oversight and Petitions in relation to Petition 72/12, the US military and CIA use of Shannon Airport and Irish airspace (15 July 2015)

Executive Summary

There are two concepts of neutrality at large in the debate on and formulation of Irish Foreign Policy: neutrality, and 'military neutrality'. Contrary to claims by the Irish Government, the Irish public do not define neutrality as non-membership of a military alliance ('military neutrality'), rather, the public concept accords with neutrality defined in international law, and 'active 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).

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). Irish public attitudes towards neutrality are consistent over time: between roughly 2 in 3 and 4 in 5 people support neutrality and 1 in 5 reject neutrality. 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.

The public are largely unaware of the extent to which the seemingly objective academics and journalists dominating the media discourses on Ireland's foreign policy are either directly on the EU's payroll or indirectly benefit from EU funding, and are tasked with promoting the EU's CSDP and concomitant hostile discourses on neutrality. 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.

PART ONE: "MILITARY NEUTRALITY"

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'.

"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" (Cowen) 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 clause¹.

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

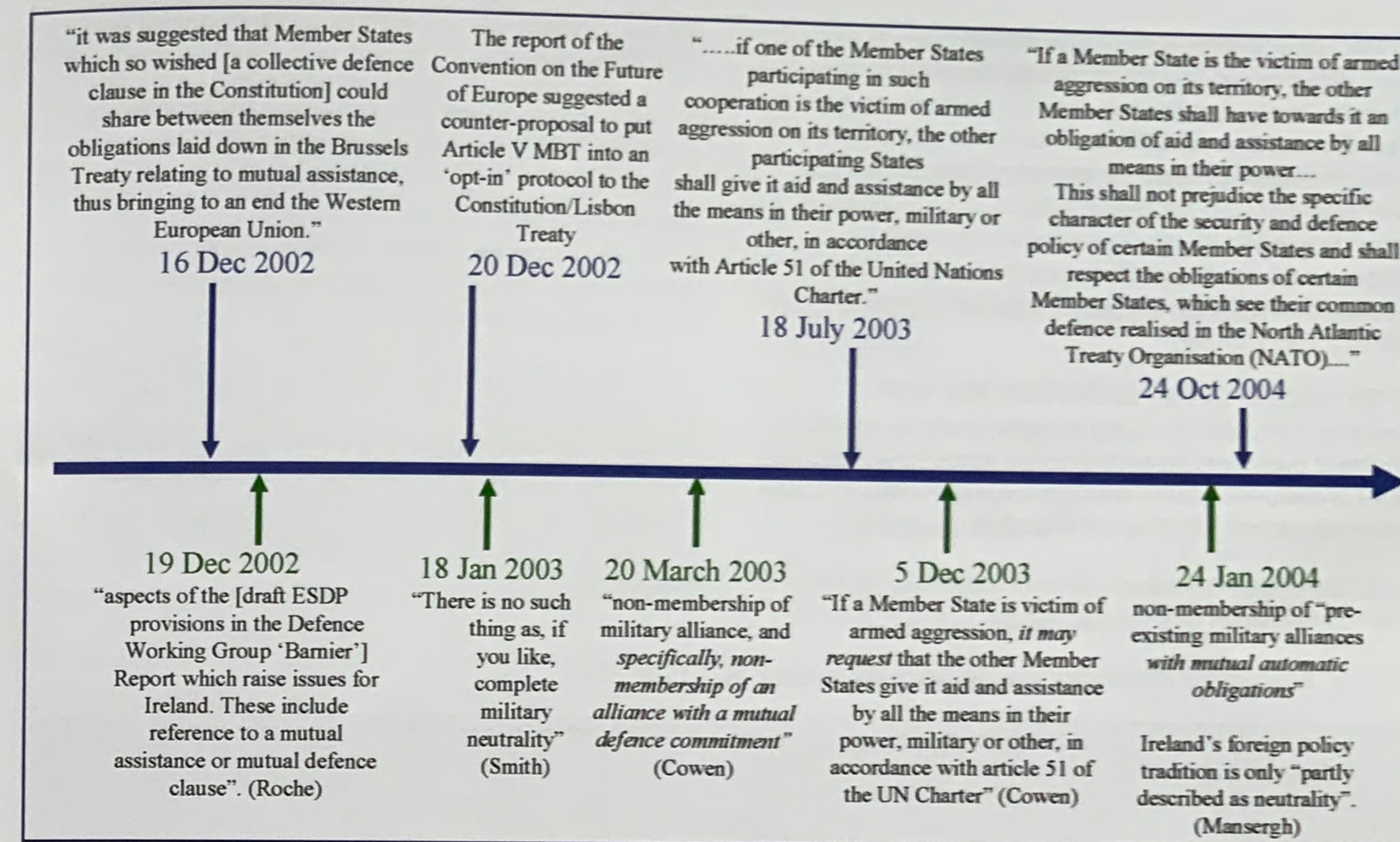


Figure 1 : EU mutual defence clause timeline vs Government's neutrality concept

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."

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	2001/2001
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%
Dont Know	31%	25%	21%	16%

PART TWO:

"NEUTRALITY" and PUBLIC OPINION

(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).

(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.

(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 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 1 - neutral				69	71								
Gulf 2 - military intery, unjustified												81	
Alliance - prepared to consider joining		25											
Neutrality - change									20				
Neutrality - reject											20		
EC Defence - join				25				28	19				

Sources:

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

1985: Polls show 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 Feb: IMS Survey for Sunday Independent in Gill and 2001: 151 quoting Marsh 1992:11, also IOPA (code: J.IS055.CMC) between 1991-02-21 and 1991-02-28

1991 April: IOPA Survey form 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, and 13 Candidate Countries, Norway and Switzerland: <http://www.paks.uni-dusseldorf.de/>

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

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 Lisbon Treaty neutrality	Status	Article/provision
Non-involvement in war/ other countries' wars	Incompatible/	Art. 42.7 requires a response 'by all means in their power' to member states suffering armed Competing 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	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 non sequitur. 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

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 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 generalised statements of 'European' peoples' preferences that are in practice missing several states' populations; (2) a write-up of public foreign policy preferences that omits a number of important preferences chosen by respondents from the list of options presented. 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%.

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.

Conclusion

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-colonialism and anti-imperialism. I suspect that the names of the three petitioners lobbying the Committee 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.

Further Reading

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- Karen Devine. 2008. A Comparative Critique of Irish Neutrality in the 'Unneutral' discourse. *Irish Studies In International Affairs* 19: 73-97.
- Karen Devine. 2008. Stretching the IR Theoretical Spectrum on Irish Neutrality: A Critical Social Constructivist Framework. *International Political Science Review* 29(4): 461-488.
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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.

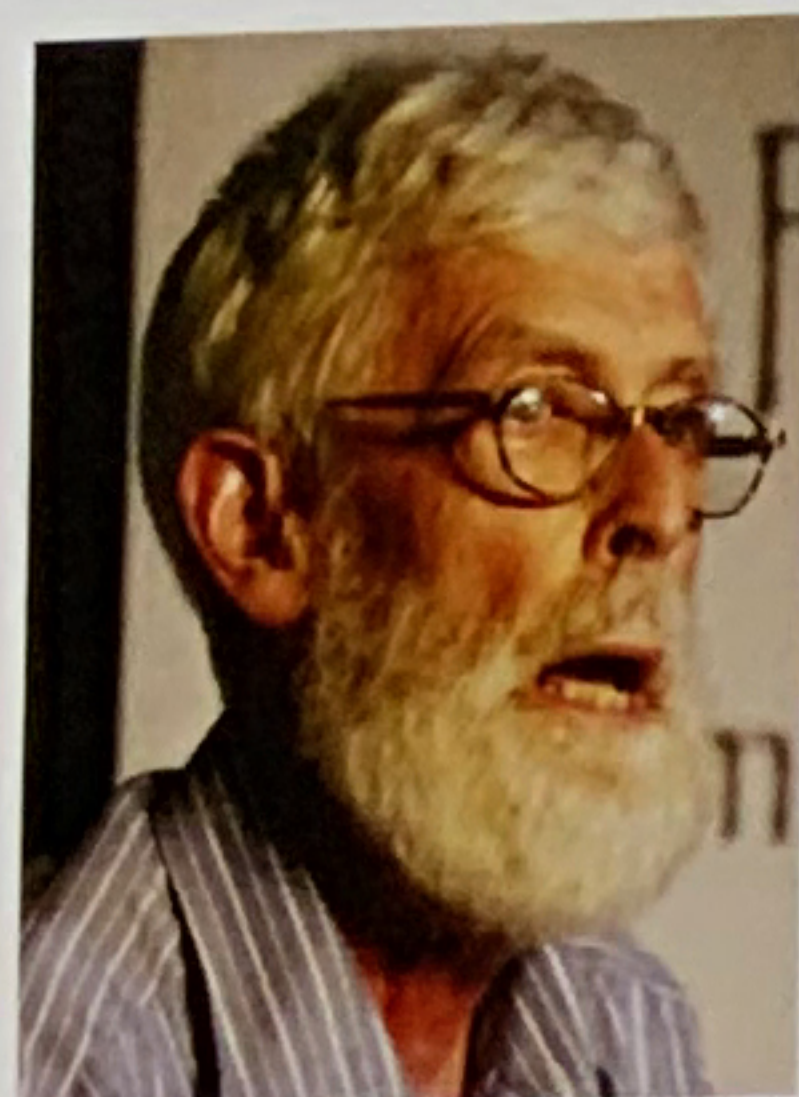
² Available at: http://eur-lex.europa.eu/budget/data/P2008_VOL4/EN/nmc-titleN188CA/nmc-chapterN19693/articles/index.html

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

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

Nation	FRANCE	BELGIUM	NETHERLANDS	GERMANY	ITALY	LUXEMBOURG	DENMARK	IRELAND	BRITAIN	NORTHERN IRELAND	TOTAL
Defence Policy - Preferred Alliance											
NATO Military Alliance	27.5	47.5	71.9	66.3	36.8	-	-	-	67.8	-	53.0
Westeurope Military	30.5	13.8	5.0	13.7	19.7	-	-	-	9.2	-	15.2
Westeurope Non-Military	10.8	9.3	7.6	10.1	14.3	-	-	-	4.7	-	9.6
Completely Neutral Pos	31.2	29.4	15.5	10.0	29.2	-	-	-	18.4	-	22.2
Total	100.0	100.0	100.0	100.0	100.0	-	-	-	100.0	-	100.0
N=	800	710	907	834	1,021	0	0	0	850	0	5,122

Peaceful Endeavour to Terminate Aggressive Landings at Shannon (PETALS)



John Maguire, Afri

Shannon is perhaps the most evocative symbol of modern Ireland. The hydroelectric scheme on the Shannon river expressed the confidence of the Irish Free State in its first decade. The 1930s brought flying boats to Foynes, the nearest outpost to the USA. Shannon airport was built nearby just after World War

II, heralding the era of modern jet travel.

June 1963 brought the ultimate icon: John Fitzgerald Kennedy, Irish-American, youngest-elected president of the US. His promise to return in the spring was poignantly unfulfilled, but his complex legacy is with us still. He stood at Ireland's crossroads with the modern world, but also at his own crossroads with the modern war establishment.

He had just delivered his American University speech, reminding us of our shared mortality and of how we must learn peacefully to share the only planet we have. He insisted that we could and must choose between suspicious armed enmity and acknowledging our fragile common humanity.

This speech took up the agenda set by his predecessor President Eisenhower, who warned against what he called the military-industrial complex, deplored the distortion of human ingenuity towards the science of destruction, and declared that every instrument of war represents 'a theft from those who hunger and are not fed.'

Ireland had good cause to heed these warnings, and to play a small but constructive role in working for a more peaceful and fairer world. Our own independence struggle was followed by engagement in the League of Nations and later in the United Nations, where Ireland had played a modest but creative role as a small emerging state.

Along with some positive initiatives on disarmament and conflict-resolution, Ireland by 1963 had significantly engaged in UN peacekeeping, which the Irish people proudly supported. Dublin's O'Connell Street, along which President Kennedy was driven to rapturous acclaim, had recently seen the funerals of Irish soldiers who had died as volunteer UN peacekeepers in the former Belgian Congo.

Our record was never grandiose, but it represented a realistic assessment of our own past history of conflict and of the demands of responsible citizenship in a complex and conflictual world. Our foreign policy was an expression of Article 29 of our Constitution:

- (1) Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality.

- (2) Ireland affirms its adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination.

- (3) Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States.

Applying these principles, Ireland had developed a policy of positive, active neutrality, forging creative links with other neutral and non-aligned member states of the UN.

However, particularly since the 1960s, we have seemed at times ashamed of this stance, apparently believing that a state could achieve acceptance and prosperity in the modern world community only by abandoning its identity and its principles. Perhaps the saddest instance of this decline occurred just after the atrocities of 11th September 2001.

As a member of the Security Council at that time, Ireland failed to contribute clarity and prudence to its deliberations. We failed to address the precise nature and context of such murderous events, and to reflect on how our response to them could pursue justice while promoting rather than undermining international peace and order.

We in Ireland have no basis to preach to others, but we do have a history which could have enabled us to carry forward the questions posed for example by Presidents Eisenhower and Kennedy. We could also have heeded the voices of those survivors and relatives from 9/11 who in the depth of their sorrow declared that true justice must prevent, rather than fuel, further destruction and suffering.

Other contributions in this booklet spell out how the so-called 'War on Terror' has undermined our most crucial ethical and legal standards, and how Ireland has shamefully abetted, rather than modestly challenged, this sorry process of decline. The PETALS initiative – Peaceful Endeavour to Terminate Aggressive Landings at Shannon – is part of an attempt to present an active and practical alternative.

It draws on the shamrock, traditional symbol of the hospitality which has so often characterised the interactions of Ireland and other countries, in particular the United States. The bedrock of true hospitality is respect for the welfare and integrity of all those who cross our path. Our words of welcome must also speak truth to power – our own and that of others.

An old Irish proverb says that "Ar scáth a chéile a mhaireann na daoine": We live in one another's shelter. We vitally need the words and deeds of everyone who seeks to promote the wholesome shade of friendship and community and to dispel the dark shadows of death and destruction. Please stay in dialogue with us and share the symbolism, and the message, of the PETALS shamrock with others.

PEACEFUL ENDEAVOUR to TERMINATE AGGRESSIVE LANDINGS at SHANNON

Please reflect on some of your less-visible fellow travellers: over 2.5 million US troops passing to or from wars in Iraq, Afghanistan and elsewhere since 2001. The then Secretary General of the UN declared the 2003 Iraq war illegal, and our former President Mary Robinson has called the Afghanistan and Iraq wars "really very damaging".

Evidently, the 'War on Terror' has not made our world safer, fairer or more peaceful. We recall the fervent wishes and warnings of 9/11 families, such as Judy Keane who said "bombing Afghanistan is just going to create more widows, more homeless, fatherless children" or Jill Gartenberg, also widowed, who declared: "We don't win by killing other people."

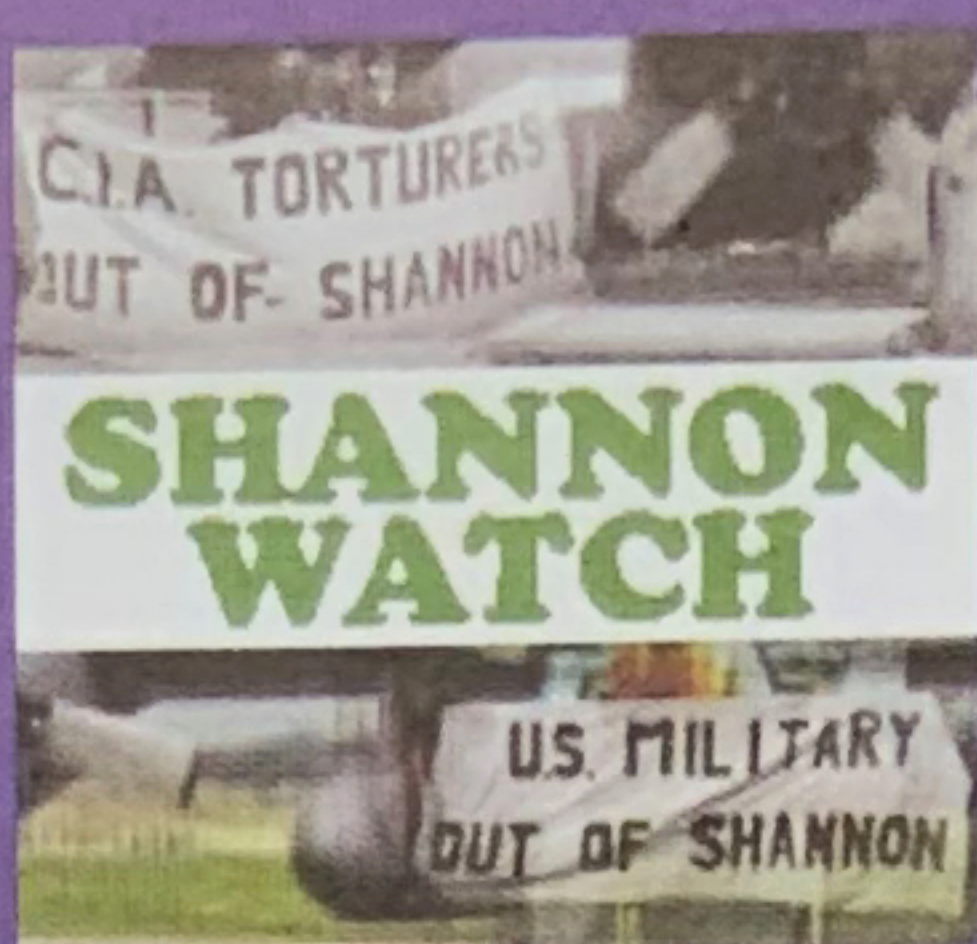
The stated aim of these wars is promoting democracy, yet the use of Shannon as a military hub flouts international law and Irish democracy; a substantial majority of Irish people regularly reaffirm their commitment to positive Neutrality within a UN context. The Irish High Court has found that the military use of Shannon conflicts with Ireland's obligations under International Law.

Abuse of prisoners, including torture, has been one of the darkest aspects of the 'War on Terror'. Hundreds of landings by rendition-linked aircraft have been logged by Shannonwatch. The refusal of the Irish government and police to inspect such aircraft has been challenged by the Irish Human Rights Commission, the US-based Open Society Justice Initiative, the UN Committee against Torture, and others.

Let's discuss these issues, and see how we can build a safer, more peaceful world, founded in respect, dignity and human rights. President Eisenhower warned over fifty years ago that we must learn how to resolve differences "not with arms, but with intellect and decent purpose" and that every gun, warship and rocket is "a theft from those who hunger and are not fed."

Shannon's proper role is to flourish as a civilian gateway to the richly historic and beautiful West of Ireland. Ireland's proper role is as a small neutral country committed to peaceful conflict-resolution, ready when necessary to bear the burdens and sacrifices of genuine peacekeeping under UN authority.

Until these values are restored, we sadly sign off with a black shamrock, mourning the lives broken and lost through our failures of compassion and of moral courage. ♣



Shannonwatch

Shannonwatch is a group of peace and human rights activists based in the mid-West of Ireland. Its objectives are to end the US military use of Shannon Airport and to hold Irish political leaders and authorities accountable for their complicity in human rights abuse. It campaigns against the integration of Ireland into US and other military structures.

Shannonwatch hold monthly protest vigils at Shannon Airport on the second Sunday of every month from 2 to 3pm. They also do continuous monitoring of all military aircraft using the airport.

Contact: Shannonwatch, PO Box 476, Limerick DSU, Dock Road, Limerick, Ireland
Tel: (+353) (0)87 8225087 Email shannonwatch@gmail.com Website: www.shannonwatch.org



Peace and Neutrality Alliance

The Peace & Neutrality Alliance campaigns for the right of the Irish people to have their own independent foreign policy, with positive neutrality as a key component, pursued primarily through a reformed United Nations.

Contact: PANA, Dalkey Business Centre, 17 Castle Street, Co. Dublin, Ireland
Tel: (+353) (0)1 2351512, Email: info@pana.ie Website: www.pana.ie



Irish Anti-War Movement

The Irish Anti-War Movement campaigns for peaceful solutions to war and conflict situations across the world, and for an end to the poverty, inequality and injustice that are the underlying causes and results of conflict.

Contact: Irish Anti-War Movement, PO Box 9260, Dublin 1, Ireland
Tel: (+353) (0)1 8727912, Email: info@irishantiwar.org Website: www.irishantiwar.org



Afri

Afri's goal is the promotion of global justice and peace, and the reduction of poverty; this includes, but is not limited to, the progressive reduction of global militarisation, and responding to the threat of climate change, corporate control of resources and water, and interference with food sovereignty.

Contact: Afri, 134 Phibsborough Road, Dublin 7, Ireland.
Tel: (+353) (0)1 882 7563/7581 Email: admin@afri.ie Website: www.afri.ie

Title: Shannon Airport and 21st Century War
Organisation: Peace and Neutrality Alliance
Date: 2015

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