



**AN BILLE COSANTA (LEASÚ) 2006
DEFENCE (AMENDMENT) BILL, 2006**

EXPLANATORY MEMORANDUM

This Act is designed to amend and update the Defence Acts in relation to the despatch of members of the Permanent Defence Force on overseas duties. The Defence (Amendment) (No. 2) Act, 1960 and the Defence (Amendment) Act 1993, provide for the despatch of members of the Permanent Defence Force outside the State as part of an “*International United Nations Force*”. While members of the Permanent Defence Force have also been despatched for many other reasons, including carrying out official duties, undergoing training, representing the Defence Forces at sporting events etc, recent advice from the Attorney General is to the effect that there is no formal basis in the Defence Acts for the despatch of Permanent Defence Force personnel on such duties. *Section 3* of the Act provides for such deployments with the approval and under the authority of the Government. It also provides that members of the Permanent Defence Force may be despatched overseas to undertake training and military exercises and, also, to undertake humanitarian tasks in response to a disaster or emergency. The Act also updates and amends the definition of “*International United Nations Force*” in the Defence Acts.

Section 1 of the Bill amends the definition of “*International United Nations Force*”, as provided for in the 1960 and 1993 Acts, to reflect the changes in the organisation and structure of forces deployed on Peace Support Operations under a UN mandate, in particular, the use of regional organisations to provide forces for peace support operations. It also reflects the variations in the language used in UN Security Council Resolutions, such that, the Permanent Defence Force will not be precluded from participating in a UN peace support operation, solely on the basis of the specific language used in a resolution. Currently, members of the Permanent Defence Force may only participate in missions “*established*” or “*authorised*” by the UN Security Council.

Section 4 of the Bill provides that all members of the Permanent Defence Force shall be liable for overseas service. However, it retains the provision of the Defence (Amendment) Act 1993, that personnel who enlisted prior to the enactment of that Act, cannot be detailed to serve on UN mandated operations, other than operations which are of a police character, as was the provision in the 1960 Act.

Section 8 will enable members or contingents of the Permanent Defence Force to be assembled and embarked to participate in an International United Nations Force in the context of rapid response. The section stipulates that the Permanent Defence Force cannot be deployed operationally before the formal adoption of the requisite Security Council Resolution and the approval of Dáil Éireann, as appropriate.

Section 11 makes clear that the Act confers no authority on the State to become a member of an international organisation.

Section 13 re-enacts *section 4* of the Defence Amendment Act 1993, which Act is being repealed.

Sections 2, 5, 6, 7, 9 and 10 are technical amendments to the Defence Acts, having regard to the provisions of *section 3* and *section 8* of this Act.

Sections 12, 14 and 15 are standard provisions.

An Roinn Cosanta,
13 Meitheamh 2006.