

On the 27th Amendment of the Constitution Bill

19th February 2003

Statement by Liz O'Donnell T.D on the Twenty-Seventh Amendment of the Constitution Bill

The Constitution of 1937 for the first time gave full effect to the conduct of our foreign policy as a sovereign, independent, democratic State. It was with considerable wisdom and foresight that we committed ourselves then in Article 29 to the pacific settlement of international disputes and international law as the rule for our conduct with other states.

A Ceann Comhairle, I oppose this bill.

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This was a statement of fundamental policy that was courageous and determined on the part of a people, who had so recently endured desperate loss of life in a World War, a War of Independence and a Civil War. Our commitment was for the peaceful settlement of conflict and the rule of international law, something quite different to neutrality as a political or even military concept.

The constitutional principle guiding our foreign policy pre-dates neutrality. It predates the Second World War, the founding of the United Nations, NATO, and the Warsaw Pact, the Non-Aligned Movement, the entire Cold War and the fall of the Berlin Wall. It is enduring and sustainable across many years and throughout many circumstances.

The policy of neutrality followed two years after Bunreacht na hÉireann was approved. It was a policy, as we know, that was made in response to specific national and international circumstances of 1939. The principled stance had been taken earlier in 1937. The pragmatic response at the outbreak of the Second World War was neutrality. And neutrality was implemented in a pragmatic way to secure our interests during and after the War.

When we stood back from joining NATO, it was because the government of the time believed this was incompatible with partition on our island, not because neutrality was a fundamental principle.

The evolving and pragmatic policy of neutrality, like the Constitutional precept of the pacific settlement of disputes, has enjoyed the widespread support of the Irish people - with the notable exception of Sinn Féin.

Sixty-six years ago in this House, Sean T. O Ceallaigh said it was his opinion that it was "absolutely undeniable, that there is nothing since the Free State was founded, in which the people have taken a deeper interest than in this Constitution." This is still the case. Debates on our Constitution have always provoked great interest, precisely because it is our constitution, the basic law to which we give allegiance and which supercedes all other laws.

But Sinn Fein held themselves superior to the new Constitution, to Dáil Éireann, and to the State. They contributed nothing 66 years ago to the construction of our Constitution and have contributed very little indeed since 1937, not least in their Bill today. What mattered to Sinn Fein back then, and what still seem inordinately important to them, is their ideology and its paraphernalia, the self-styled Army Convention, the Army Council and so on.

The initiation of this Bill to amend the Constitution by Sinn Fein has raised a few eyebrows. The same party has for years, and with great ferocity, sought to subvert the 1937 Constitution and all it stands for, including Article 29. They worked actively against the policy of neutrality by collaborating with the Nazi regime against the State and the Government of Ireland, as well as against the democratic Allied forces.

Latterly, they pursued their alleged commitment to international peace by arms deals in the Libyan Desert, and in fostering fraternal links with ETA terrorists in a fellow EU member state. Their claimed commitment to the de-militarisation of Europe apparently excludes the tons of Semtex in republican hands. Their claimed commitment to the rule of law does not extend to co-operating with police investigations into the Omagh atrocity. We all know that their alleged belief in neutrality allowed republicans to shoot members of our legitimate Defence Forces and Garda Síochána.

Since the Second World War, the policy of neutrality has been tested and stretched by many people, but never as cynically hi-jacked as by today's Sinn Fein under the guise of peace-loving neutrality.

In 1937, Sinn Fein ignored the will of the people when they approved the Constitution. In their Bill today, they also ignore the referendum we held as recently as last October in which the Irish people voted to amend the Constitution so as to reserve to themselves the power to decide whether or not Ireland would enter a common European defence.

This was the most recent way we dealt with the issue of defence and military neutrality. The Government brought forward the proposal on European defence having listened to the people's concerns in the first Nice referendum. We had a protracted, democratic debate. All sides had their chance.

The opponents of Nice claimed last October that a Yes vote still allowed the Government to enter a non-European defence arrangement, such as NATO. This spurious argument was well-aired. It was well-refuted too. The people made up their minds in favour of the constitutional amendment and did not accept the conspiratorial claims about other defence pacts.

The result of that referendum is that our policy is a consistent whole, at each level. Constitutionally, we have never wavered in our fundamental commitment to the peaceful settlement of disputes and the rule of international law. We maintain the power of Dáil Éireann to decide case by case on each deployment of Irish defence forces outside the State. The Government exercises day to day responsibility over defence and foreign policy. The people themselves have the power to decide directly on entering any automatic defence commitment in a European defence.

None of this implies pacifism. None of it implies moral ambivalence. None of it implies inaction in the face of abuses of human rights or threats to international security. None of it means we are politically neutral.

There is no part of our Constitutional or political tradition which means we cannot agree with our partners in the EU and with the UN Security Council that the threat of war is valid to achieve compliance with international law, and that the use of military force is a valid last resort.

It is no part of our foreign policy tradition that we would make ourselves unable to agree with, and actively support, the United Nations Secretary General when he articulates these very points.

We recognise that our commitment to international law means we are bound to uphold and vindicate that law. Neutrality does not mean we should neuter ourselves in upholding international law. When the Security Council and international law is being defied, as Iraq has done since 1991, then we should play our part in whatever way we can to uphold international law.

But what this Bill would do is introduce passivity, pacifism and impotence into Ireland's ability to uphold the international law that is at the centre of our foreign policy and of our constitutional commitments.

We have a representative, responsible and directly elected government, charged to act in the national interest in the foreign policy of the State.

But by this Bill, Sinn Fein would shackle the State and the Government's legitimate management of our security and our international obligations. They would undermine our ability to act in support of our constitutional commitments. Such a disabling of our democratic institutions and of our constitutional principles has obvious parallels with the republican movement's failed attempt to subvert the State by violence over many years. How ironic that what Sinn Fein failed to achieve by violence, they now seek to achieve by law.

Most Deputies will agree with me that the best contribution that Sinn Fein can make to peace in Ireland, and peace internationally, is to get on with decommissioning republican guns and Semtex; as envisaged by the Good Friday Agreement; to co-operate with legitimate police forces; and to participate in policing in Northern Ireland, and to discontinue their dubious international networks and activities.

Most people would agree that Sinn Fein has some nerve lecturing constitutional parties in Dáil Éireann on neutrality and peace.

All of us have welcomed the Republican movement's embrace of democracy; its move from the margins to the center of Government in Northern Ireland. That is what the peace process is all about. They have brought all of the energy, which sustained 30 years of war, into their political activities. And good luck to them. This is, I believe, the first Bill that Sinn Féin have sought to enact under the Irish Constitution. This is a welcome and overdue

recognition of the legitimacy of this state, of our parliament and of the Irish Constitution. Such a pity, that their first effort is a masterpiece of irony.

For further information see:

- [Information on the Bill](#)