

IRELAND'S CONTRIBUTION TO
Information Exchange On The Code Of Conduct On
Politico - Military Aspects Of Security

PARTICIPATING STATES WILL SUPPLY RELEVANT INFORMATION (INCLUDING DOCUMENTS WHERE APPROPRIATE) ON THE FOLLOWING ITEMS:

1. APPROPRIATE MEASURES TO PREVENT AND COMBAT TERRORISM, IN PARTICULAR PARTICIPATION IN INTERNATIONAL AGREEMENTS TO THAT END (PARAGRAPH 6):

(A) LIST OF INTERNATIONAL AGREEMENTS, INCLUDING ALL UNITED NATIONS CONVENTIONS AND PROTOCOLS RELATED TO TERRORISM, TO WHICH THE PARTICIPATING STATE IS A PARTY;

IRELAND IS PARTY TO THE FOLLOWING INTERNATIONAL CONVENTIONS RELATED TO TERRORISM:

- CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT, DONE AT TOKYO ON 14 SEPTEMBER 1963
- CONVENTION FOR THE SUPPRESSION OF THE UNLAWFUL SEIZURE OF AIRCRAFT, DONE AT THE HAGUE ON 16 DECEMBER 1970
- CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, DONE AT MONTREAL ON 23 SEPTEMBER 1971
- INTERNATIONAL CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS, DONE AT NEW YORK ON 14 DECEMBER 1973
- EUROPEAN CONVENTION ON THE SUPPRESSION OF TERRORISM, DONE AT STRASBOURG ON 27 JANUARY 1977
- INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES, DONE AT NEW YORK ON 17 DECEMBER 1979
- CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL, DONE AT VIENNA ON 3 MARCH 1980
- PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL CIVIL AVIATION, SUPPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, DONE AT MONTREAL ON 24 FEBRUARY 1988
- CONVENTION ON THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, DONE AT ROME ON 10 MARCH 1988
- PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED AGAINST THE CONTINENTAL SHELF, DONE AT ROME ON 10 MARCH 1988
- CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION, DONE AT MONTREAL ON 1 MARCH 1991
- INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, DONE AT NEW YORK ON 15 DECEMBER 1997
- INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, DONE AT NEW YORK ON 9 DECEMBER 1999

IRELAND HAS SIGNED THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM DONE AT NEW YORK ON 14 SEPTEMBER 2005. THE PREPARATION OF ENABLING NATIONAL LEGISLATION TO RATIFY THE CONVENTION HAS COMMENCED.

(B) ACCESSION TO AND PARTICIPATION IN OTHER MULTILATERAL AND BILATERAL AGREEMENTS OR MEASURES UNDERTAKEN TO PREVENT AND COMBAT TERRORIST ACTIVITIES;

IRELAND IS A MEMBER STATE OF THE EUROPEAN UNION (EU). FOLLOWING THE TERRORIST ATTACKS IN MADRID ON 11 MARCH 2004 THE EU ACCELERATED ITS WORK ON COMBATING TERRORISM AND ADOPTED THE EUROPEAN COUNCIL DECLARATION ON COMBATING TERRORISM AND A REVISED EU PLAN OF ACTION ON COMBATING TERRORISM. IMMEDIATELY FOLLOWING ON THE TERRORIST ATTACKS IN LONDON IN JULY 2005, THE EU ADOPTED A SERIES OF NEW MEASURES TO FURTHER ACCELERATE ITS WORK ON COMBATING TERRORISM.

THE EU COUNCIL FRAMEWORK DECISION ON ATTACKS AGAINST INFORMATION SYSTEMS, TO WHICH IRELAND IS A PARTY, ENTERED INTO FORCE ON 16 MARCH 2005. THE AIM OF THE FRAMEWORK DECISION IS THE APPROXIMATION OF MEMBER STATES' CRIMINAL LAW IN ORDER TO ENSURE THE GREATEST POSSIBLE POLICE AND JUDICIAL COOPERATION IN THE AREA OF ATTACKS AGAINST INFORMATION SYSTEMS AND TO CONTRIBUTE TO THE FIGHT AGAINST ORGANISED CRIME AND TERRORISM. THE NATIONAL MEASURES NECESSARY TO IMPLEMENT THE PROVISIONS OF THE FRAMEWORK DECISION, INCLUDING NATIONAL LEGISLATION, ARE CURRENTLY BEING **PREPARED**.

IN DECEMBER 2005, THE EUROPEAN COUNCIL ADOPTED THE EU COUNTER-TERRORISM STRATEGY. THE STRATEGY BRINGS TOGETHER IN ONE SUCCINCT DOCUMENT THE PRINCIPAL AIMS AND OBJECTIVES OF THE UNION'S FIGHT AGAINST TERRORISM. IN THE STRATEGY, THE EU COMMITS ITSELF TO OPPOSE TERRORISM GLOBALLY, WHILE RESPECTING HUMAN RIGHTS, WITH A VIEW TO MAKING EUROPE SAFER AND ENABLING ITS CITIZENS TO LIVE IN FREEDOM, SECURITY AND JUSTICE. THE STRATEGY TACKLES TERRORISM UNDER FOUR HEADINGS: "PREVENT, PROTECT, PURSUE, AND RESPOND". THE FOUR KEY PRIORITY HEADINGS CAN BE SUMMARISED AS:

- THE NEED TO PURSUE AND INVESTIGATE TERRORISTS ACROSS BORDERS;
- THE NEED TO PREVENT PEOPLE TURNING TO TERRORISM;
- THE NEED TO PROTECT CITIZENS AND INFRASTRUCTURE FROM TERRORIST ATTACKS;
- THE NEED TO PREPARE OURSELVES TO MANAGE AND MINIMISE THE CONSEQUENCES OF A TERRORIST ATTACK.

THE STRATEGY IS ACCOMPANIED BY A PLAN OF ACTION WHICH SETS OUT THE DETAILED MEASURES AND STEPS REQUIRED TO GIVE IT EFFECT. THE PLAN OF ACTION REPRESENTS A ROADMAP FOR FUTURE WORK AND, WHERE APPROPRIATE, INCLUDES DEADLINES FOR THE ACHIEVEMENT OF SPECIFIED OBJECTIVES AND/OR

PROGRESS ON SPECIFIED MEASURES. THE PLAN CURRENTLY COMPRISES SOME 120 SEPARATE ACTIONS AND THE EUROPEAN COUNCIL REVIEWS PROGRESS ON ITS IMPLEMENTATION EVERY SIX MONTHS.

RELEVANT BILATERAL AGREEMENTS TO WHICH IRELAND IS A PARTY ARE AS FOLLOWS:

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON CO-OPERATION IN COMBATING ILLICIT TRAFFICKING AND ABUSE OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES, SIGNED AT MOSCOW ON 15 SEPTEMBER 1999 AND ENTERED INTO FORCE ON 22 JULY 2000;

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE RUSSIAN FEDERATION ON CO-OPERATION IN FIGHTING CRIME SIGNED AT MOSCOW ON 15 SEPTEMBER 1999 AND ENTERED INTO FORCE ON 22 JULY 2000;

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF HUNGARY ON CO-OPERATION IN COMBATING ILLICIT DRUG TRAFFICKING, MONEY LAUNDERING, ORGANISED CRIME, TRAFFICKING IN PERSONS, TERRORISM AND OTHER SERIOUS CRIME, SIGNED AT BUDAPEST ON 3 NOVEMBER 1999 AND ENTERED INTO FORCE ON 17 AUGUST 2000;

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF POLAND ON CO-OPERATION IN COMBATING ORGANISED CRIME AND OTHER SERIOUS CRIME, SIGNED AT WARSAW ON 12 MAY 2001 (NOT YET IN FORCE);

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF CYPRUS ON CO-OPERATION IN COMBATING ILLICIT DRUG TRAFFICKING, MONEY LAUNDERING, ORGANISED CRIME, TRAFFICKING IN PERSONS, TERRORISM AND OTHER SERIOUS CRIME, SIGNED AT DUBLIN ON 8 MARCH 2002 AND ENTERED INTO FORCE ON 23 MARCH 2006;

AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF BULGARIA ON CO-OPERATION IN COMBATING ILLICIT TRAFFICKING IN DRUGS AND PRECURSORS, MONEY LAUNDERING, ORGANISED CRIME, TRAFFICKING IN PERSONS, TERRORISM AND OTHER SERIOUS CRIME, SIGNED AT DUBLIN ON 31 JANUARY 2002 (NOT YET IN FORCE).

(C) NATIONAL MEASURES, TO INCLUDE PERTINENT LEGISLATION, TAKEN TO IMPLEMENT THE INTERNATIONAL AGREEMENTS, CONVENTIONS AND PROTOCOLS CITED ABOVE;

- *CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT AND CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT:- THE CRIMINAL ACTS REFERRED TO IN THESE CONVENTIONS ARE ESTABLISHED AS OFFENCES BY SECTION 11 OF THE AIR NAVIGATION AND TRANSPORT ACT 1973.*
- *CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF*

CIVIL AVIATION:- THE CRIMINAL ACTS REFERRED TO IN THE CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 3 OF THE *AIR NAVIGATION AND TRANSPORT ACT 1975*.

- *CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIALS*:- THE CRIMINAL ACTS REFERRED TO IN THE CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 38 OF THE *RADIOLOGICAL PROTECTION ACT 1991*.
- *PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS OF VIOLENCE AT AIRPORTS SERVING INTERNATIONAL AVIATION, COMPLEMENTARY TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF AIRCRAFT*:- THE CRIMINAL ACTS REFERRED TO IN THE CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 3 OF THE *AIR NAVIGATION AND TRANSPORT ACT 1975* AND SECTION 51 OF THE *AIR NAVIGATION AND TRANSPORT (AMENDMENT) ACT 1998*.
- *CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR THE PURPOSE OF DETECTION, 1991*: THE INSTRUMENT OF ACCESSION WAS DEPOSITED WITH THE INTERNATIONAL CIVIL AVIATION AUTHORITY IN MONTREAL ON 15 JULY 2003, AND THE CONVENTION ENTERED INTO FORCE FOR IRELAND ON 13 SEPTEMBER 2003.
- *CONVENTION ON THE PREVENTION AND PUNISHMENT OF CRIMES AGAINST INTERNATIONALLY PROTECTED PERSONS, INCLUDING DIPLOMATIC AGENTS, 1973*:- THE CRIMINAL ACTS REFERRED TO IN THIS CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 11 OF THE *CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005*; *INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES, 1979*:- THE CRIMINAL ACTS REFERRED TO IN THIS CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 9 OF THE *CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005*; *INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS, 1997*:- THE CRIMINAL ACTS REFERRED TO IN THIS CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 10 OF THE *CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005*; AND *INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM, 1999*:- THE CRIMINAL ACTS REFERRED TO IN THIS CONVENTION ARE ESTABLISHED AS OFFENCES BY SECTION 13 OF THE *CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005*. THE *CRIMINAL JUSTICE (TERRORIST OFFENCES) ACT 2005*, ENACTED ON 8 MARCH, 2005, ENABLED IRELAND TO RATIFY THE FOUR CONVENTIONS MENTIONED ABOVE, WHICH ENTERED INTO FORCE IN IRELAND ON 30 JUNE 2005.
- THE *PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF FIXED PLATFORMS ON THE CONTINENTAL SHELF, 1988*, AND THE *CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION, 1988*: THE OFFENCES CREATED BY THESE TWO IMO CONVENTIONS ARE ESTABLISHED AS OFFENCES IN IRISH DOMESTIC LAW IN THE *MARITIME SECURITY ACT 2004*.

(D) INFORMATION ON NATIONAL EFFORTS TO PREVENT AND COMBAT TERRORISM, INCLUDING APPROPRIATE INFORMATION ON LEGISLATION BEYOND UNITED NATIONS CONVENTIONS AND PROTOCOLS (E.G., PERTAINING TO FINANCING OF TERRORIST GROUPS);

THE *OFFENCES AGAINST THE STATE ACTS 1939-1998* MAKE IT AN OFFENCE TO BE A MEMBER OF AN UNLAWFUL ORGANISATION. THOSE ACTS ALSO MAKE SPECIAL PROVISION IN RELATION TO EVIDENTIARY MATTERS CONNECTED WITH THE QUESTION OF MEMBERSHIP OF SUCH ORGANISATIONS. THE *CRIMINAL LAW ACT 1976* MAKES IT AN OFFENCE TO RECRUIT ANOTHER PERSON FOR AN UNLAWFUL ORGANISATION OR TO INCITE OR INVITE ANOTHER PERSON TO JOIN AN UNLAWFUL ORGANISATION OR TO TAKE PART IN OR SUPPORT OR ASSIST ITS ACTIVITIES. OTHER RELEVANT OFFENCES INCLUDE THE OFFENCE OF DIRECTING AN UNLAWFUL ORGANISATION AND TRAINING PERSONS IN THE MAKING OR USE OF FIREARMS OR EXPLOSIVES, FOR WHICH PROVISION WAS MADE IN THE *OFFENCES AGAINST THE STATE (AMENDMENT) ACT 1998*.

THERE ARE DEDICATED PROVISIONS IN THE *OFFENCES AGAINST THE STATE ACTS 1939-1998* DIRECTED TO THE PROPERTY AND FUNDS OF ORGANISATIONS THAT HAVE BEEN DECLARED UNLAWFUL ORGANISATIONS FOR THE PURPOSES OF THOSE ACTS. SECTION 22 OF THE *OFFENCES AGAINST THE STATE ACT 1939* PROVIDES A GENERAL POWER OF FORFEITURE OF PROPERTY OF AN UNLAWFUL ORGANISATION AS A CONSEQUENCE OF THE MAKING OF A SUPPRESSION ORDER IN RELATION TO THAT ORGANISATION. THE *OFFENCES AGAINST THE STATE (AMENDMENT) ACT 1985* MAKES PROVISION, WHICH CAN BE BROUGHT INTO OPERATION FROM TIME TO TIME BY GOVERNMENT ORDER, UNDER WHICH THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM MAY AUTHORISE THE RESTRAINT OF FUNDS BELIEVED TO BE DESTINED FOR THE USE OF AN UNLAWFUL ORGANISATION.

OTHER PROVISIONS OF THE CRIMINAL LAW RELATING TO THE PROCEEDS OF CRIME ALSO HAVE APPLICATION TO TERRORIST FINANCING: THE *CRIMINAL JUSTICE ACT 1994*, THE *PROCEEDS OF CRIME ACT 1996*, THE *PROCEEDS OF CRIME (AMENDMENT) ACT 2005* AND THE *CRIMINAL ASSETS BUREAU ACT 1996*. THESE PERMIT THE CONFISCATION OF TERRORIST FINANCES WHERE THEY CAN BE SHOWN TO BE THE PROCEEDS OF CRIME EITHER DIRECTLY OR INDIRECTLY.

The Criminal Justice (Terrorist Offences) Act 2005 Gives Effect In Irish Domestic Law To Four Anti-Terrorist Conventions Acceded To Or Ratified By Ireland On 30 June 2005, Namely The International Convention Against The Taking Of Hostages, 1979; The International Convention For The Suppression Of Terrorist Bombings, 1997; The Convention On The Prevention And Punishment Of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, 1973; And The International Convention For The Suppression Of The Financing Of Terrorism, 1999 And The Offences Created By These Four Conventions Are Established As Offences In Domestic Law In Sections 9, 10, 11 And 13 Respectively Of The 2005 Act. The Act Also Amends Our Law More Generally To Enhance The Capacity Of The State To Address The Problem Of International Terrorism.

Under The Terms Of The Act, Specified Offences Will Become Terrorist Offences When Committed With Intent To Seriously Intimidate A Population, Unduly Compel

A Government Or International Organisation To Perform Or Abstain From Performing An Act, Or Seriously Destabilise Or Destroy The Fundamental Political, Constitutional, Economic Or Social Structures Of A State Or An International Organisation Which, Where Appropriate, Will Attract Enhanced Penalties.

MOREOVER, UNDER THE TERMS OF THE ACT, TERRORIST GROUPS WHICH COMMIT TERRORIST OFFENCES IN OR OUTSIDE THE STATE ARE UNLAWFUL ORGANISATIONS FOR THE PURPOSES OF THE OFFENCES AGAINST THE STATE ACTS 1939 - 1998 AND THE RELEVANT PROVISIONS OF THOSE ACTS, INCLUDING THE OFFENCES OF MEMBERSHIP AND DIRECTING AN UNLAWFUL ORGANISATION, WILL HAVE APPLICATION TO SUCH GROUPS.

THE ACT ENABLES FUNDS WHICH ARE BEING USED, OR WHICH MAY BE INTENDED TO BE USED, FOR THE PURPOSE OF COMMITTING TERRORIST OFFENCES, INCLUDING FINANCING TERRORISM, TO BE FROZEN AND ULTIMATELY MADE SUBJECT TO A DISPOSAL ORDER IN FAVOUR OF THE STATE BY WAY OF COURT ORDERS.

BY AMENDING THE CRIMINAL JUSTICE ACT 1994, THE ACT PROVIDES FOR A DEDICATED PROCEDURE WHEREBY FUNDS USED IN, OR DERIVING FROM, A TERRORISM FINANCING OFFENCE MAY ALSO BE SUBJECT TO CONFISCATION, RESTRAINT AND FORFEITURE BY WAY OF A COURT ORDER ARISING FROM PROCEEDINGS FOR SUCH AN OFFENCE.

The Act Also Amends The Offences Against The State Acts To Strengthen Existing Provisions Of That Legislation Directed To The Property Of Unlawful Organisations And To Provide For A New Offence Of Providing Assistance To Such Organisations Which Will Have Application To Terrorist Groups.

(E) ROLES AND MISSIONS OF ARMED AND SECURITY FORCES IN PREVENTING AND COMBATING TERRORISM;

THE PRIMARY AGENCY WITH RESPONSIBILITY FOR LAW ENFORCEMENT IN IRELAND, INCLUDING COUNTER TERRORISM, IS THE GARDA SÍOCHÁNA. THIS FORCE ALSO CONDUCTS THE INTELLIGENCE GATHERING FUNCTION ASSOCIATED WITH THE PREVENTION AND INVESTIGATION OF CRIME INCLUDING TERRORISM. THE GARDA SÍOCHÁNA IS OPERATIONALLY INDEPENDENT BUT IS SUBJECT TO THE GENERAL LAW ENFORCEMENT POLICIES SET BY GOVERNMENT. THE GARDA SÍOCHÁNA ARE PREDOMINANTLY UNARMED ALTHOUGH THEY HAVE DEVELOPED SOME ARMED SUPPORT UNITS AND A SPECIALIST EMERGENCY RESPONSE UNIT.

The Office Of Emergency Planning (OEP) Was Established As A Joint Civil/Military Office In The Department Of Defence In 2001. The Function Of The OEP Is To Take The Lead Role In Supporting Emergency Planning. This Includes Ongoing Co-Ordination Of The Responses Of Various Agencies And Exercising An Oversight Role In Relation To Peacetime Planning, In Order To Ensure The Best Possible Use Of Resources And Compatibility Between Planning Requirements. Responsibility For Specific Emergency Planning And Response Functions Remains With The Relevant Lead Government Departments And Agencies.

THE DEFENCE FORCES PROVIDE MILITARY PERSONNEL, ON REQUEST OF THE GARDA SÍOCHÁNA, IN AN AID TO THE CIVIL POWER (ATCP) CAPACITY. SPECIALIST DEFENCE FORCES UNITS SUPPORT ONGOING POLICIES IN THE PREVENTION AND COMBATING OF TERRORISM.

2. DESCRIPTION OF THE NATIONAL PLANNING- AND DECISION-MAKING PROCESS - INCLUDING THE ROLE OF THE PARLIAMENT AND MINISTRIES - FOR THE DETERMINATION/APPROVAL OF

(A) THE MILITARY POSTURE;

The Constitution Provides That The Right To Raise And Maintain Military Or Armed Forces Is Vested Exclusively In The Oireachtas (Both Upper And Lower Houses Of Parliament). It Also Specifically Prohibits The Raising Of Any Military Forces Other Than Those Raised By The Oireachtas. The Defence Acts 1954-2007 Provide For The Regulation Of The Defence Forces. It Provides That “It Shall Be Lawful For The Government To Raise, Train, Equip, Arm, Pay And Maintain ‘Defence Forces To Be Called And Known As Oglagh Na Heireann Or (In English) The Defence Forces’”. This Legislation Further Provides That “Under The Direction Of The President, And Subject To The Provisions Of This Act, The Military Command Of, And All Executive And Administrative Powers In Relation To, Defence Forces, Including The Power To Delegate Command And Authority, Shall Be Exercisable By The Government, And, Subject To Such Exceptions And Limitations As The Government May From Time To Time Determine, Through And By The Minister” (The Minister Referred To Is The Minister For Defence).

THE DEFENCE ACTS 1954 TO 2007 PROVIDE THE LEGISLATIVE BASIS FOR THE DEFENCE FORCES (ÓGLAIGH NA HÉIREANN). THE LEGISLATION PROVIDES THAT DEFENCE FORCES HEADQUARTERS (DFHQ) IS THE MILITARY ELEMENT OF THE DEPARTMENT OF DEFENCE. THE CHIEF OF STAFF OF THE DEFENCE FORCES HEADS DFHQ. AS PROVIDED FOR IN THE ACT THE MINISTER HAS ASSIGNED DUTIES TO THE CHIEF OF STAFF. THE CHIEF OF STAFF IS DIRECTLY ACCOUNTABLE TO THE MINISTER FOR THE PERFORMANCE OF THESE DUTIES, WHICH INCLUDE RESPONSIBILITY FOR THE MILITARY EFFECTIVENESS, EFFICIENCY, ORGANISATION AND ECONOMY OF THE DEFENCE FORCES. AS PROVIDED FOR IN THE ACT AND WITH THE APPROVAL OF THE MINISTER, THE CHIEF OF STAFF HAS, IN TURN, DELEGATED RESPONSIBILITY FOR CERTAIN DUTIES TO THE DEPUTY CHIEF OF STAFF (OPERATIONS) AND TO THE DEPUTY CHIEF OF STAFF (SUPPORT).

The Act Also Provides For Delegation By The Minister Of Military Command To General Officers Commanding The Brigades, The Defence Forces Training Centre, The Naval Service And The Air Corps. In Practice, Matters Relating To Command Are Normally Channelled Through The Chief Of Staff. In Effect, This Means That Day-To-Day Operational Control Of The Defence Forces Rests With The Chief Of Staff For Which He Is Directly Responsible To The Minister.

THE DEFENCE FORCES ARE ORGANISED ON CONVENTIONAL MILITARY LINES PROVIDING A SUFFICIENTLY FLEXIBLE STRUCTURE TO CARRY OUT ALL THE ROLES ASSIGNED BY GOVERNMENT. THE DEFENCE FORCES CONSIST OF A PERMANENT DEFENCE FORCE (PDF) AND A RESERVE DEFENCE FORCE (RDF). THE FORMER IS A

STANDING FORCE AND PROVIDES THE PRIMARY CAPABILITIES FOR MILITARY OPERATIONS AT HOME AND MILITARY PEACE SUPPORT OPERATIONS ABROAD. THE RDF PROVIDES THE NECESSARY CONTINGENT CONVENTIONAL MILITARY CAPABILITY TO AUGMENT AND ASSIST THE PDF, WHEN NECESSARY.

THE PERMANENT DEFENCE FORCE CONSISTS OF THE ARMY, THE AIR CORPS AND THE NAVAL SERVICE. THE AUTHORISED PERMANENT DEFENCE FORCE STRENGTH IS 10,500. THE PROGRAMME FOR GOVERNMENT CONTAINS A COMMITMENT TO THE MAINTENANCE OF AN ADDITIONAL 350 TROOPS IN TRAINING AT ANY ONE TIME.

(B) DEFENCE EXPENDITURES;

PUBLIC FUNDS FOR DEFENCE PURPOSES ARE PROVIDED THROUGH FUNDS VOTED BY THE DAIL (PARLIAMENT) IN THE DEFENCE VOTE. ESTIMATES FOR PUBLIC SERVICE EXPENDITURE, WHICH INCLUDES THE VOTE FOR DEFENCE, ARE PUBLISHED ANNUALLY BY THE GOVERNMENT PUBLICATIONS OFFICE. IN ADDITION THE SECRETARY GENERAL OF THE DEPARTMENT OF DEFENCE IS FINANCIALLY ACCOUNTABLE TO THE COMMITTEE OF PUBLIC ACCOUNTS OF THE PARLIAMENT FOR THE EXPENDITURE FROM THE DEFENCE VOTE OF PUBLIC MONIES ON THE DEFENCE FORCES.

3. DESCRIPTION OF

(A) CONSTITUTIONALLY ESTABLISHED PROCEDURES ENSURING EFFECTIVE DEMOCRATIC CONTROL OF THE MILITARY, PARAMILITARY, AND INTERNAL SECURITY FORCES, AS WELL AS INTELLIGENCE SERVICES, AND THE POLICE;

STATUTORY FRAMEWORK

THE CONSTITUTION OF IRELAND VESTS THE RIGHT TO RAISE AND MAINTAIN MILITARY OR ARMED FORCES EXCLUSIVELY IN THE OIREACTHAS AND EXPRESSLY PROHIBITS THE RAISING AND MAINTENANCE OF ANY OTHER MILITARY OR ARMED FORCE FOR ANY PURPOSE WHATSOEVER.

THE DEPARTMENT OF DEFENCE WAS ESTABLISHED BY THE MINISTERS AND SECRETARIES ACT, 1924 AND THE ACT ASSIGNS TO THE DEPARTMENT “THE ADMINISTRATION AND BUSINESS OF THE RAISING, TRAINING, ORGANISATION, MAINTENANCE, EQUIPMENT, MANAGEMENT, DISCIPLINE, REGULATION AND CONTROL ACCORDING TO LAW OF THE MILITARY DEFENCE FORCES”. THE ACT PROVIDES THAT THE MINISTER IS ‘HEAD’ OF THE DEPARTMENT. THE MINISTER IS ASSISTED IN DISCHARGING HIS FUNCTIONS BY THE CIVIL AND MILITARY ELEMENTS OF THE DEPARTMENT. THE SECRETARY GENERAL IS THE “PRINCIPAL OFFICER” OF THE DEPARTMENT AND IS ALSO APPOINTED BY THE MINISTER FOR FINANCE AS THE ACCOUNTING OFFICER FOR ALL DEFENCE EXPENDITURE IN ACCORDANCE WITH THE EXCHEQUER AND AUDIT DEPARTMENTS ACT 1866. THE AUTHORITY, RESPONSIBILITY

AND ACCOUNTABILITY OF THE SECRETARY GENERAL ARE FURTHER ELABORATED IN THE COMPTROLLER AND AUDITOR GENERAL (AMENDMENT) ACT, 1993 AND THE PUBLIC SERVICE MANAGEMENT ACT, 1997. THE 1997 ACT ALSO REQUIRES THE SECRETARY GENERAL TO PREPARE A STRATEGY STATEMENT FOR THE MINISTER'S APPROVAL AND AN ANNUAL REPORT ON PERFORMANCE.

Military Intelligence Provides Regular Assessments, Reports And Briefings To The Chief Of Staff And The Minister For Defence On Any Threats To The Security Of The State And The National Interest From Internal Or External Sources. The National Security Committee Meets On A Regular Basis And Receives Security Briefings. Its Role Is To Ensure That The Taoiseach And Government Are Kept Informed Of High-Level Security And Crisis Issues And The State's Response To Them. It Receives Threat Assessments From The Garda Commissioner And The Chief Of Staff. The Committee Comprises The Secretaries General To The Government, And Of The Departments Of Justice, Equality And Law Reform, Foreign Affairs, And Defence, The Garda Commissioner And The Chief Of Staff Of The Defence Forces.

IRELAND HAS A NATIONAL POLICE SERVICE (THE GARDA SÍOCHÁNA) AND THE DEFENCE FORCE. THERE ARE NO OTHER PARAMILITARY, INTERNAL SECURITY, INTELLIGENCE OR POLICE FORCES IN EXISTENCE WITHIN THE STATE OUTSIDE THESE TWO BODIES.

The Garda Síochána Is Established By Legislation And Its Internal Management Is Subject To Regulations Made By The Minister For Justice, Equality And Law Reform. The Garda Síochána Has Operational Independence Subject To The General Financial And Regulatory Framework Established By The Minister. All Senior Officers, Including The Commissioner, Are Appointed By The Government. The Garda Commissioner's Strategy Statements And Annual Policing Plans Are Subject To The Approval Of The Minister. The Commissioner Must Report To The Minister As Required. The Minister Is, In Turn, Politically Accountable To The Irish Parliament For The Garda Síochána.

The Garda Commissioner Is Financially Accountable To The Public Accounts Committee Of The Parliament For The Expenditure Of State Monies On The Garda Síochána.

THE POWERS OF THE POLICE ARE SET OUT IN STATUTE AND ALL THEIR ACTIONS ARE SUBJECT TO REVIEW BY AN ACTIVE AND CONSTITUTIONALLY INDEPENDENT JUDICIARY.

The Garda Síochána Act 2005 Which Came Into Force On 1 August, 2005, Represents The First Major Revision Of The Operation Of The Garda Síochána Since The Foundation Of The State. The Act Made Provision For:

- (i) A New Legislative Structure For The Management Of The Garda Síochána, In Particular By Clarifying The Role And Objectives Of The Force And Defining Its Relationship With The Minister And Government Of The Day;
- (ii) The Establishment Of The New Independent Body - The Garda Síochána Ombudsman Commission To Replace The Existing Garda Síochána

Complaints Board - The Primary Function Of Which Is To Investigate Complaints By Members Of The Public Against Members Of The Garda Síochána, And

(iii) New Accountability Arrangements By Providing For:

(a) THE ESTABLISHMENT OF THE INDEPENDENT GARDA SÍOCHÁNA INSPECTORATE TO PROVIDE INDEPENDENT ADVICE TO THE MINISTER IN RELATION TO THE EFFICIENCY AND EFFECTIVENESS OF THE OPERATIONS AND ADMINISTRATION OF THE GARDA SÍOCHÁNA, AND

(b) NEW PROCEDURES RELATING TO THE ACCOUNTABILITY OF MEMBERS OF THE GARDA SÍOCHÁNA FOR THE DISCHARGE OF THEIR OFFICIAL DUTIES AND THE DUTY OF THE GARDA COMMISSIONER TO ACCOUNT AND PROVIDE INFORMATION TO THE GOVERNMENT, AS WELL AS PROVISIONS GOVERNING THE SUMMARY DISMISSAL OF CERTAIN RANKS BY THE COMMISSIONER.

The Act Also Provided For New Measures In Relation To The Establishment Of Joint Policing Committees, A Statutory Basis For Garda And Community-Based CCTV Systems, Provisions For The Exercise Of Special Powers By Private Security Officers At State Buildings And Offices And The Making Of Regulations Relating To The Reporting Of Corruption And Malpractice In The Garda Síochána ('Whistle Blowers' Charter').

THE AUTHORITY TO PROSECUTE A PERSON FOR A CRIMINAL OFFENCE RESTS WITH AN INDEPENDENT OFFICER, THE DIRECTOR OF PUBLIC PROSECUTIONS.

(B) CONSTITUTIONALLY ESTABLISHED AUTHORITIES/INSTITUTIONS RESPONSIBLE FOR THE DEMOCRATIC CONTROL OF MILITARY, PARAMILITARY AND SECURITY FORCES;

THE CONSTITUTION OF IRELAND VESTS SUPREME COMMAND OF THE DEFENCE FORCES IN THE PRESIDENT AND PROVIDES THAT THE EXERCISE OF COMMAND SHALL BE REGULATED BY LAW. THE DEFENCE ACT, 1954-2007, PROVIDES THAT MILITARY COMMAND OF, AND ALL EXECUTIVE AND ADMINISTRATIVE POWERS IN RELATION TO THE DEFENCE FORCES INCLUDING THE POWER TO DELEGATE COMMAND AND AUTHORITY, SHALL BE EXERCISABLE BY THE GOVERNMENT THROUGH AND BY THE MINISTER FOR DEFENCE.

IRELAND HAS NO PARAMILITARY FORCE.

IRELAND HAS NO INTERNAL SECURITY FORCE.

(C) ROLES AND MISSIONS OF THE MILITARY, PARAMILITARY AND SECURITY FORCES AS WELL AS CONTROLS TO ENSURE THAT THEY ACT SOLELY WITHIN THE CONSTITUTIONAL FRAMEWORK;

In June 1997, The Government Announced Its Intention To Draw Up A White Paper On Defence Policy To Set Out A Clear Strategy For The Next Decade. In The White Paper Which Was Published By Government In February 2000 The Roles Of The

Defence Forces Are Defined As Follows:

- TO DEFEND THE STATE AGAINST ARMED AGGRESSION; THIS BEING A CONTINGENCY, PREPARATIONS FOR ITS IMPLEMENTATION WILL DEPEND ON AN ON-GOING GOVERNMENT ASSESSMENT OF THE SECURITY AND DEFENCE ENVIRONMENT;
- TO AID THE CIVIL POWER (MEANING IN PRACTICE TO ASSIST, WHEN REQUESTED, THE GARDA SÍOCHÁNA, WHO HAVE PRIMARY RESPONSIBILITY FOR LAW AND ORDER, INCLUDING THE PROTECTION OF THE INTERNAL SECURITY OF THE STATE);
- TO PARTICIPATE IN MULTINATIONAL PEACE SUPPORT, CRISIS MANAGEMENT AND HUMANITARIAN RELIEF OPERATIONS IN SUPPORT OF THE UNITED NATIONS AND UNDER UN MANDATE, INCLUDING REGIONAL SECURITY MISSIONS AUTHORISED BY THE UN;
- TO PROVIDE A FISHERY PROTECTION SERVICE IN ACCORDANCE WITH THE STATE'S OBLIGATIONS AS A MEMBER OF THE EU;
- TO CARRY OUT SUCH OTHER DUTIES AS MAY BE ASSIGNED TO THEM FROM TIME TO TIME, EG SEARCH AND RESCUE, AIR AMBULANCE SERVICE, MINISTERIAL AIR TRANSPORT SERVICE, ASSISTANCE ON THE OCCASION OF NATURAL OR OTHER DISASTERS, ASSISTANCE IN CONNECTION WITH THE MAINTENANCE OF ESSENTIAL SERVICES, ASSISTANCE IN COMBATING OIL POLLUTION AT SEA.

IN ADDITION THE DEPARTMENT OF DEFENCE AND DEFENCE FORCES PUBLISH THREE-YEAR STRATEGY STATEMENTS. THE MOST RECENT STRATEGY STATEMENT COVERING THE PERIOD 2008-2010 OUTLINES THE FOLLOWING VISION, MISSION STATEMENT AND HIGH-LEVEL GOALS FOR THE DEFENCE FORCES.

VISION

IN THE PERIOD 2008-2010 WE WILL CONTINUE TO WORK TO DEVELOP AND SUSTAIN OUR VISION OF A DEFENCE ORGANISATION THAT FORMULATES AND IMPLEMENTS EFFECTIVE POLICY, PROVIDES TIMELY AND ACCURATE ADVICE AND IS CAPABLE OF DEPLOYING A MODERN, INTEROPERABLE, SUSTAINABLE FORCE THAT CAN DELIVER FLEXIBLE MILITARY CAPABILITIES AT HOME AND ABROAD.

MISSION STATEMENT

TO PROVIDE FOR THE MILITARY DEFENCE OF THE STATE, CONTRIBUTE TO NATIONAL AND INTERNATIONAL PEACE AND SECURITY AND FULFIL ALL OTHER ROLES ASSIGNED BY GOVERNMENT.

HIGH LEVEL GOALS

- TO PROVIDE FOR THE DEFENCE OF THE STATE AGAINST ARMED AGGRESSION, BY MAINTAINING AND DEVELOPING APPROPRIATE MILITARY CAPABILITIES.
- TO CONTRIBUTE TO ON-ISLAND SECURITY AND STABILITY BY PROVIDING, ON REQUEST, AID TO THE CIVIL POWER (ATCP), AID TO THE CIVIL AUTHORITY (ATCA) AND OTHER EMERGENCY AND NON-EMERGENCY SERVICES.
- TO CONTRIBUTE TO THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY THROUGH PARTICIPATION IN APPROVED UN-MANDATED PEACE SUPPORT, CRISIS MANAGEMENT AND HUMANITARIAN RELIEF OPERATIONS.
- TO PROVIDE THE BEST POSSIBLE DEFENCE POLICY ADVICE AND MILITARY ADVICE TO THE MINISTER IN ORDER TO SUPPORT MANAGEMENT OF ALL ASPECTS OF DEFENCE PROVISION AND FACILITATE PLANNING FOR FUTURE NEEDS.

The Primary Role Of The Department Of Defence Is To Support The Minister As Head Of The Department, In Particular By Providing Policy Advice And Support On Defence Matters. This Includes Assistance With Policy Formulation And The Implementation Of Policy As Set Out In The Programme For Government And As Directed By The Minister.

IRELAND HAS NO PARAMILITARY FORCE.

IRELAND HAS NO INTERNAL SECURITY FORCE.

(D) PUBLIC ACCESS TO INFORMATION RELATED TO THE ARMED FORCES;

INFORMATION CONCERNING THE DEFENCE FORCES IS AVAILABLE THROUGH THE DEFENCE FORCES OFFICIAL WEBSITE WWW.MILITARY.IE. INFORMATION CONCERNING THE DEFENCE FORCES IS ALSO AVAILABLE TO THE PUBLIC THROUGH THE DEPARTMENT OF DEFENCE AND DEFENCE FORCES STRATEGY STATEMENT 2008 - 2010).

SPECIFIC REQUESTS FOR INFORMATION CONCERNING THE DEFENCE FORCES MAY BE MADE UNDER THE FREEDOM OF INFORMATION ACTS 1997 AND 2003.

4. STATIONING OF ARMED FORCES ON THE TERRITORY OF ANOTHER PARTICIPATING STATES IN ACCORDANCE WITH THEIR FREELY NEGOTIATED AGREEMENTS AS WELL AS IN ACCORDANCE WITH INTERNATIONAL LAW;

IRELAND REGULARLY DEPLOYS CONTINGENTS OF THE DEFENCE FORCES ABROAD IN THE CONTEXT OF PARTICIPATION IN INTERNATIONAL PEACEKEEPING AND PEACE ENFORCEMENT UNDER THE AUSPICES OF THE UNITED NATIONS. DEFENCE LEGISLATION PROVIDES FOR SUCH DEPLOYMENT. ANY STATIONING OF DEFENCE FORCES PERSONNEL ON THE TERRITORY OF ANOTHER PARTICIPATING STATE MUST HAVE GOVERNMENT APPROVAL.

5. DESCRIPTION OF

(A) PROCEDURES FOR THE RECRUITMENT OR CALL-UP OF PERSONNEL FOR SERVICE IN THE MILITARY, PARAMILITARY, OR SECURITY FORCES, IF APPLICABLE;

The Irish Defence Forces consist of the Permanent Defence Force, the members of which are full-time professional personnel and the Reserve Defence Force, the members of which are part-time volunteers and former members of the Permanent Defence Force. Ireland has never had conscription. Recruitment to all elements of the Defence Forces is and always has been on a voluntary basis. No change in this policy is envisaged, recruitment is open to men and women.

IRELAND HAS NO PARAMILITARY FORCE.

IRELAND HAS NO INTERNAL SECURITY FORCE.

(B) EXEMPTIONS OR ALTERNATIVES TO COMPULSORY MILITARY SERVICE, IF APPLICABLE;

NOT APPLICABLE.

(C) LEGAL AND ADMINISTRATIVE PROCEDURES PROTECTING THE RIGHTS OF ALL FORCES PERSONNEL;

Defence legislation provides for a system of redress of wrongs system for every member of the Defence Forces. Following agreement reached with Defence Forces representative associations new grievance procedures were introduced on 1 May 1996, which widened the scope of complaints that can be entertained from personnel. The new procedures included the appointment of an independent complaints inquiry officer who may inquire into complaints on behalf of the Minister and report thereon with recommendations to the Minister for his directions in the matter.

SINCE 2004 THE DIGNITY CHARTER FOR THE DEFENCE FORCES COMMITS ALL RANKS TO SUPPORTING A SERVICE ENVIRONMENT THAT ENCOURAGES AND SUPPORTS THE RIGHT TO DIGNITY AT WORK.

THE ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR THE DEFENCE FORCES PURSUANT TO THE OMBUDSMAN (DEFENCE FORCES) ACT 2004 HAS BEEN OF MAJOR SIGNIFICANCE AND NOW PROVIDES A FURTHER OPTION FOR COMPLAINANTS. THE

FUNCTION OF THE OMBUDSMAN FOR THE DEFENCE FORCES IS TO ACT AS THE ULTIMATE POINT OF APPEAL FOR, AND ADMINISTRATIVE INVESTIGATION INTO, COMPLAINTS MADE BY MEMBERS (AND FORMER MEMBERS) OF THE DEFENCE FORCES AGAINST ANOTHER MEMBER (OR FORMER MEMBER) OF THE DEFENCE FORCES, OR AGAINST A CIVIL SERVANT OF THE DEPARTMENT OF DEFENCE. THE OMBUDSMAN MAY INVESTIGATE A COMPLAINT IN RESPECT OF AN ACTION OR DECISION, WHICH MAY HAVE ADVERSELY AFFECTED THE COMPLAINANT PERSONALLY.

THE DEFENCE (AMENDMENT) ACT 2007 INTRODUCED INTO THE DEFENCE FORCES A REVISED SYSTEM OF MILITARY JUSTICE, WHICH IS FULLY COMPATIBLE WITH ARTICLE 6 OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS. PROCEDURES HAVE BEEN PUT IN PLACE, WHICH ENSURE THAT A PERSON CHARGED WITH AN OFFENCE IS FULLY AWARE OF HIS/HER RIGHTS IN RELATION TO SUMMARY INVESTIGATIONS AND IS GUARANTEED TRIAL BY A FAIR AND IMPARTIAL TRIBUNAL FOR MORE SERIOUS OFFENCES OR IF THE PERSON CHARGED SO ELECTS. A RIGHT OF APPEAL IS AFFORDED IN ALL CASES.

6. INSTRUCTION ON INTERNATIONAL HUMANITARIAN LAW AND OTHER INTERNATIONAL RULES, CONVENTIONS AND COMMITMENTS GOVERNING ARMED CONFLICT INCLUDED IN MILITARY TRAINING PROGRAMMES AND REGULATIONS;

International Humanitarian Law (The Law Of Armed Conflict) Is Included In The Syllabi Of All Career Courses For Officers And Enlisted Persons. Legal Officers And Officers Responsible For Training In The Law Of Armed Conflict Attend Courses At The International Institute Of Humanitarian Law, San Remo, Italy. All Personnel Proceeding On Active Service Overseas Are Briefed On The Law Of Armed Conflict And Relevant International Human Rights Law. Courses On Human Rights Are Conducted On A Regular Basis At The Defence Forces Training Centre.

7. ANY OTHER INFORMATION.

NO OTHER INFORMATION