

Defence (Amendment) Bill 2025

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Abstract

This *Briefing Paper* examines the legislative proposals in the General Scheme of the Defence (Amendment) Bill 2025 regarding the consolidation, with amendments, of the existing provisions of the *Defence Acts 1954 to 2015* concerning the despatch of members of the Defence Forces for overseas service. These include proposals to remove the so-called ‘triple lock’ requirement. The legislative proposals touch upon complex areas of international law, EU law and domestic law, as well as evolving areas of EU and domestic policy. Accordingly, this *Briefing Paper* also provides relevant information regarding the existing legal and policy context.



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Executive Summary

The [General Scheme](#) of the Defence (Amendment) Bill 2025 was published on 21 May 2025. Its core purpose is to consolidate, with amendments, the existing provisions of the *Defence Acts 1954 to 2015* concerning the despatch of members of the Defence Forces for service outside the State ('overseas service'), including by removing the triple lock requirement. Currently, under the triple lock, before 12 or more members of the Defence Forces can be despatched for overseas service with an armed international force or body:

1. the force/body must be established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a UN Security Council (UNSC) or a UN General Assembly (UNGA) resolution;
2. the despatch must be approved by the Government; and
3. the despatch must be approved by Dáil Éireann, through the adoption of a resolution.

The General Scheme proposes to remove the first requirement and insert new safeguard provisions into the *Defence Act 1954* (the '1954 Act') with a view to ensuring continued compliance with the principles of the [UN Charter](#) and international law. It also proposes to allow the Government alone to approve the despatch and deployment of up to 50 members of the Defence Forces for overseas service with an international force, as defined under Head 11. Both Government and Dáil approval are required where the 50-member threshold is exceeded.

The existing legislation already permits the Government alone to approve the despatch of Defence Forces personnel for overseas service for certain purposes other than participation in an international force. These include participation in training, secondments, ceremonial duties, monitoring duties, humanitarian tasks (implicitly including civilian evacuations), sporting events, fact-finding missions, and facilities inspections. The General Scheme proposes to transfer this power of approval, which is not subject to the triple lock, to the Minister for Defence. It also proposes to expressly permit the Minister or the Government, depending on the purpose, to approve despatches for overseas service to: (i) provide military protection to Irish embassies and diplomatic missions, and military security to Ministers abroad; (ii) undertake emergency civilian evacuation operations, and (iii) participate in international counter-narcotic operations. These changes can be achieved without removing the triple lock. The existing legislation also permits the Government alone to approve the despatch of Defence Forces personnel for overseas service as part of an EU Battlegroup to be assembled or embarked prior to deployment as part of a UN-sanctioned operation. However, any actual deployment is currently still subject to the triple lock. Under the General Scheme, a UNSC/UNGA resolution is no longer required for deployment with a Battlegroup operation.

The General Scheme also proposes amendments to existing legislation to provide for the suspension of members of the Defence Forces in order to give effect to recommendations in the [2024 Ward Report](#) (Part 4); and to specify the timeframe for submitting appeals against court-martial decisions (Part 5). This *Paper* focuses on the legislative proposals concerning overseas service and the removal of the triple lock because this is the Bill's core purpose.

Impact of the Legislative Proposals, if enacted

The legislative proposals, if enacted, would mean that members of the Permanent Defence Force could be called upon by the Government, subject to Dáil approval for deployments of

over 50 members, to participate in an international force that was not established, authorised, mandated or in some other way sanctioned in a resolution adopted by the UNSC or the UNGA.

Defence Policy

The triple lock originated in the [Defence \(Amendment\) \(No. 2\) Act 1960](#), although its precise meaning has evolved over time, as explained in this *Briefing Paper*. The [2024 Defence Policy Review](#) and the [2025 Programme for Government \(PfG\)](#) both include a commitment to reform the triple lock. This marks a departure from the policy position outlined in the [2015 White Paper on Defence](#), which the Government argues is a necessary response to recent changes in the geopolitical and regional security context. At the EU level, there have been moves toward a more robust and unified defence strategy, as evident, for example, from the establishment of the [EU Rapid Deployment Capacity](#) (RDC) in 2025. The Defence Forces currently participate in UN-led missions, EU-led missions, a NATO-led mission, and a German-led EU Battlegroup. The [2024 Review](#) anticipates that the Defence Forces will participate in more high intensity operations going forward and that more operations will be led by regional organisations.

The International Law Framework and the Capstone Doctrine

The [UN Charter](#) provides the core international law framework that regulates all overseas peace and security operations. The General Scheme proposes that Ireland will only participate in international forces that operate in a manner consistent with the Charter's principles. Under the Charter, both the UNSC and the UNGA can establish a peacekeeping operation with the consent of the State(s) concerned. The consent of the host State, the State on whose territory the operation is to take place, is required for all peacekeeping operations. The [Capstone Doctrine](#), the main UN policy document concerning UN-led peacekeeping, also stipulates that UN peacekeeping operations should have the consent of the main parties to the conflict. This is aimed at enabling the practical implementation of the mandate and avoiding peacekeepers becoming embroiled in enforcement action. UN peacekeeping operations are typically established by the UNSC, given its primary responsibility for the maintenance of international peace and security. The UNGA has a secondary competence to recommend the establishment of a peacekeeping operation if the UNSC is deadlocked or inactive. Regional organisations, such as the EU, are also permitted to establish peacekeeping operations under Chapter VIII of the Charter with the host State's consent. However, under the Charter, only the UNSC can authorise peace enforcement operations or enforcement measures under Chapter VII more broadly. These operations do not require the consent of the conflict parties and can involve the deployment of troops on the territory of a State, and potentially the use of force against that State's military and security apparatus, without its consent. Article 2 of the Charter outlines the principles of the UN. These are distinct from the UN peacekeeping principles identified in the Capstone Doctrine, although the latter are intended at ensuring adherence to the Charter.

Pre-legislative Scrutiny and the Content of the Briefing Paper

The General Scheme was referred to the Oireachtas Joint Committee on Defence and National Security (the 'Committee') to perform pre-legislative scrutiny (PLS) on 21 May 2025. As part of its PLS, the Committee convened [public hearings](#) with Government officials and invited stakeholders. The Committee [published](#) its [PLS Report](#) on the General Scheme in July 2025. The Report includes 27 recommendations. The legislative proposals to remove the triple lock touch upon complex areas of international law, EU law and domestic law, as well as evolving areas of EU and domestic policy. This *Briefing Paper* provides background information

regarding the policy and legislative context. In doing so, it seeks to enhance understanding whilst also highlighting areas that are contested or unclear. The Library & Research Service (L&RS) has also prepared a Table (Table 3 in this *Paper*), which summarises some of the core arguments that have been made both for and against the proposed removal of the triple lock.

Glossary and abbreviations

Table 1 Glossary and abbreviations

Term	Meaning
AU	African Union
CFSP	Common Foreign and Security Policy (EU)
CIL	customary international law
CODF	Commission on Defence Forces
CSDP	Common Security and Defence Policy (EU)
EDA	European Defence Agency
ECOWAS	Economic Community of West African States
EEAS	European External Action Service
EPF	European Peace Facility
EUBG	EU Battlegroup
EUFOR	EU Force in Bosnia and Herzegovina
ICJ	International Court of Justice
KFOR	Kosovo Force (NATO-led)
LOA	Level of Ambition
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PESCO	Permanent Structured Cooperation (EU)
PDF	Permanent Defence Force
PfP	Partnership for Peace (NATO)
P5	five permanent members of the United Nations Security Council
RDC	Rapid Deployment Capacity (EU)
TEU	Treaty on the European Union
UNDOF	United Nations Disengagement Observation Force in Syria
UNEF I	first United Nations Emergency Force
UNGA	United Nations General Assembly
UNIFIL	United Nations Interim Force in Lebanon
UNSC	United Nations Security Council
U4P	Uniting for Peace
1960 Act	<i>Defence (Amendment) (No. 2) Act 1960</i>
1993 Act	<i>Defence (Amendment) Act 1993 (repealed)</i>
2006 Act	<i>Defence (Amendment) Act 2006</i>
2009 Act	<i>Defence (Miscellaneous Provisions) Act 2009</i>

Introduction

The cabinet approved the [General Scheme](#) of the Defence (Amendment) Bill 2025 (the ‘General Scheme’) on 4 March 2025,¹ and the Department of Defence (the ‘Department’) published it on 21 May 2025.² The General Scheme has 27 Heads, which are divided into five Parts. It proposes (Parts One to Three) to amend the *Defence Acts 1954 to 2015* to modify the existing arrangements under which members of the Defence Forces may be despatched and deployed for service outside of the State (‘overseas service’) with an international force. In this regard, it proposes to repeal the [Defence \(Amendment\) \(No. 2\) Act 1960](#) and the [Defence \(Amendment\) Act 2006](#), and insert a new Part XIV into the [Defence Act 1954](#) (the ‘1954 Act’). The proposals include the removal of the ‘triple lock’ requirement (explained later).

The existing legislation already permits the Government alone to approve the despatch of members and contingents of the Defence Forces for overseas service for eight specified purposes, other than participating in an international force. Head 7 proposes to explicitly permit the Minister for Defence (the ‘Minister’) or the Government, depending on the purpose, to approve despatches for overseas service for additional purposes, including providing protection services for Ministers abroad, emergency civilian evacuation operations, and participation in international counter-narcotic operations. These amendments could be achieved without removing the triple lock. The General Scheme also proposes amendments to:

- the 1954 Act to provide for the suspension in certain circumstances of Defence Forces’ members (to give effect to recommendations in the [2024 Ward Report](#)) (Part 4);³ and
- the [Courts-Martial Appeals Act 1983](#) to specify the timeframe for submitting an appeal against a court-martial decision to the Court of Appeal (Part 5).

The General Scheme was referred to the Oireachtas Joint Committee on Defence and National Security (the ‘Committee’) to perform pre-legislative scrutiny (PLS) on 21 May 2025. As part of its PLS, the Committee held public hearings with Departmental officials and invited stakeholders.⁴ Due to the importance of the legislative proposals, the Committee sought a two-week extension from the Tánaiste to complete PLS, which was granted. The Committee [published](#) its [PLS Report](#) on 30 July 2025, which has 27 recommendations.

This *Briefing Paper*:

- examines the legislative basis for, and meaning of, the term ‘triple lock’;
- examines commitments made by previous governments prior to the second referendums on the Treaties of Nice and Lisbon concerning the triple lock;
- outlines the overseas service activities that are not currently subject to the triple lock;
- outlines the principles of the UN Charter, which provides the core international law framework for peace operations, and explains relevant terminology;
- examines the impact of the veto power enjoyed by the permanent members of the UN Security Council (UNSC) on peace operations, and discusses UNSC reform initiatives;

¹ Dáil Éireann PQ, ‘Military Neutrality’ (8 May 2025) available [here](#), last accessed 11 June 2025.

² Department of Defence (DOD), ‘General Scheme of the Defence (Amendment) Bill 2025’ (21 May 2025) available [here](#), last accessed 11 June 2025 [hereinafter ‘General Scheme’].

³ Transcript of the Committee’s public session on 29 May 2025 as part of its PLS of the General Scheme, available [here](#), last accessed 20 June 2025 [hereinafter ‘Transcript of PLS hearing on 29 May 2025’].

⁴ Recordings and transcripts of PLS hearings are available on the [Committee’s website](#), accessed 30 July 2025.

- examines the UN General Assembly's (UNGA's) role in establishing peace operations;
- discusses domestic defence policy, including Ireland's policy of military neutrality, and Ireland's participation in the EU's Common Security and Defence Policy (CSDP);
- outlines arguments for and against the triple lock and results of opinion polls; and
- compares the legislative proposals concerning overseas service in the General Scheme with the existing legislative provisions concerning overseas service (Appendix I).

This *Briefing Paper* focuses on the legislative proposals concerning overseas service, in particular, proposals to remove the triple lock because they represent the Bill's main purpose. These proposals touch upon complex areas of international law, EU law and domestic law, as well as evolving areas of EU and domestic policy. This *Paper* seeks to enhance understanding, whilst also highlighting areas that are contested or unclear. The Bill is included as legislation for priority publication in the Government's [Autumn 2025 Legislation Programme](#). Once the Bill is published, the L&RS will prepare a *Bill Digest*, which will serve as a complement to this *Paper* and intends to also examine the legislative proposals in Parts 4 and 5 of the General Scheme. The legislative proposals in Parts 4 and 5 are also discussed in the [PLS Report](#).

Methodology

The preparation of this *Briefing Paper* involved a comprehensive examination of relevant:

- primary and secondary sources of international law, EU law and domestic law;
- UN, EU and domestic policy documents and commissioned reports;
- articles, books and book chapters by international law and international relations scholars with expertise in the areas of peace operations and public international law;⁵
- publications by reputable independent think tanks and research institutes;⁶
- the PLS Report on the General Scheme and stakeholders' submissions as part of PLS;
- Dáil and Seanad debates;
- official websites (for example, the UN and the EU); and
- media coverage.

Policy and Legal Context

The Defence Forces: Relevant Constitutional and Legislative Provisions

Under Article 15.6.1^o of the [1937 Constitution of Ireland](#) (Bunreacht na hÉireann), the right to raise and maintain military or armed forces is vested exclusively in the Oireachtas. The

⁵ These include: Prof. Paul D. Williams (George Washington University); Assistant Prof. Patryk I. Labuda (Central European University); Prof. Nigel D. White (University of Nottingham); Bruno Simma (former Judge of International Court of Justice); Emeritus Prof. Christine Gray (University of Cambridge); Prof. Alex Bellamy (University of Queensland); Dr. Cornelia Klocker (Sr. Researcher, Ghent University); Prof. Oonagh Hathaway (Yale Law School); Dr. Stewart Patrick (Sr. Fellow/Director, Carnegie Endowment of International Peace); Dr. Rebecca Barber (Honorary Sr. Research Fellow, University of Queensland); Michael P. Scharf (Associate Dean, Case Western Law School); Prof. Emeritus Christian Tomuschat (Humboldt University); and Prof. Emeritus Michael Bothe (J.W. Goethe University).

⁶ These include [Security Council Report](#), which was invited by the Government to participate in the 2023 Consultative Forum on International Security Policy; and the [Stockholm International Peace Research Institute](#).

supreme command of the Defence Forces is vested in the President and its exercise must be regulated by law (Article 13.4 and 13.5.1°). Article 28.3.1° provides that “[w]ar shall not be declared and the State shall not participate in any war save with the assent of Dáil Éireann.” Article 29.3 provides that “Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States.” Article 29.4.9° prohibits the State from adopting a decision by the European Council to establish a common defence pursuant to Article 42 of the Treaty on European Union (TEU) where that common defence would include the State. The *Defence Acts 1954 to 2015* provide the governing legislation for the Defence Forces. Under [section 17](#) of the 1954 Act, the military command of, and all executive and administrative powers in relation to, the Defence Forces, are exercisable by the Government, through and by the Minister for Defence. These powers are exercised under the President’s direction and subject to the 1954 Act. The Defence Forces are comprised of the Permanent Defence Force (PDF), including the army, air corps and naval service, and the Reserve Defence Force. References to ‘Defence Forces personnel’ in this *Briefing Paper* are to be generally understood as references to members of the Defence Forces.

Legislative Basis for, and Evolution of, the Triple Lock

The term ‘**triple lock**’ does not appear in legislation. However, it has been commonly used since 2002 to describe the legislative requirements for the despatch of more than 12 members of the Defence Forces for overseas service as part of an armed international force or body. Under the triple lock:

- 1. the armed international force of body must be established, authorised, mandated, supported, endorsed, approved or otherwise sanctioned in a resolution of either the UNSC or the UNGA;**
- 2. the despatch must be approved by the Government; and**
- 3. the despatch must be approved by Dáil Éireann, in a resolution.**

Where less than 12 members of the Defence Forces are being despatched for overseas service with an armed international force or where the international force is unarmed, the first two requirements set out above must be satisfied. The triple lock requirement is provided for in the [Defence \(Amendment\) \(No. 2\) Act 1960](#); and the [Defence \(Amendment\) Act 2006](#). This part of the *Briefing Paper* outlines the triple lock requirement and its evolution over time. It also discusses the commitments made by previous governments prior to the second referendums on the Treaties of Nice and Lisbon.

Defence (Amendment) (No. 2) Act 1960

The ‘triple lock’ mechanism originated in the [Defence \(Amendment\) \(No. 2\) Act 1960](#) (the ‘1960 Act’). This Act repealed the *Defence (Amendment) Act 1960*, which had been introduced as emergency legislation to enable Ireland’s participation in the [UN Operation in the Congo](#) (ONUC) in response to a request from the then UN Secretary General.⁷ [Section 2](#) of the 1960 Act, as enacted, provided that more than 12 members of the Defence Forces could only be despatched for overseas service as part of an armed International United Nations (UN) Force if

⁷ Dáil Éireann Debate, ‘Defence (Amendment) Bill, 1960’ (20 July 1960) available [here](#), last accessed 20 May 2025.

Dáil Éireann passed a resolution approving of the despatch. [Section 1](#) defined an International UN Force as “an international force or body *established* by the Security Council or the General Assembly of the United Nations for the performance of duties *of a police character*”. An exemption to the requirement for Dáil approval was provided for where the contingent was intended to replace or reinforce an existing contingent of 12 or more members whose despatch had already been approved under the triple lock mechanism (section 2(2)(c)). Furthermore, if the International UN Force was unarmed, such as the UN [Observation Group in the Lebanon](#) or the UN [Truce Supervision Organisation in Palestine](#), Government approval alone would suffice. In addition, the Government could authorise up to 12 members of the Defence Forces to serve in an armed International UN Force without acquiring Dáil approval.

During the second stage Dáil debate on the 1960 Act, the then [Minister for Defence, Kevin Boland T.D.](#), explained: “... This upper limit of 12 has been set to meet situations in which the United Nations might seek the services of only a small number of specialists or key personnel for an armed force ...”

The Defence (Amendment) Act 1993

The above definition of International UN Force was amended by the [Defence \(Amendment\) Act 1993](#) (the ‘1993 Act’) to remove the reference to “duties of a police character”. This change enabled the Defence Forces to participate in more robust UN peacekeeping missions and UN operations with enforcement powers. During the second stage debate on the proposed legislation, the then Minister for Defence, David Andrews T.D., indicated that an immediate motivation was to facilitate Ireland’s participation in the UN Operation in Somalia II ([UNOSOM II](#)), where Irish aid workers were working.⁸ He explained that UNOSOM II’s mandate “... includes enforcement powers in accordance with chapter VII of the UN charter.”⁹

Seville Declarations (2002) prior to Second Referendum on Treaty of Nice

On 7 June 2001, a majority of voters (53.9%) in a national referendum voted against Ireland’s ratification of the Treaty of Nice.¹⁰ Some sources suggest that the ‘No’ vote was attributable in part to concerns that the Treaty would undermine Ireland’s policy of military neutrality once the EU developed its Common Security and Defence Policy (CSDP).¹¹ Other sources attribute the result to “a lack of information on the issues involved”.¹² Before the second referendum, the then Taoiseach, Bertie Ahern, indicated that both factors played a part, stating: “...There was a lack of information and fears on issues such as neutrality ... Before we put the treaty to the people again, we set out honestly and to the best of our efforts to address these concerns.”¹³ The Seville Declarations, comprising a National Declaration by the Government

⁸ Dáil Éireann Debate, ‘Defence (Amendment) Bill, 1993 - Second Stage’ (29 June 1993) available [here](#), last accessed 11 June 2025. UNOSOM II lasted from March 1993 to March 1995.

⁹ Ibid.

¹⁰ Turnout was 34.8%. Houses of the Oireachtas, ‘Ireland and the EU: Timeline of Key Issues’ (updated 6 May 2022) available [here](#), last accessed 11 June 2025 [hereinafter ‘Houses of the Oireachtas, ‘Ireland and the EU: Timeline’’].

¹¹ Ibid.

¹² Louise Richardson, Consultative Forum on International Security Policy: Report to An Tánaiste’ (2023) pp. 10-11 and footnote 1, citing research by Richard Sinnott and others, available [here](#), last accessed 11 June 2025 [hereinafter ‘Report of the Chair of the Consultative Forum (2023)’].

¹³ Dáil Éireann Debate, ‘Official Engagements’ (16 October 2002) available [here](#), last accessed 11 June 2025.

and a Declaration by the European Council, were made in this context. Also of relevance, during a Dáil debate on 22 March 2002, then Taoiseach Ahern described the legislative requirements concerning the participation of Defence Forces' members in overseas peace support missions as the 'triple lock system' for what appears to be the first time.¹⁴ The National Declaration was presented by Taoiseach Ahern during a meeting of the European Council in Seville from 21-22 June 2002. It states, amongst other things, that:

“...3. Ireland confirms that its participation in the European Union's common foreign and security policy does not prejudice its traditional policy of military neutrality.

...4. ... Ireland is not bound by any mutual defence commitment.

...5. The Treaty on European Union specifies that any decision by the Union to move to a common defence would have to be taken by unanimous decision of the Member States and adopted in accordance with their respective constitutional requirements. The Government of Ireland have made a firm commitment to the people of Ireland, solemnised in this Declaration, that a referendum will be held in Ireland on the adoption of any such decision and on any future Treaty which would involve Ireland departing from its traditional policy of military neutrality.

6. Ireland reiterates that the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European security and defence policy, requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government and (c) the approval of Dáil Éireann, in accordance with Irish law.

7. The situation set out in this Declaration would be unaffected by the entry into force of the Treaty of Nice. In the event of Ireland's ratification of the Treaty of Nice, this Declaration will be associated with Ireland's instrument of ratification.”¹⁵

The European Council in turn made a Declaration “taking cognisance” of Ireland's National Declaration.¹⁶ Of particular note, paragraph six states:

“...6. The European Council recognises that ... Ireland would retain the right, after the entry into force of the Treaty of Nice, to take its own sovereign decision, in accordance with its constitution and its laws, whether to commit military personnel to participate in any operation carried out under the European Security and Defence Policy...”¹⁷

The Seville Declarations are included in Annexes to the Presidency Conclusions for the 2002 Seville European Council. During a Dáil debate on 27 June 2002, the then Minister for Foreign Affairs, Brian Cowen T.D., made the following statement regarding their meaning:

“As the Taoiseach said in the Dáil on Tuesday, the Government secured agreement at the Seville European Council on a National Declaration and a European Council Declaration which confirm that Ireland's traditional policy of military neutrality is in full conformity with our obligations under existing EU treaties, including the Treaty of Nice.

¹⁴ Dáil Éireann Debate, 'Constitutional Amendments' (26 March 2002) available [here](#), last accessed 11 June 2025.

¹⁵ 'Seville European Council 21 and 22 June 2002: Presidency Conclusions' (22 June 2002) Doc 13463/02, available [here](#), last accessed 11 June 2025, Annex III: National Declaration by Ireland.

¹⁶ Ibid, Annex IV: Declaration by the European Council.

¹⁷ Ibid.

The National Declaration confirms that Ireland is not party to any mutual defence commitment, that we are not party to any plans for a so-called European army and that we will continue to take our sovereign decision, on a case-by-case basis, on whether the Defence Forces will participate in humanitarian or crisis management tasks undertaken by the EU, based on the triple lock guarantee of UN endorsement, Government decision and Dáil approval. The Government has said there will be no change to that situation unless the people first give their assent in a referendum...”¹⁸

A second referendum on the Treaty of Nice was held on 19 October 2002 with 62.89% of voters supporting ratification.¹⁹ This resulted in the [26th amendment of the Constitution](#), permitting the State to ratify the Treaty and inserting a safeguard to protect Ireland’s policy of military neutrality at Article 29.4.9°. This provision prohibited the State from adopting a European Council decision to establish a common defence pursuant to Article 1.2 of the Treaty of Nice where that common defence would include the State.

Defence (Amendment) Act 2006

The [Defence \(Amendment\) Act 2006](#) (the ‘2006 Act’) amended the 1960 Act to enable Ireland’s participation in peace operations that had been in some way sanctioned in a UNSC or a UNGA resolution, even if they had not been directly established by either body. It repealed the 1993 Act and [section 1](#) provides for the following updated definition of International UN Force: “...an international force or body established, mandated, authorised, endorsed, supported, approved or otherwise sanctioned by a resolution of the Security Council or the General Assembly of the United Nations”. During the [second stage Seanad debate](#) on the draft legislation, the then Minister for Defence, Willie O’Dea T.D., explained that the amended definition was intended to reflect “...the use of regional organisations to provide forces for peace support operations... [and]...language which has generally been used in previous UN Security Council resolutions.”²⁰

Lisbon Guarantees (2009) prior to Second Referendum on the Treaty of Lisbon

On 12 June 2008, 53.4% of voters in a national referendum rejected the proposed ratification of the Treaty of Lisbon.²¹ Some sources suggest that a feared erosion of Ireland’s military neutrality contributed significantly to the ‘No’ vote.²² Others assert that “a lack of information on the issues involved” was the key reason.²³ Before the second referendum on the Treaty, certain ‘Guarantees’ were made to the Irish public, including in a National Declaration by the Government on Irish Security and Defence Policy (the ‘National Declaration’), and a ‘legally binding’ Decision adopted by EU Member States in June 2009 (the ‘Decision’).²⁴ Section C of the Decision concerns ‘Security and Defence’. It reiterates that the Treaty “does not affect or

¹⁸ Dáil Éireann Debate, ‘Questions: Military Neutrality’ (27 June 2002) available [here](#), last accessed 11 June 2025.

¹⁹ Houses of the Oireachtas, ‘Ireland and the EU: Timeline’, available [here](#), last accessed 11 June 2025.

²⁰ Seanad Éireann Debate, ‘Defence (Amendment) Bill 2006’ (27 June 2006), see [here](#), accessed 11 June 2025.

²¹ Houses of the Oireachtas, ‘Ireland and the EU: Timeline’, available [here](#), last accessed 11 June 2025.

²² See, e.g., discussion in: Institute of International and European Affairs (IIEA), ‘Lisbon - The Irish Guarantees Explained’ (June 2009) p. 7, available [here](#), last accessed 28 April 2025.

²³ Report of the Chair of the Consultative Forum (2023) pp. 10-11 and footnote 1, citing research by Richard Sinnott and others, available [here](#), last accessed 11 June 2025.

²⁴ Brussels European Council, 18/19 June 2009, Presidency Conclusions, D/09/2, Annexes 1 and 3, available [here](#), last accessed 9 June 2025; and Laurent Pech, ‘The European Union’s Lisbon Treaty: Some thoughts on the “Irish Legal Guarantees”’ (*EJIL: Talk!*, 28 September 2009) available [here](#), last accessed 9 June 2025.

prejudice Ireland’s traditional policy of military neutrality”; and that it is up to individual EU Member States to decide whether or not to adopt a common defence or participate in any individual military operation.²⁵ The National Declaration states, amongst other things, that:

- “[Ireland’s] participation in the European Union’s common foreign and security policy does not prejudice its traditional policy of military neutrality...”
- “...Ireland is not bound by any mutual defence commitment. ... The Constitution of Ireland requires that a referendum be held on the adoption of any such decision...”
- “... the participation of contingents of the Irish Defence Forces in overseas operations, including those carried out under the European common security and defence policy requires (a) the authorisation of the operation by the Security Council or the General Assembly of the United Nations, (b) the agreement of the Irish Government, and (c) the approval of Dáil Éireann, in accordance with Irish law.”²⁶

In a second referendum held on 2 October 2009, 67.1% of the electorate voted “Yes”,²⁷ allowing for the [28th amendment of the Constitution](#) permitting Ireland’s ratification of the Treaty of Lisbon. The contents of the Decision were subsequently included in a 2013 Protocol (the ‘Irish Protocol to the Lisbon Treaty’). Article 3 incorporates Part C of the Decision concerning ‘Security and Defence’.²⁸ The Protocol does not include an explicit reference to the triple lock requirement because it was not expressly incorporated into the original Decision.

Overseas Service Activities that are not subject to the Triple Lock

This part of the *Briefing Paper* outlines the overseas service activities that are not currently subject to the triple lock. [Section 3](#) of the 2006 Act permits the Government alone to approve the despatch of members and contingents of the Defence Forces for overseas service for specific purposes, other than serving with an international UN force. These purposes are:

- a) performing duties as a military representative or filling staff appointments and postings, including secondments to an international organisation;
- b) conducting or participating in training;
- c) carrying out ceremonial duties, participating in exchanges or undertaking visits;
- d) undertaking monitoring, observation or advisory duties;
- e) participating in or undertaking reconnaissance or fact-finding missions;
- f) undertaking humanitarian tasks in response to a disaster or emergency;
- g) participating in sporting events; and
- h) inspecting and evaluating stores, equipment and facilities.

On occasion, members of the Defence Forces have assisted in civil evacuations under the humanitarian tasks provision, for example, evacuations from Kabul. Section 3 does not impose any limit on the number of members that can be despatched, with Government approval, for overseas service to perform any of the activities listed above. [Section 8](#) of the 2006 Act, which amended section 2 of the 1960 Act, also permits Defence Forces personnel to be despatched

²⁵ Brussels European Council, 18/19 June 2009, Presidency Conclusions, D/09/2, Annex 1, available [here](#), last accessed 13 June 2025.

²⁶ *Ibid*, Annex 3.

²⁷ Houses of the Oireachtas, ‘Ireland and the EU: Timeline’, available [here](#), last accessed 11 June 2025.

²⁸ [Protocol on the Concerns of the Irish People on the Treaty of Lisbon](#) [2013] OJ L60/131.

for overseas service with Government approval as part of a force to be assembled or embarked before being deployed as part of an International UN Force. This has enabled Defence Forces personnel to participate in EU Battlegroups, which are on standby and ready to deploy in crisis situations. However, any actual deployment of Defence Forces personnel as part of an EU Battlegroup operation is still subject to the triple lock.²⁹

Domestic Defence Policy: Recent Developments and Military Neutrality³⁰

This part of the *Briefing Paper* examines recent developments in domestic defence policy and Ireland's policy of military neutrality. The first [White Paper on Defence](#) was published in 2000, followed by the [2015 White Paper](#). There have been two periodic reviews of the latter, in [2019](#) and [2024](#) respectively. The 2024 Review covers the period up to 2028. It reaffirms and, in places, revises existing defence policy. It clarifies that the roles of the Defence Forces include contributing to regional and international peace and security operations; and participating in multi-national peace support, crisis management and humanitarian relief operations in accordance with Government direction and legislative provision.³¹

Recent Changes to Policy Position concerning the Triple Lock

The 2015 White Paper confirmed that the deployment of Defence Forces personnel on peace support missions would continue to be in accordance with the triple lock.³² In contrast, the 2024 Defence Policy Review advises of the intended introduction of legislative proposals to modify the triple lock requirement, which it asserts “allows Security Council members to use their veto, or threat of same, to bind Ireland's hands in its international engagement”.³³ This change in policy was influenced by recent changes to the regional security environment and the 2023 Report of the Chair of the Consultative Forum on International Security Policy.³⁴ The then Government convened the Forum in 2023 to initiate an open discussion on the State's foreign and security policy.³⁵ The Forum included panel discussions on the triple lock and military neutrality. The Chair, Professor Louise Richardson DBE, and the panellists were invited by the Government. The Chair's [Report](#) (October 2023) sought to synthesise the points made at the Forum and in the 835 written submissions received. Regarding the triple lock, it found:

“While there was not a consensus on this point, the preponderance of views, especially among the experts and practitioners, is that it is time for a reconsideration of the Triple Lock as it is no longer fit for purpose.”³⁶

During a [Dáil debate](#) on the Forum on 22 November 2023, the then Tánaiste, Micheál Martin T.D., advised of his intention to bring forward legislative proposals to reform the triple lock.

²⁹ Seanad Éireann Debate, ‘Defence (Amendment) Bill 2006’ (27 June 2006), see [here](#), last accessed 11 June 2025.

³⁰ For a broader discussion of the Defence Forces and recent reports concerning same, see: N. Watters, ‘Bill Digest for the Defence (Amendment) Bill 2024’ (L&RS 2024), available [here](#), last accessed 9 July 2025.

³¹ Government of Ireland (GOI), ‘Defence Policy Review 2024’ (2024) pp. 45-46, see [here](#), accessed 17 June 2025.

³² GOI, ‘White Paper on Defence’ (August 2015) p. 26, available [here](#), last accessed 17 June 2025.

³³ GOI, ‘Defence Policy Review 2024’ (2024) p. 16, available [here](#), last accessed 17 June 2025.

³⁴ *Ibid*, pp. 35-36.

³⁵ Report of the Chair of the Consultative Forum (2023) p. 18, available [here](#), last accessed 11 June 2025.

³⁶ *Ibid*, p. 12.

Regarding the triple lock, the [Programme for Government 2025](#) (PfG) states:

“The Government will preserve and protect Ireland’s policy of active military neutrality. We also recognise that while we strongly value our military neutrality, we are not politically neutral. We will continue to engage with international partners and we will reform the Triple Lock legislation whilst also ensuring that amendments to the legislation are in keeping with our values and policy of active military neutrality.”

Ireland’s Participation in Peace Operations

Ireland has contributed to UN peace operations since 1958, “the longest unbroken record of any nation”.³⁷ [The Report of the Commission on Defence Forces](#) (CODF) published in February 2022, advised that at the time Ireland’s contribution to peace operations involved:

“...approximately 8% of the Army serving overseas at any time, and in recent years draw on in the region of 20% of the Army over the course of a year ... an exceptionally high level of commitment by international standards... [that] places a very significant strain on the Army given its current reduced numbers and limited capabilities...”³⁸

A Department of Defence Ministerial Brief published in January 2025 (the ‘Defence Ministerial Brief’) advised that Ireland was contributing 425 Defence Forces personnel to eight missions worldwide as of January 2025.³⁹ These included:

- standalone UN missions (for example, a contribution of an infantry battalion of 358 troops to the [United Nations Interim Force in Lebanon](#) (UNIFIL)),
- EU-led missions (for example, [EUFOR Althea](#) in Bosnia and Herzegovina), and
- a NATO-led mission (the [Kosovo peacekeeping force](#) (KFOR)).⁴⁰

Irish troops were withdrawn from the UN Disengagement Observation Force in Syria ([UNDOF](#)) in 2024 to enable the Defence Forces to fulfil Ireland’s commitment to EU Battlegroups, undertake a consolidation process and prepare for future missions.⁴¹ As of 10 September 2025, Ireland was contributing 434 Defence Forces personnel to overseas peacekeeping missions and commitments, including 343 personnel to UNIFIL.⁴²

Defence Spending, Higher Intensity Operations and Regional Operations

The CODF’s [Report](#) (February 2022) identified an urgent need to clarify the appropriate level of ambition (LOA) for the Defence Forces. It proposed a framework with three tiers of LOA.

³⁷ Commission on Defence Forces (CODF), ‘Report of the Commission on Defence Forces’ (2022) p. 16, available [here](#), last accessed 17 June 2025 [hereinafter ‘CODF Report (2022)’].

³⁸ Ibid, pp. 16-17.

³⁹ The figures include nine Maltese personnel. DOD, ‘Department of Defence’s Ministerial Brief’ (January 2025) pp. 48-49 and Appendix 4, available [here](#), last accessed 17 June 2025 [hereinafter ‘DOD, ‘Ministerial Brief’ (2025)’].

⁴⁰ Ibid.

⁴¹ Approximately 133 Defence Forces personnel had served there since 2013. Some staff officer posts were retained at UNDOF’s Mission headquarters. See *ibid*, pp. 48-49.

⁴² Dáil Éireann Debate, ‘Defence Forces’ (17 September 2025) available [here](#), last accessed 24 September 2025.

Table 2: CODF Framework with Three Levels of Ambition

Level of Ambition	Meaning
LOA 1 current capability	Aiming to uphold sovereign rights and serving on peace support operations to the same extent as at present.
LOA 2 enhanced capability	Building on current capabilities to address specific priority gaps in our ability to deal with an assault on Irish sovereignty and to serve in higher intensity peace support, crisis management and humanitarian relief operations overseas.
LOA 3 conventional capability	Developing full spectrum defence capabilities to protect Ireland and its people to an extent comparable to similar sized countries in Europe.

Source: Derived from [CODF Report \(2022\)](#), p. 112.

Of particular relevance for this *Briefing Paper*, the CODF recommended that:

1. “...consideration be given to a step up to LOA 2 ... in the short term pending the more detailed policy debate and decision required for higher levels of ambition.
2. ...decisions on Ireland’s capacity and appetite to take on higher intensity peace support operations must be coherent with the resourcing and scale of the Defence Forces”⁴³

The then Government accepted the first recommendation above and accepted the second in principle.⁴⁴ It decided to move to LOA 2 over a six-year period to 2028.⁴⁵ This requires an increase in the Defence budget to €1.5 billion, in 2022 prices, by 2028 and an extra 2,000 personnel (civil and military).⁴⁶ In the 2025 PfG, the Government undertakes to “move as quickly as possible” to LOA 3, once LOA 2 is achieved.⁴⁷ According to the International Institute for Strategic Studies, out of 38 European countries, Ireland spent the least on defence as a percentage of Gross Domestic Product (GDP) in 2024, at 0.24% (€1.29 billion), versus an average of 1.74%.⁴⁸ The survey included three other neutral countries: Austria (0.99%, €5.1 billion), Malta (0.38%, €90 million), and Switzerland (0.69%, €6.24 billion).⁴⁹

The 2024 Defence Policy Review reiterates Ireland’s commitment to the multilateral system, with the UN Charter at its heart, and to international law.⁵⁰ It states that “Ireland continues to pursue a policy of military neutrality while playing an international security role in support of the multilateral system and European security and defence.”⁵¹ It finds that due to a deterioration in the international security context, Ireland’s geographic position and policy of military neutrality no longer minimise threats, particularly hybrid threats.⁵² It identifies a need:

“...for Ireland to deepen and broaden engagement with partner nations and organisations who support the rules-based international order including the UN, the EU,

⁴³ CODF Report (2022) pp. xi and xxiii, available [here](#), last accessed 17 June 2025.

⁴⁴ GOI, ‘High Level Action Plan for the Report of the CODF’ (2022), pp. 28 and 31, see [here](#), accessed 17 June 2025.

⁴⁵ Ibid, p.6.

⁴⁶ Ibid.

⁴⁷ GOI, ‘Programme for Government 2025’ (2025) p. 144, available [here](#), last accessed 17 June 2025

⁴⁸ Cormac O’Keefe, ‘Ireland spends least on defence among 38 European nations, study finds’ (*Irish Examiner*, 13 February 2025) available [here](#), last accessed 22 May 2025.

⁴⁹ Ibid.

⁵⁰ GOI, ‘Defence Policy Review 2024’ (2024) p. 13, available [here](#), last accessed 17 June 2025.

⁵¹ Ibid, p. 15.

⁵² Ibid, pp. 13 and 41. For an explanation of hybrid threats, see p. 17.

NATO's PfP [Partnership for Peace] programme and the Organisation for Security and Co-operation in Europe (OSCE), and other international partners and organisations".⁵³

The 2024 Review anticipates that future "missions could be increasingly carried out by regional organisations, including the EU.⁵⁴ It adds: "...While Defence Forces continued participation in the UN mandated Middle East missions will endure, there will be increasing anticipation that Ireland would continue its' participation in the EUBG [EU Battlegroups] and the Strategic Compass initiative of the Rapid Deployable Capability..."⁵⁵ The Review suggests that Ireland may be participating in more complex and higher intensity operational environments as part of multilateral missions.⁵⁶ This may entail a higher level of risk. Any enhanced participation in EU Battlegroups and the EU's new Rapid Deployment Capacity could impact Ireland's capacity to contribute to UN-led peace operations and have cost implications for the State.⁵⁷

Ireland's Policy of Military Neutrality

The 1937 Constitution does not explicitly mention neutrality. [Article 29.4.9°](#) prohibits the State from adopting a European Council decision to establish a common defence including the State. Under Article 29.1, "Ireland affirms its devotion to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality." The Report of the Chair of the 2023 Consultative Forum found there to be considerable disagreement regarding what precisely Irish neutrality means.⁵⁸ It concludes that "the practice of neutrality has varied widely throughout the history of the state".⁵⁹ Similarly, in his 2023 book on Irish neutrality, journalist Conor Gallagher remarks that "...defining neutrality is a devilishly tricky task", which is "...compounded by the fact that throughout Ireland's 100 years of independence, the government has repeatedly adapted its interpretation of what is and isn't neutrality."⁶⁰ Ireland has not always satisfied the definition of neutrality provided for under the 1907 Hague Convention, particularly during World War II.⁶¹ Unlike some other neutral European States such as Switzerland, Ireland does not pursue a policy of armed neutrality which would require significant investment in the Defence Forces.⁶² Gallagher found that Ireland also does not satisfy any general definition of neutrality, which would require the State to abstain from taking sides in external conflicts, including economically and politically.⁶³ He concludes that the policy of military neutrality espoused by the Government, namely, that Ireland does not participate in military alliances or common or mutual defence arrangements, is the definition that Ireland is closest to meeting, albeit with caveats.⁶⁴ In this regard, he notes that Ireland is

⁵³ Ibid, p. 38.

⁵⁴ Ibid, p. 16.

⁵⁵ Ibid, p. 37. The Strategic Compass is the EU's current core policy document concerning defence and security.

⁵⁶ Ibid, pp. 15-16 and 72.

⁵⁷ Regarding costs, see: EPRS, 'At a Glance: Establishing an EU Rapid Deployment Capacity' (2023) available [here](#), last accessed 3 July 2025.

⁵⁸ Report of the Chair of the Consultative Forum (2023) p. 10, available [here](#), last accessed 11 June 2025.

⁵⁹ Ibid, p. 14.

⁶⁰ Conor Gallagher, *Is Ireland Neutral? The many myths of Irish Neutrality* (2023 Gill) p. 4.

⁶¹ Report of the Chair of the Consultative Forum (2023) p. 14, available [here](#), last accessed 11 June 2025.

⁶² Ibid, pp. 14-15, available [here](#), last accessed 11 June 2025.

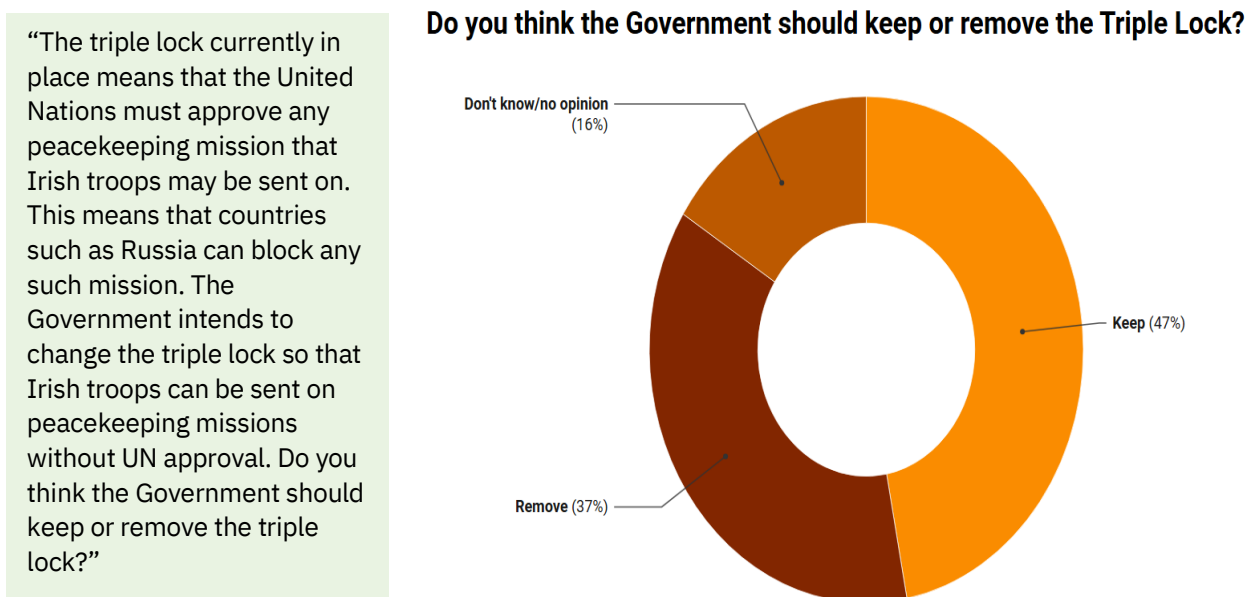
⁶³ Conor Gallagher, *Is Ireland Neutral? The many myths of Irish Neutrality* (2023 Gill) p. 265.

⁶⁴ Ibid.

a member of various EU military structures.⁶⁵ Since 1999, Ireland has also engaged with the North Atlantic Treaty Organization (NATO) via the [Partnership for Peace](#) (PfP), a voluntary programme of bilateral cooperation.⁶⁶ In 2023, Ireland entered into an Individually Tailored Partnership Programme with NATO for 2024-2028, which provides a framework of cooperation in certain areas of capability development, for example, cyber defence.⁶⁷ A priority goal for Irish engagement with NATO is to develop the interoperability of the Defence Forces.⁶⁸ The 2024 Defence Policy Review asserts that Ireland’s engagements with NATO are within its policy of military neutrality.⁶⁹ However, some proponents of retaining the triple lock assert that Ireland’s military neutrality has been compromised by these engagements.⁷⁰

Opinion Polls (April 2025)

Figure 1: Irish Times/Ipsos B&A Poll (April 2025)



Source: [Irish Times poll, 19 April 2025](#)

In April 2025, the [Irish Times](#) and Ipsos B&A (a market research company), conducted a poll involving 1,200 in-home interviews with a representative sample of adults across 120 sampling points. In response to the question outlined in Figure 1 (above), 47% of participants said that the triple lock should be retained, 37% said it should be removed, and 16% said they do not know.⁷¹

⁶⁵ Ibid, p. 266.

⁶⁶ NATO, ‘Relations with Ireland’ (last updated 1 September 2022) available [here](#), last accessed 3 July 2025.

⁶⁷ GOI, ‘Defence Policy Review 2024’ (2024) p. 28, available [here](#), last accessed 17 June 2025.

⁶⁸ Ibid, pp. 28 and 40.

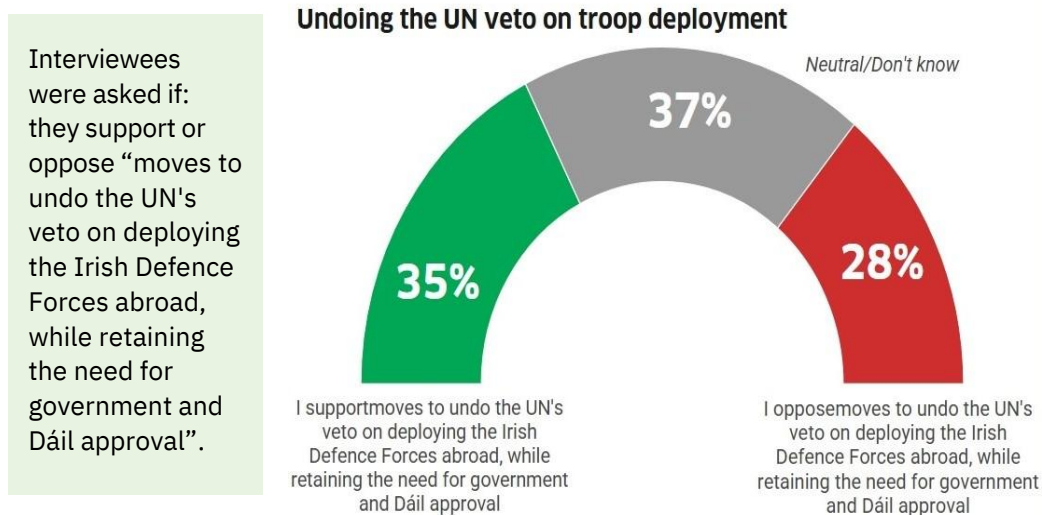
⁶⁹ Ibid, p. 40.

⁷⁰ See, e.g., submissions by Prof. Ray Murphy and Prof. Emeritus John Maguire in: Transcript of the Committee’s public session on 12 June 2025 as part of its PLS of the General Scheme of the Defence (Amendment) Bill 2025, available [here](#), last accessed 20 June 2025 [hereinafter ‘Transcript of PLS hearing on 12 June 2025’].

⁷¹ Pat Leahy, ‘Irish Times poll: Current model of neutrality backed by 63% of voters’ (*Irish Times*, 19 April 2025) available [here](#), last accessed 26 May 2025. The accuracy of the findings “is estimated at plus or minus 2.8 per cent”.

In April 2025, the [Business Post/Red C](#) also conducted an online poll, involving interviews with a random sample of 1,055 adults. Interviewees were asked if they support or oppose “moves to undo the UN’s veto on deploying the Irish Defence Forces abroad, while retaining the need for government and Dáil approval”.⁷² In response, 35% of respondents said that they support these moves, 28% opposed them, and 37% said that they don’t know (see Figure 2 below).⁷³

Figure 2: Business Post/Red C Opinion Poll on Triple Lock (April 2025)



Source: ‘[Red C/Business Post Poll](#), 26 April 2025

Clarification of Terminology

There can be confusion regarding the meaning of certain terms used in the context of peace operations. The Capstone Doctrine is the main UN policy document concerning UN-led peacekeeping. It differentiates between peace-making (e.g., negotiation and mediation), peacebuilding (e.g., longer-term governance and development activities), traditional peacekeeping, robust peacekeeping, peace enforcement and conflict prevention, whilst noting that the boundaries between them are “increasingly blurred”, and that “[p]eace operations are rarely limited to one type”⁷⁴ (see Figure 3 overleaf). This section explains the latter four terms and enforcement measures under Chapter VII of the UN Charter, more broadly. As is explained in more detail later in this *Briefing Paper*, the UN Charter provides the core international law framework for all peace operations and for the inter-state use of force, more broadly.

Conflict Prevention

According to the Capstone Doctrine, conflict prevention entails the:

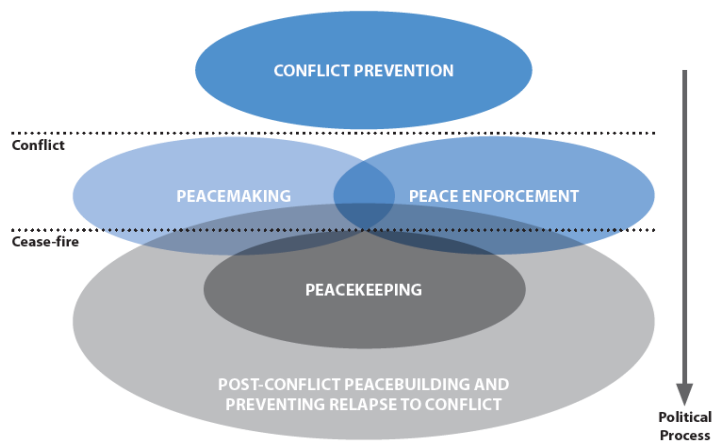
⁷² Alice O’Leary, ‘Red C Poll: Fine Gael and Fianna Fáil voters back government move to undo triple lock’ (*Business Post*, 26 April 2025) available [here](#), last accessed 26 May 2025.

⁷³ Ibid.

⁷⁴ UN Departments of Peacekeeping Operations and Field Support, ‘UN Peacekeeping Operations Principles and Guidelines’ (2008) pp. 17-18, available [here](#), last accessed 17 June 2025 [hereinafter ‘Capstone Doctrine’].

“...application of structural or diplomatic measures to keep intra-state or inter-state tensions and disputes from escalating into violent conflict. Ideally, it should build on structured early warning, information gathering and a careful analysis of the factors driving the conflict. [It] ... may include the use of the [UN] Secretary-General’s “good offices,” preventive deployment or confidence-building measures.”⁷⁵

Figure 3: Linkages and Grey Areas



Source: Capstone Doctrine, p. 19

Traditional/Classical Peacekeeping versus Robust Peacekeeping

Traditional or classical peacekeeping operations involve the use of lightly armed peacekeepers to: (i) monitor parties’ adherence to commitments under ceasefire agreements, peace agreements and demilitarised zones; (ii) patrol and observe buffer zones; and (iii) investigate and report on developments and violations. They were initially only permitted to use force strictly in self-defence but, more recently, have also been permitted to use force in defence of the mandate.⁷⁶ They are intended to operate as a confidence building mechanism by providing security in a conflict zone, with a view to facilitating negotiations and a political settlement.⁷⁷ The UN’s traditional peacekeeping operations have typically been established by the UNSC exercising its powers under Chapter VI of the Charter (pacific (peaceful) settlement of disputes). They were the most common form of peacekeeping during the Cold War and were typically deployed in the context of inter-state armed conflicts. They require the consent of the host State and the main parties.

According to the Capstone Doctrine, “[r]obust peacekeeping involves the use of force at the tactical level with the authorization of the Security Council and consent of the host nation and/or the main parties to the conflict.”⁷⁸ It allows for the proactive use of force to defend the

⁷⁵ Ibid, p. 17.

⁷⁶ P.I. Labuda, ‘Peacekeeping and Peace Enforcement’ (Max Planck Encyclopedia of Public International Law 2015) para. 3, available [here](#), last accessed 17 June 2025 (hereinafter ‘Labuda, ‘Peacekeeping and Peace Enforcement’ (2015)’).

⁷⁷ Ibid, para. 26.

⁷⁸ Capstone Doctrine, p. 34, available [here](#), last accessed 18 June 2025.

mandate against spoilers whose activities pose a threat to civilians or the peace process, potentially including the host State's security personnel.⁷⁹ It became more prominent in part due to the perceived failures of UN peace operations in situations such as Rwanda and Bosnia. These wider authorisations to use force have not always been supported by the necessary resources or sufficiently clear rules of engagement regarding when force is allowed.⁸⁰

Peace Enforcement

The Capstone Doctrine clarifies that peace enforcement:

“...does not require the consent of the main parties and may involve the use of military force at the strategic or international level, which is normally prohibited for Member States under Article 2(4) of the Charter, unless authorized by the Security Council.”⁸¹

The use of force at the strategic level can entail the deployment of troops on the territory of a third State, and potentially the use of force against that State's security and military personnel, without securing the State's consent.⁸² Under the UN Charter, the UNSC is the only inter-governmental organisation, exercising its powers under Chapter VII, that can authorise enforcement action. The *Leuven Manual on the International Law Applicable to Peace Operations* clarifies that a UNSC mandate issued under Chapter VII is a strict international law requirement for all peace operations involving the deployment of troops on the territory of a third State without that State's consent.⁸³ It explains that this requirement applies if the operation is conducted by the UN, a regional organisation or a coalition of willing States operating independently of an inter-state organisation.⁸⁴ Labuda further explains:

“Peace enforcement implies that military force — beyond self-defence — can be used by peacekeepers. Contrary to classical peacekeeping, the use of force and the threat of the use of force are acceptable methods of persuasion—not measures of last resort. Thus, military force is a legitimate ‘bargaining chip,’ which fosters compliance with the terms of a pre-existing ceasefire or peace agreement.”⁸⁵

In their 2015 Report, the High-Level Independent Panel on Peace Operations outlined their understanding of, and concerns in relation to, peace enforcement operations:

“121. ... Those mandates involve a shift from tactical decisions regarding the proactive and pre-emptive use of force to protect civilians and United Nations personnel from threats to a fundamentally different type of posture that uses offensive force to degrade, neutralize or defeat an opponent.”

“122. The Panel believes that extreme caution must guide any call for a United Nations peacekeeping operation to undertake enforcement tasks and that any such mandated

⁷⁹ Ibid, pp. 19, 34, 98; Labuda, ‘Peacekeeping and Peace Enforcement’ (2015) para. 35, available [here](#), accessed 17 June 2025; P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) pp. 181-182.

⁸⁰ Labuda, ‘Peacekeeping and Peace Enforcement’ (2015) para. 43, available [here](#), last accessed 17 June 2025.

⁸¹ Capstone Doctrine, p. 34, available [here](#), last accessed 17 June 2025.

⁸² P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) p. 181.

⁸³ Gill and others (eds.), *Leuven Manual on the International Law Applicable to Peace Operations* (Cambridge University Press (CUP) 2017) p. 30. The Manual had input from international lawyers and military officers.

⁸⁴ Ibid, p. 30.

⁸⁵ Labuda, ‘Peacekeeping and Peace Enforcement’ (2015) para. 34, available [here](#), last accessed 17 June 2025.

task should be a time-limited, exceptional measure. ... Such operations may make the United Nations forces, and the mission as a whole, a party to the conflict and require attention to the humanitarian and other consequences...”.⁸⁶

Enforcement actions under Chapter VII more broadly

Labuda differentiates between peace enforcement operations and enforcement measures authorised by the UNSC under Chapter VII more broadly. He explains that:

“...The difference is that even peacekeepers operating under a peace enforcement mandate use force only as a means of implementing a pre-existing agreement, whereas enforcement operations deployed under Chapter VII seek to defeat an adversary (usually the armed forces of a sovereign State). In other words, the ultimate aim of Chapter VII enforcement action is military victory, not incentivizing peace.”⁸⁷

An example of a Chapter VII enforcement operation was Operation Desert Storm, a military intervention against Iraq in 1991 by a US-led coalition of willing states in response to Iraq’s invasion of Kuwait. The operation was authorised under UNSC Resolution [678 \(1990\)](#).

Peace Operations: Categorisation

Based upon Williams and Bellamy’s typology,⁸⁸ peace operations involving armed forces can be categorised as follows:

1. UN-led, ‘blue helmet’ missions, that are authorised by a UN principal organ (usually the UNSC, but occasionally the UNGA) and managed at the operational level by the UN (through the Department of Peace Operations).
2. UN-authorized missions that are expressly mandated by a UN principal organ (usually the UNSC) but are managed at the operational level by a non-UN actor such as a regional organisation, a coalition of States or a lead-State.
3. Operations that are endorsed or supported, but not mandated or authorised, by a UN principal organ, and are managed at the operational level by a non-UN actor.
4. Non-UN operations that are not mandated, authorised, endorsed or supported by a principal UN organ, and are managed at the operational level by a non-UN actor.

The triple lock prevents the Defence Forces from participating in the fourth category above.

International Law Framework: The UN Charter

The [UN Charter](#) does not mention the word ‘peacekeeping’. However, it provides the main international law framework within which all overseas peace and security operations take

⁸⁶ UNGA/UNSC, ‘Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people’ (17 June 2015) [UN Doc A/70/95-S/2015/446](#), paras. 121 and 122.

⁸⁷ Labuda, ‘Peacekeeping and Peace Enforcement’ (2015) para. 35, available [here](#), last accessed 17 June 2025.

⁸⁸ This categorisation is derived from, but not identical to, the typology used in: P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) pp. 29-31.

place, including those that have not been established or approved by the UNSC/UNGA.⁸⁹ More broadly, it regulates the use of force between States. The General Scheme proposes to insert references to the Charter's principles into the 1954 Act as safeguards with a view to ensuring Ireland's continuing compliance with international law if the triple lock is removed. In addition, several provisions of the Treaty on European Union indicate that the EU must adhere to the Charter's principles when conducting overseas peace and security operations as a matter of EU law. Therefore, it is important to understand what these principles are and the international law limitations that the Charter imposes on all overseas peace and security operations.

All 193 UN Member States, including Ireland, have obligations under the UN Charter. As a matter of international law, these obligations take precedence over any obligations States have under any other treaty (binding legal agreement between States).⁹⁰ States also have relevant obligations under customary international law (CIL). CIL derives from the general practices of States that are accepted as being required by law. Under Article 43 of the Charter, adopted in 1945, UN Member States undertake "to make available to the UNSC, on its call ... armed forces... necessary for the purpose of maintaining international peace and security". Ultimately, a UN army never materialised, and peacekeeping emerged in this void as one of the UN's core tools to help maintain international peace and security.

UN Charter: Purposes and Principles

Article 1 of the [UN Charter](#) outlines the UN's core purposes, including:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and **in conformity with the principles of justice and international law**, adjustment or settlement of international disputes..."

It may be of the interest to note that the wording in bold above is included in Head 6(6)(b) of the [General Scheme](#). This is discussed in more detail later in this *Briefing Paper*.

Article 2 of the Charter outlines the principles of the UN.⁹¹ These include that:

- The UN and its Member States must respect the sovereign equality of all States,
- Member States must fulfil their obligations under the Charter in good faith,
- Member States must settle international disputes by peaceful means,
- Member States must refrain from threatening or using force against the territorial integrity or political independence of any other State or in any other manner that is inconsistent with the UN's purposes (the 'non-use of force' principle),
- Member States must give the UN assistance in actions it takes in accordance with the Charter and not assist a State subject to preventive/enforcement action; and
- The UN and its Member States must not intervene in matters which are essentially within the domestic jurisdiction of another State (the 'non-intervention' principle).

The UN Charter permits the following exceptions to the non-use of force principle:

⁸⁹ Ibid, p. 37.

⁹⁰ [Article 103](#) of the UN Charter.

⁹¹ Some principles are also protected under CIL (e.g., sovereign equality, non-use of force and non-intervention).

1. Legitimate exercises of the inherent right of individual or collective self-defence in response to an armed attack against a UN Member State (Article 51); and
2. Enforcement measures authorised by the UNSC acting under Chapter VII.

Since the end of the Cold War, peace enforcement operations authorised by the UNSC acting under Chapter VII, have also been recognised as a legitimate exception. Furthermore, a military operation conducted on the territory of a third (host) State would not violate the non-use of force, non-intervention and sovereignty principles vis-à-vis the host State in circumstances where the host State provides its genuine and uncoerced consent to the operation (host State consent).⁹²

International Law Basis for Peace Operations

Overseas operations involving armed forces constitute a physical intervention on the territory of the sovereign 'host' State. Thus, they need a valid legal basis under international law if they are to avoid contravening the non-use of force, non-intervention, and sovereignty principles in relation to the host State:⁹³

- The legal basis for a peacekeeping operation derives from the consent of the host State (or host States, if it operates on both sides of an inter-state border), sometimes complemented by a resolution of an intergovernmental body, such as the UNSC.⁹⁴
- The legal basis for a peace enforcement operation derives from a resolution adopted by the UNSC, acting under Chapter VII of the UN Charter.
- A military operation in a third State will also have an international law basis if it is:
 - a legitimate exercise of individual/collective self-defence (Article 51/ CIL);
 - an intervention by invitation at the request of the host government (CIL); or
 - an enforcement action, authorised by the UNSC under Chapter VII of the UN Charter more broadly.⁹⁵

UNSC's Role in Peace Operations

Typically, UN peacekeeping operations are established by the UNSC in fulfilment of its primary responsibility for the maintenance of international peace and security under Article 24 of the Charter. Article 29 permits the UNSC to establish subsidiary organs to perform its functions. These include peacekeeping operations established under Chapter VI (concerning the peaceful settlement of disputes) with the host State(s) consent.⁹⁶ The UNSC has also invoked Chapter VII (Articles 39-51) when authorising peace operations in volatile settings. Under Chapter VII, the UNSC can authorise States to take enforcement measures, involving the use

⁹² P.I. Labuda, 'UN Peacekeeping as Intervention by Invitation. Host State Consent and the Use of Force in Security Council-mandated Stabilization Operations' (2020) 7(2) *Journal on the Use of Force and International Law* 317.

⁹³ The question of whether a valid basis exists for an operation under international law is separate to the question of whether the operation, once commenced, is conducted in accordance with obligations under international law.

⁹⁴ As noted previously, the Capstone Doctrine, a UN policy document, stipulates that the consent of all the main parties to the conflict should be obtained for UN peacekeeping operations as a core principle.

⁹⁵ See, e.g., Gill and others (eds.), *Leuven Manual on the International Law Applicable to Peace Operations* (Cambridge University Press (CUP) 2017); N.D. White, 'Peacekeeping and International Law', in Koops and others (eds.), *The Oxford Handbook of United Nations Peacekeeping Operations* (Oxford University Press (OUP) 2015) p. 43; P.I. Labuda, 'UN Peacekeeping as Intervention by Invitation. Host State Consent and the Use of Force in Security Council-mandated Stabilization Operations' (2020) 7(2) *Journal on the Use of Force and International Law* 317.

⁹⁶ UN, 'UNSC Subsidiary Organs: Overview', available [here](#), last accessed 17 June 2025.

of force against other States, in response to a threat to the peace, a breach of the peace or an act of aggression. UNSC mandates for peace operations are for a set period and many require renewal annually. The UNSC veto is discussed immediately following the section below.

Regional Arrangements or Agencies: Chapter VIII of the UN Charter

Where peace operations are conducted by regional organisations, such as the EU, their authorisation must accord with the UN Charter and the organisation's internal laws. However, as a matter of international law, a State's obligations under the UN Charter takes precedence should a conflict arise between the two ([Article 103 of the Charter](#)). Chapter VIII (Articles 52-54) of the Charter concerns 'regional arrangements or agencies'. The UN has interpreted this term flexibly to include inter-state organisations whose membership is not limited to a particular geographic region, such as the North Atlantic Treaty Organization (NATO). Other examples include the EU, the African Union (AU) and the Economic Community of West African States (ECOWAS). Article 52 permits these regional organisations to deal with matters relating to the maintenance of international peace and security, which are appropriate for regional action, provided that the organisations act consistently with the Charter. Furthermore, Article 52 requires the UNSC to encourage the pacific (peaceful) settlement of local disputes through regional organisations. Thus, the Charter permits regional organisations to conduct peacekeeping operations, where appropriate, with the consent of the host State(s) without the need to obtain the UNSC's express approval.⁹⁷ Under domestic law, however, the triple lock prevents Ireland from participating in any peacekeeping operation by a regional organisation that has not been in some way approved or sanctioned in a UNSC or a UNGA resolution.

Under Article 53, the UNSC can authorise a regional organisation to conduct a peace enforcement operation on a State's territory without that State's consent, or an enforcement operation under Chapter VII more broadly. However, Article 53 states that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the UNSC".⁹⁸ As Labuda explains, "this implies that regional enforcement action against the sovereignty of a State requires the UNSC's approval", a view supported by the UN Special Committee on Peacekeeping Operations.⁹⁹ Despite the requirements of Article 53, there have been limited instances where regional organisations, for example NATO and ECOWAS, have commenced enforcement operations before obtaining UNSC approval.¹⁰⁰

⁹⁷ Labuda, 'Peacekeeping and Peace Enforcement' (2015) para. 59, available [here](#), last accessed 17 June 2025. See also, E.P.J. Myer and N.D. White, 'Peace Operations Conducted by Regional Organizations and Arrangements' in Gill and Fleck (eds.), *The Handbook of the International Law of Military Operations* (2010) p. 163, at p.163.

⁹⁸ Article 53 allows for an exception where the enforcement action is against Enemy States in World War II. This clause is now considered to be obsolete. See: M. Wood, 'United Nations Charter, Enemy States Clauses', in *Max Planck Encyclopedia of Public International Law* (updated September 2006) available [here](#), accessed 17 June 2025.

⁹⁹ Labuda, 'Peacekeeping and Peace Enforcement' (2015) para. 59, available [here](#), last accessed 17 June 2025.

¹⁰⁰ Nevertheless, Labuda observes that "few concrete disputes between the UN and regional organizations have emerged"; see *ibid*. See also: Security Council Report, 'The Security Council and Regional Arrangements: Towards Effective Engagement' (September 2024) pp. 11-12, available [here](#), last accessed 22 June 2025.

Veto Power of the Five Permanent Member States of the UNSC

The Government has cited the veto power enjoyed by the UNSC's permanent members as a reason to remove the triple lock.¹⁰¹ Article 23 of the [UN Charter](#) provides that the UNSC shall be comprised of five permanent Member States (the 'P5') and ten non-permanent Member States. The P5 are China, France, Russia, the United Kingdom (UK) and the United States (US). The non-permanent members are elected by the UNGA for two-year terms.¹⁰² Ireland has served as a non-permanent member on four occasions (1962, 1981-82, 2001-02, and 2021-2022). Article 27(3) of the Charter contains the veto power. It provides that UNSC decisions on non-procedural matters require the affirmative vote of at least nine of the 15 UNSC members, including the 'concurring votes' of the P5. In practice, a concurring vote means an affirmative vote or an abstention.¹⁰³ A P5 member exercises their veto power when they vote against a proposed resolution that has received at least nine affirmative votes. Article 27(3) requires a UNSC member who is a party to a dispute to abstain from voting on decisions taken under Chapter VI and Article 52(3) (concerning the pacific settlement of disputes). In practice, the P5 members have not always adhered to this requirement.¹⁰⁴ Security Council Report, an independent NGO and think tank, observes that the P5 members have on occasion exploited the veto to defend their national interests and uphold their foreign policy.¹⁰⁵ This has contributed to deadlock in the UNSC, impeding its ability to respond promptly and effectively to emergencies. Critics argue that the veto violates the principle of sovereign equality of states, is incapable of adapting to changes in the global balance of power and prevents the UN from operating effectively.¹⁰⁶ Defenders argue that it promotes consultation between the world's most powerful States whose input is needed to solve the world's most intractable conflicts.¹⁰⁷

Historic Use of the Veto Power

As of 22 September 2025, the veto power had been used 327 times. During the Cold War, superpower rivalries regularly caused UNSC deadlock, with 238 vetoes cast between 1946 and 1990.¹⁰⁸ The end of the Cold War allowed for a more proactive UNSC. However, there has been an upsurge in veto use in recent years. In 2024, seven UNSC draft resolutions failed to be adopted due to a veto, the highest number since 1986.¹⁰⁹ Overall, as of 22 September 2025, the USSR/Russia has used the veto the most (161 times).¹¹⁰ Initially, the USSR often used its veto to block the admission of new Member States to the UN, including Ireland. More recently, Russia, often accompanied by China, has used the veto to block draft resolutions concerning the armed conflict and humanitarian crisis in Syria. China has used its veto power 21 times,

¹⁰¹ See, e.g., DOD, 'Tánaiste secures government approval to reform the Triple Lock' (4 March 2025, last updated 12 April 2025) available [here](#), last accessed 17 July 2025.

¹⁰² There must be an equitable geographical distribution of non-permanent Member States and regard should be had to candidates' contribution to the maintenance of international peace and security. [Article 23, UN Charter](#).

¹⁰³ Security Council Report, 'Research Report: The Veto' (2015) p. 2, available [here](#), last accessed 9 April 2025.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*, pp. 2-3.

¹⁰⁷ P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) p. 64.

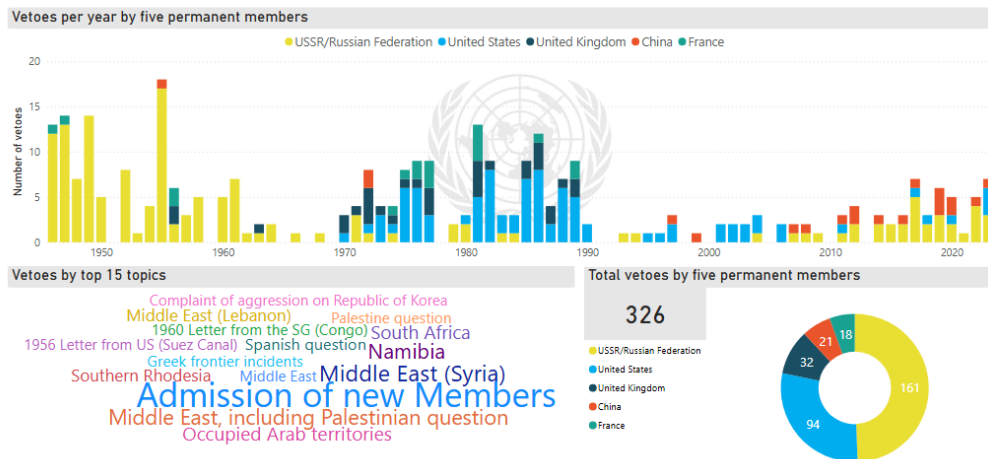
¹⁰⁸ *Ibid.*, p. 66.

¹⁰⁹ Security Council Report, 'In Hindsight: The Security Council in 2024 and Looking Ahead to 2025' (30 December 2024) available [here](#), last accessed 17 April 2025.

¹¹⁰ As of 22 September 2025. See: UN Peace Security Data Hub, available [here](#), last accessed 24 September 2025.

and more frequently since 1997.¹¹¹ In contrast, France and the UK have refrained from using their veto since 23 December 1989.¹¹² As of 22 September 2025, the US has used its veto 95 times, most regularly with regard to draft resolutions concerning Israel.¹¹³ Figure 4 below outlines veto use up to 1 July 2025. (It excludes the US veto on 18 September 2025).

Figure 4: Veto Use from 1946 to 1 July 2025



Source: UN Peace Security Data Hub (as of 1 July 2025)

The threat of a veto (the ‘pocket veto’) also impacts the UNSC’s effectiveness.

“It is not unusual for a draft resolution not to be formally tabled because of the threat of a veto by one or more permanent members. This is difficult to document: a paper trail exists only if a draft is circulated as a Council document, which in most cases occurs only when there is a reasonable expectation of adoption. On some occasions, however, the sponsor of a draft resolution may put it to the vote in the full knowledge that it will be vetoed to demonstrate symbolic support for an issue and to create a historical record of positions within the Council.” [Security Council Report, 2024]

Use of Veto to Block Peace Operations and Impact of Triple Lock on Irish Participation

On occasion, the veto power has prevented the extension/renewal of UN peace operations. For example, the US vetoed the extension of the UN Mission in Bosnia and Herzegovina (UNMIBH) in June 2002. The US explained that it did not wish to risk US peacekeepers facing “politicised prosecutions” before the International Criminal Court (ICC).¹¹⁴ Bosnia and Herzegovina, unlike the US, is a Member State of the ICC. On at least one occasion, the veto has impacted Ireland’s participation in a peace operation. China vetoed the renewal of the UN peace operation for the former Yugoslav Republic of Macedonia (UNPREDEP) in 1999 due a political disagreement with the Macedonian Government following the latter’s recognition of Taiwan. Ireland was

¹¹¹ As of 22 September 2025; see *ibid*.

¹¹² France and the UK have used their veto power 18 and 32 times respectively, as of 22 September 2025. See *ibid*.

¹¹³ *Ibid*.

¹¹⁴ Office of the High Commissioner for Human Rights, ‘Security Council Rejects Draft Proposing Extension of United Nations Mission in Bosnia and Herzegovina’ (30 June 2002) available [here](#), last accessed 11 July 2025.

contributing two military observers to UNPREDEP at the time.¹¹⁵ NATO initially replaced the UN operation and the EU agreed to replace the NATO operation in 2003. The UNSC had adopted a resolution in which it welcomed efforts by the EU and the OSCE to contribute to the implementation of a Framework [Peace] Agreement, endorsed the efforts of relevant international organisations to support the Agreement's implementation, and strongly supported the establishment of a multinational security presence at the Macedonian Government's request.¹¹⁶ Nevertheless, because the EU Operation (Concordia) had not been directly established by a UNSC or UNGA resolution, the Government determined that Ireland was precluded from participating due to the triple lock, as formulated at the time. It may be of interest to recall that the relevant domestic legislation (the '1960 Act') was subsequently amended in 2006 to enable Ireland's participation in peace operations that are authorised, endorsed, approved or in some other way sanctioned, if not directly established, in a UNSC or a UNGA resolution.

The Government has also cited Operation Sophia as a situation where UNSC politics delayed Ireland's participation in a peace operation.¹¹⁷ Operation Sophia was a military crisis management operation to disrupt human smuggling and trafficking networks in the Southern Central Mediterranean.¹¹⁸ It represented a slight deviation from the EU's traditional decision-making practices concerning the deployment of CSDP operations, in that the EU Council decision creating the Operation, Decision 2015/778 of 18 May 2015, preceded the acquisition of either a UNSC resolution or the consent of the State concerned (Libya).¹¹⁹ Decision 2015/778 divided the operation into four Phases: 1, 2-A, 2-B and 3. Phases 1 and 2-A were to be conducted on the "high seas" in accordance with international law. Phases 2-B and 3 could be conducted in a State's territorial waters "in accordance with any applicable UN Security Council Resolution or consent by the coastal State concerned".¹²⁰ Operation Sophia was launched in June 2015. Negotiations over a draft UNSC resolution authorising the operation had previously stalled due to difficulties in acquiring the Libyan authorities' consent to operate in Libya's territorial waters.¹²¹ The UNSC ultimately adopted [Resolution 2240 in October 2015](#), authorising regional organisations to use force under Chapter VII of the UN Charter to combat migrant smugglers and human trafficking in the "high seas" off Libya's coast in specific circumstances.¹²² Hence, the scope was narrower than that envisaged in Decision 2015/778. In July 2017, the Government and the Dáil approved the deployment of an Irish Naval service vessel as part of Operation Sophia.¹²³ Operation Sophia was ultimately conducted in accordance with international law insofar as it adhered to the narrower scope provided for under relevant UNSC resolutions and the level of cooperation received from the Libyan

¹¹⁵ UN, 'UNPREDEP: Former Yugoslav Republic of Macedonia', available [here](#), last accessed 11 July 2025.

¹¹⁶ UNSC Resolution 1371 (26 September 2001) UN Doc S/RES/1371 (2001), operative paras. 4 and 5.

¹¹⁷ See, e.g., Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 June 2025.

¹¹⁸ [Council Decision \(CFSP\) 2015/778 of 18 May 2015](#) on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED) [2015] OJ L122/31, Article 1.

¹¹⁹ Cornelia Klocker, 'The UN Security Council and EU CSDP operations: exploring EU military operations from an outside perspective' (2021) 5(1) *Europe and the World: A Law Review*, p. 3, available [here](#), last accessed 17 June 2025 [hereinafter 'Klocker (2021)'].

¹²⁰ EU Council Decision (CFSP) 2015/778 of 18 May 2015, Article 2(2).

¹²¹ Security Council Report, 'Vote on a Resolution on Human Trafficking and Migrant Smuggling in the Mediterranean' (8 October 2015) available [here](#), last accessed 17 June 2025.

¹²² Klocker (2021) p. 9, available [here](#), last accessed 17 June 2025.

¹²³ Dáil Éireann PQ, 'Defence Forces Deployment' (21 November 2018) available [here](#), last accessed 23 June 2025.

authorities.¹²⁴ It was replaced by [EUNAVFOR Med Operation Irini](#) in 2020 whose primary goal is enforcing the UN arms embargo on Libya. Irini's mandate was tailored to preceding UNSC resolutions, in a return to the established procedure.¹²⁵

In August 2025, the US indicated its opposition to the renewal of UNIFIL's mandate, instead calling for a termination and the withdrawal of all UN peacekeepers from Lebanon.¹²⁶ Israel also opposed the renewal. In contrast, several other UNSC members and the Lebanese Government supported UNIFIL's continuation.¹²⁷ A compromise resolution was ultimately adopted, UNSC [Resolution 2790 \(2025\)](#), allowing for one final renewal of UNIFIL's mandate until 31 December 2026. At this point, the mandate will cease, and an orderly withdrawal will commence to be completed within a year in consultation with the Lebanese government. This will include a withdrawal of members of the Defence Forces serving with UNIFIL in Lebanon.

UNSC Reform: Initiatives and Challenges

During the debates concerning the triple lock, questions have emerged regarding the likelihood of the P5's veto power being removed as part of ongoing UNSC reform initiatives.¹²⁸ Any formal reforms to alter the UNSC's working methods or permanent membership, and/or remove or modify the P5's veto power in a legally binding manner would require an amendment of the UN Charter. This poses a considerable hurdle. Under Article 108 of the Charter, any such amendment requires the support of at least two thirds of the UNGA's membership, including the P5, and domestic-level ratification by two-thirds of UN Member States, again including the P5.¹²⁹ The UNGA established intergovernmental negotiations (IGN) on UNSC reform in 2008, which are ongoing.¹³⁰ The IGN have focussed on five key issues: categories of UNSC membership, the veto, regional representation, the size of an enlarged UNSC and working methods, and the relationship between the UNSC and the UNGA. According to Security Council Report, "Notwithstanding broad agreement on the need for Council enlargement among member states, there is no consensus among members on the way ahead."¹³¹ On 9 April 2024, the then Tánaiste and Minister for Foreign Affairs, Micheál Martin T.D., advised that Ireland had actively engaged in the IGN process and "consistently made the case for abolition of the veto".¹³² Given the difficulties associated with formally amending the UN Charter, Hathaway and Patrick assert that 'non-amendment' UNSC reforms offer a more promising alternative.¹³³ Some non-

¹²⁴ Phases 2-B and 3 were not fully implemented as originally envisaged in Decision (CFSP) 2015/778. See: Klocker (2021) pp. 13-14, available [here](#), last accessed 17 June 2025.

¹²⁵ Ibid, p. 13.

¹²⁶ Security Council Report, 'UN Interim Force in Lebanon (UNIFIL): Vote on Final Mandate Renewal and Drawdown*', available [here](#), last accessed 2 September 2025.

¹²⁷ Paul Cunningham, 'UN Security Council votes for Lebanon peacekeepers to leave in 2026' (*RTÉ News*, 28 August 2025) available [here](#), last accessed 2 September 2025.

¹²⁸ See, e.g., Transcript of PLS hearing on 12 June 2025, available [here](#), last accessed 20 June 2025.

¹²⁹ Oona A. Hathaway and Stewart Patrick, 'Can the UN Security Council Still Help Keep the Peace? Reassessing Its Role, Relevance, and Potential for Reform' (Carnegie Endowment for International Peace, 2 July 2024) available [here](#), last accessed 17 June 2025 [hereinafter 'Hathaway and Patrick (2024)'].

¹³⁰ They were preceded by an Open-ended Working Group on UNSC reform established in 1993.

¹³¹ Security Council Report, 'In Hindsight: The Long and Winding Road to Security Council Reform' (2 October 2022) available [here](#), last accessed 17 June 2025.

¹³² Dáil Éireann PQ, 'United Nations' (9 April 2024) available [here](#), last accessed 17 June 2025.

¹³³ Hathaway and Patrick (2024) available [here](#), last accessed 17 June 2025.

amendment reform initiatives have already been instigated, including voluntary restraints on veto use, the Uniting for Peace mechanism and the UNGA's 'veto initiative'.

Voluntary restraints on veto use

There have been various initiatives by coalitions of UN Member States encouraging the P5 to voluntarily refrain from using their veto power in circumstances where the UNSC is seeking to prevent and halt genocide, crimes against humanity and war crimes.¹³⁴ One initiative by the Accountability, Coherence and Transparency Group, a cross-regional group of 27 small and medium-sized states, is supported by approximately 120 UN Member States,¹³⁵ including Ireland.¹³⁶ It encourages all UNSC members to commit to a [Code of Conduct](#), and vote against credible draft resolutions intended to prevent or halt mass atrocities. Of the P5, the UK and France, have supported several veto restraint initiatives, whereas Russia has strongly opposed them.¹³⁷ In a 2015 report, Security Council Report advised that, "[t]he US and China appear to have reservations", and "there are conflicting views among the wider [UN] membership".¹³⁸

The UNGA's Role in establishing Peacekeeping Operations

A core issue that has arisen in debates surrounding the proposed removal of the triple lock is the potential for the UNGA to establish peacekeeping operations in circumstances where the UNSC is deadlocked or inactive. The UNGA's competence to recommend the establishment of a peacekeeping operation derives from Chapter IV of the [UN Charter](#) (Articles 9-22).¹³⁹ Article 11(2) permits the UNGA to discuss questions relating to the maintenance of international peace and security and, subject to Article 12, to make recommendations regarding same to the State(s) concerned and/or the UNSC. It requires the UNGA to refer any question requiring action to the UNSC either before or after discussion. Article 14 permits the UNGA, subject to Article 12, to recommend measures for the peaceful adjustment of situations it considers likely to impair the general welfare or friendly relations among nations. Article 12(1) provides that, unless it receives a request from the UNSC, the UNGA cannot make recommendations regarding a dispute or situation if the UNSC is exercising its functions under the Charter in relation to same. In practice, this provision has been interpreted flexibly and does not present an insurmountable bar. In its 2004 'Construction of a Wall' Advisory Opinion, the International Court of Justice (ICJ) identified "an increasing tendency over time for the General Assembly and the Security Council to deal in parallel with the same matter concerning the maintenance of international peace and security".¹⁴⁰ Any peacekeeping operation established by UNGA requires the consent of the State(s) concerned.

¹³⁴ See, e.g., Security Council Report, 'Research Report: The Veto' (2015) available [here](#), last accessed 9 April 2025.

¹³⁵ Security Council Report, 'The Veto' (13 February 2024) available [here](#), last accessed 9 April 2025.

¹³⁶ 'Statement by Ireland: Intergovernmental Negotiations on Security Council Reform: Working Methods' (Permanent Mission of Ireland to UN New York, 27 February 2025) available [here](#), last accessed 17 June 2025.

¹³⁷ Security Council Report, 'Research Report: The Veto' (2015) p. 8, available [here](#), last accessed 9 April 2025.

¹³⁸ *Ibid*, p. 8.

¹³⁹ N.D. White, 'Peacekeeping and International Law', in Koops and others (eds.), *The Oxford Handbook of United Nations Peacekeeping Operations* (OUP 2015) p. 43, at p. 46.

¹⁴⁰ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) 9 July 2004 [2004] ICJ Report 136, paras. 27 and 28.

The UNGA and the 'Uniting for Peace' Mechanism

In 1950, the UNGA adopted Resolution 377(V), known as the 'Uniting for Peace' (U4P) Resolution.¹⁴¹ The US introduced the Resolution to circumvent the USSR's use of its veto to block UNSC action to address North Korea's military intervention against South Korea.¹⁴²

In the **U4P Resolution**, the UNGA:

"Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression, the use of armed force when necessary, to maintain or restore international peace and security." [[UNGA Res. 377\(V\), 'Uniting for Peace'](#) (3 November 1950), operative paragraph 1].

The U4P Resolution further provides that if the UNGA is not in session (meeting) at the time, it may meet in an 'emergency special session' within 24 hours, which can be called for by:

- a majority of the UNSC Member States (currently nine) voting on a procedural resolution (the P5 do not have a veto over procedural resolutions); or
- a majority of UN Member States (at least 50% of the UNGA's members).¹⁴³

Hence, the U4P mechanism enables the UNGA to immediately consider matters, and make recommendations, in situations where the UNSC has failed to discharge its primary responsibility to maintain international peace and security due to the use of the veto power.

The UNGA's Role in Establishing and Reaffirming Peacekeeping Operations

According to Barber, since the Korean War, the U4P mechanism has been used on 12 occasions.¹⁴⁴ One occasion involved the establishment of a UN peacekeeping operation, the first UN Emergency Force ([UNEF I](#)), in Egypt in 1956. The circumstances surrounding UNEF I's establishment involved Egypt's nationalisation of the Suez Canal Company in 1956, which prompted the UK, France and Israel to intervene militarily against Egypt with a view to recovering control of the canal. After the UK and France vetoed draft UNSC resolutions requiring the withdrawal of their armed forces, the U4P mechanism was invoked, with US support, to convene an emergency special session of the UNGA. During the emergency session, the UNGA adopted [Resolution 1000 \(ES-1\)](#) (1956) in which it established UNEF I as a traditional peacekeeping operation to secure and supervise the cessation of hostilities, with the consent of the host State, Egypt.

In 1960, the UNGA reaffirmed an existing UN peacekeeping operation in the Congo, [ONUC](#). ONUC was established by [UNSC Resolution 143 \(1960\)](#), adopted on 14 July 1960. Related

¹⁴¹ [UNGA Res. 377\(V\), 'Uniting for Peace' \(3 November 1950\)](#).

¹⁴² See, e.g., discussion in: M. P. Scharf, 'Power Shift: The Return of the Uniting for Peace Resolution' (2023) 55(1) *Case Western Journal of International Law* 217.

¹⁴³ [UNGA Res. 377\(V\), 'Uniting for Peace' \(3 November 1950\)](#) operative para. 1.

¹⁴⁴ R. Barber, 'The Evolving Role of the General Assembly vis-à-vis the Security Council in the Maintenance of Peace' (2022) 25 *Journal of International Peacekeeping* 305, p. 315 and footnote 39.

UNSC resolutions were adopted on 22 July and 9 August 1960. After Joseph Mobutu mounted a coup d'état on 14 September 1960, the UNSC convened an urgent meeting.¹⁴⁵ After the USSR vetoed a proposed UNSC resolution to address the situation, the U4P mechanism was used, at the US' instigation, to trigger an emergency UNGA session.¹⁴⁶ During this session, the UNGA adopted [Resolution 1474 \(ES-IV\)](#) in which it 'fully supports' the UNSC Resolutions adopted on 14 July, 22 July and 9 August 1960. In this manner, it reaffirmed ONOC.¹⁴⁷

The UNGA also contributed to the establishment of the UN's peace operation in [West New Guinea](#) (West Irian) in the 1960s, although this did not involve the U4P mechanism.¹⁴⁸ The UNGA adopted [Resolution 1752 \(XVII\)](#) in 1962 in which it took note of a recent peace agreement between Indonesia and the Netherlands, and authorised the UN Secretary General to carry out tasks entrusted to him under the agreement. The peace agreement provided for the administration of West Irian to be transferred by the Netherlands to a UN Temporary Executive Authority (UNTEA), and for the UN Secretary-General to provide a UN Security Force (UNSF) to assist UNTEA.¹⁴⁹ In 'related understandings' to the agreement, it was decided that UN personnel would observe the implementation of the ceasefire.¹⁵⁰

Recent Revival of the U4P Mechanism

In February 2022, the UNSC, at the US' instigation, invoked the U4P mechanism to trigger an emergency UNGA session concerning Ukraine. During the session, the UNGA adopted Resolution ES-11/1 in which it "*Deplores in the strongest terms the aggression by the Russian Federation against Ukraine in violation of Article 2 (4) of the Charter*".¹⁵¹ This was the first time that the UNSC had invoked the U4P mechanism since 1997. Some international law scholars submit that the UNSC's reticence to use the U4P mechanism reflects a reluctance to challenge the primacy of the UNSC and the global balance of power it represents.¹⁵² However, others suggest that the U4P mechanism has fallen into disuse because it is no longer strictly necessary. This is because the UNGA is now in session virtually all year-round (removing the need for special emergency sessions) and the ICJ has confirmed that the UNGA is permitted to discuss a matter in parallel to the UNSC, either with or without invoking the U4P mechanism.¹⁵³

¹⁴⁵ Eşref Aksu, 'The UN in the Congo conflict: ONUC' in E. Aksu (ed.), *The United Nations, intra-state peacekeeping and normative change* (Manchester University Press 2003) pp. 100-129, p. 110.

¹⁴⁶ *Ibid.*, pp. 100-129.

¹⁴⁷ R. Barber, 'The Evolving Role of the General Assembly vis-à-vis the Security Council in the Maintenance of Peace' (2022) 25 *Journal of International Peacekeeping* 305, p. 315, referring to UNGA Res 1474(ES-IV) (1960).

¹⁴⁸ Professor Murphy's submission in: Transcript of PLS hearing on 12 June 2025, see [here](#), accessed 20 June 2025.

¹⁴⁹ UN Peacekeeping, 'West New Guinea – UNSF, Background', available [here](#), last accessed 10 September 2025.

¹⁵⁰ *Ibid.* See also: Micheal Bothe, 'Peacekeeping Forces', in *Max Planck Encyclopedia of Public International Law* (last updated August 2016) para. 11, available [here](#), last accessed 27 June 2025.

¹⁵¹ UNSC Res ES/11-1 (18 March 2022) operative para. 2, available [here](#), last accessed 17 June 2025.

¹⁵² See, e.g., P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) p. 39; and Christian Tomuschat, 'Uniting for Peace' (UN Library 2008) available [here](#), last accessed 17 June 2025.

¹⁵³ See: M.P. Scharf, 'Power Shift: The Return of the Uniting for Peace Resolution' (2023) 55(1) *Case Western Journal of International Law* 217, pp. 229-230; R. Barber, 'The Evolving Role of the General Assembly vis-à-vis the Security Council in the Maintenance of Peace' (2022) 25 *Journal of International Peacekeeping* 305, p. 316; and N.D. White, 'Peacekeeping and International Law', in Koops and others (eds.), *The Oxford Handbook of United Nations Peacekeeping Operations* (OUP 2015) p. 43.

Even so, Barber submits that invoking the U4P mechanism has symbolic value and “...publicly puts the onus on the Assembly to recommend measures to restore the peace”.¹⁵⁴

Legal Status of UNGA Resolutions versus UNSC Resolutions and Differences in Capabilities

Some proponents of removing the triple lock argue that the UNGA is not a viable alternative to the UNSC (for authorising UN peacekeeping operations) because, unlike the UNSC, its resolutions do not impose binding legal obligations on States.¹⁵⁵ Under Article 25 of the Charter, UN Member States agree to carry out the UNSC’s decisions in accordance with the Charter. Under Article 48, the UNSC may require UN Member States to take the actions needed to carry out its decisions under Chapter VII. This means that UNSC resolutions adopted under Chapter VII can impose binding obligations on States, depending on the wording used.¹⁵⁶ For example, the word ‘Demands’ indicates a binding obligation. Diverging views exist regarding whether UNSC resolutions adopted under Chapter VI can also impose binding obligations.¹⁵⁷ The Charter does not contain equivalent provisions to those set out above concerning UNGA resolutions.

In effect, under the Charter, both the UNSC and the UNGA can establish a peacekeeping operation with the consent of the State(s) concerned. Host State consent is required under the Charter for peacekeeping operations established by the UNGA acting under Chapter IV, or by the UNSC, acting under Chapter VI. The [Capstone Doctrine](#), a UN policy document, also indicates that the consent of all the main parties to the conflict should be obtained for UN peacekeeping operations.

Unlike the UNGA, the UNSC is also permitted to authorise a peace enforcement operation or enforcement measures, more broadly, under Chapter VII of the UN Charter without the consent of the host State and/or the main parties. This is a core difference, particularly given the capacity for UNSC resolutions adopted under Chapter VII to impose binding obligations on States. The ICJ, in its ‘Certain Expenses of the United Nations’ Advisory Opinion, confirmed that the UNGA is permitted under the UN Charter “by means of recommendations to States or to the Security Council, or to both, to organize peace-keeping operations, at the request, or with the consent, of the States concerned”.¹⁵⁸ However, the ICJ found that only the UNSC is permitted under the Charter to require or order coercive or enforcement action.¹⁵⁹ As explained previously, regional organisations such as the EU or NATO are also prohibited under the Charter from engaging in enforcement action without the UNSC’s authorisation.

An Enhanced Role for the UNGA: Practical Challenges and Recent Developments

Perhaps the biggest practical obstacle to achieving an enhanced role for the UNGA in authorising UN peacekeeping operations (as distinct from peace enforcement operations) is

¹⁵⁴ R. Barber, ‘The Evolving Role of the General Assembly vis-à-vis the Security Council in the Maintenance of Peace’ (2022) 25 *Journal of International Peacekeeping* 305, p. 316.

¹⁵⁵ Save for limited exceptions concerning UN finances and administration.

¹⁵⁶ See discussion in: Security Council Report, ‘Special Research Report No. 1: Security Council Action Under Chapter VII: Myths and Realities’ (23 June 2008) available [here](#), last accessed 17 June 2025.

¹⁵⁷ Compare B. Simma and others (eds.), *The Charter of the United Nations: a Commentary* (OUP 2012) p. 1186; and H. Birkenkötter, ‘Why Today’s UN Security Council Resolution Demanding an Immediate Ceasefire is Legally Binding’ (*Verfassungsblog*, 25 March 2024) available [here](#), last accessed 3 July 2025.

¹⁵⁸ *Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)*, Advisory Opinion, 1962 ICJ Reports 151, 20 July 1962, 164.

¹⁵⁹ *Ibid*, at 163-164.

the level of cross-regional support that would be required. Under Article 18(2) of the Charter, any UNGA resolution recommending the establishment of a peacekeeping operation requires the support of at least two-thirds of the UNGA's 193 members, which are present and voting. This poses a considerable challenge. That said, UN Member States have displayed a greater willingness in recent years to use the UNGA to discuss international peace and security issues when the UNSC is deadlocked. This is evident from the revival of the U4P mechanism in 2022 and the UNGA's "veto initiative". In 2022, the UNGA adopted [Resolution 76/262](#), in which it decided to meet within ten working days whenever the veto is used. According to Hathaway and Patrick, this "veto initiative" has:

- created a measure of accountability for the P5's use of the veto;
- deterred China from using its veto power on at least one occasion; and
- helped crystallise the UNGA's role in maintaining international peace and security, whilst acknowledging its more limited powers than the UNSC in this area.¹⁶⁰

Principles of UN Peacekeeping Operations: Capstone Doctrine

The [Capstone Doctrine](#) is the main UN policy document concerning UN-led peacekeeping. It identifies three fundamental and interrelated principles that UN-led peacekeeping operations must adhere to, the so-called 'Trinity'. These are: (i) consent of the main parties to the armed conflict, (ii) impartiality of peacekeepers, and (iii) non-use of force, except in self-defence and defence of the mandate.¹⁶¹ These principles are derived from, and intended at ensuring adherence to, the UN Charter. However, they are distinct from the principles of the UN Charter, which are commonly understood to mean the principles set out in Article 2.¹⁶²

The Capstone Doctrine observes that, without the consent of all the main parties to the conflict, a peacekeeping operation "risks becoming a party to the conflict; and being drawn towards enforcement action".¹⁶³ Gray submits that securing the consent and cooperation of the main parties on the ground is a practical necessity.¹⁶⁴ At the same time, the UN-established 'High-level Independent Panel on Peace Operations' (2015) acknowledge that "...where fighting ...is not confined to two parties, there may be practical obstacles to obtaining consent beyond that of the Government. ... Obtaining and maintaining the consent of the other parties ... should be pursued to the extent possible."¹⁶⁵ As explained previously, at a minimum, obtaining the consent of the host State(s) is a requirement under international law for all peacekeeping operations (as distinct from peace enforcement operations).

The impartiality principle requires peacekeepers "to implement their mandate without favour or prejudice to any party."¹⁶⁶ Impartiality helps to retain the consent and cooperation of the

¹⁶⁰ They suggest that the veto initiative helped prevent China from using its veto to block Resolution 2634 concerning maritime security in the Gulf of Guinea. Hathaway and Patrick (2024) available [here](#), last accessed 17 June 2025.

¹⁶¹ Capstone Doctrine, p. 31, available [here](#), last accessed 17 June 2025.

¹⁶² See, e.g., discussion in Bruno Simma and others (eds.), *The Charter of the United Nations: a Commentary* (OUP 1995) pp. 72-154.

¹⁶³ Capstone Doctrine, p. 32, available [here](#), last accessed 17 June 2025.

¹⁶⁴ Christine Gray, 'Host State Consent and the UN Peacekeeping in Yugoslavia' (1996) 7 *Duke Journal of International Law and Policy* 241, p. 245.

¹⁶⁵ UNGA/UNSC, 'Report of the High-level Independent Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people' (17 June 2015) [UN Doc A/70/95-S/2015/446](#), para. 127.

¹⁶⁶ Capstone Doctrine, p. 33, available [here](#), last accessed 17 June 2025.

main conflict parties.¹⁶⁷ However, the Capstone Doctrine differentiates between impartiality and neutrality, stressing that “...a peacekeeping operation should not condone actions by the parties that violate the undertakings of the peace process or the international norms and principles that a United Nations peacekeeping operation upholds...”.¹⁶⁸

The ‘non-use of force’ principle has evolved over time to permit peacekeepers to use force as a measure of last resort not only in self-defence, but also in defence of civilians and of the mandate (in response to forcible attempts by ‘spoilers’ seeking to undermine the mandate).¹⁶⁹

The [1994 UN Convention on the Safety of UN and Associated Personnel](#) prohibits attacks against UN peacekeepers and any actions that prevent them from discharging their mandate.

The *Leuven Manual on the International Law Applicable to Peace Operations* (2017) indicates that the principles of limited use of force, impartiality and host state consent are widely considered to be requirements under customary international law that apply to all peacekeeping operations, whether conducted by the UN directly or other actors.¹⁷⁰

EU’s Common Security and Defence Policy (CSDP) and Recent Developments

This part of the *Briefing Paper* outlines some of the core EU law provisions that govern the authorisation and conduct of the EU’s overseas peace and security operations. It also discusses recent moves toward a more unified and robust EU defence strategy and considers the extent of Ireland’s participation in the EU’s security and defence initiatives. The CSDP is an inherent part of the EU’s Common Foreign and Security Policy (CFSP). Articles 21-46 of the [Treaty on the European Union](#) (TEU) contain specific provisions on the CFSP and general provisions on the EU’s external action. Articles 42-46 concern the CSDP. The TEU contains a ‘mutual assistance clause’ ([Article 42\(7\)](#)). It stipulates that if an EU Member State is the victim of armed aggression on its territory, the other Member States have an obligation of aid and assistance towards it by all the means in their power, in accordance with Article 51 of the UN Charter (self-defence). However, Article 42(7) clarifies that “[t]his shall not prejudice the specific character of the security and defence policy of certain Member States”. This has allowed neutral EU Member States such as Ireland to provide aid and assistance of a non-military character in fulfilment of their obligations under the clause.

[Article 42\(1\)](#) permits the use of civilian and military assets provided by EU Member States for missions outside the EU territory for the purpose of “peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter”. [Article 43\(1\)](#) provides a non-exhaustive list of the tasks these missions and operations can perform, including “joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation.” It adds that these tasks may help in fighting terrorism, including in assisting third countries to do so. Any decisions concerning the CSDP, including a decision to initiate a military operation under Article 42, requires a unanimous decision of the EU Council, following a proposal by an EU

¹⁶⁷ Ibid.

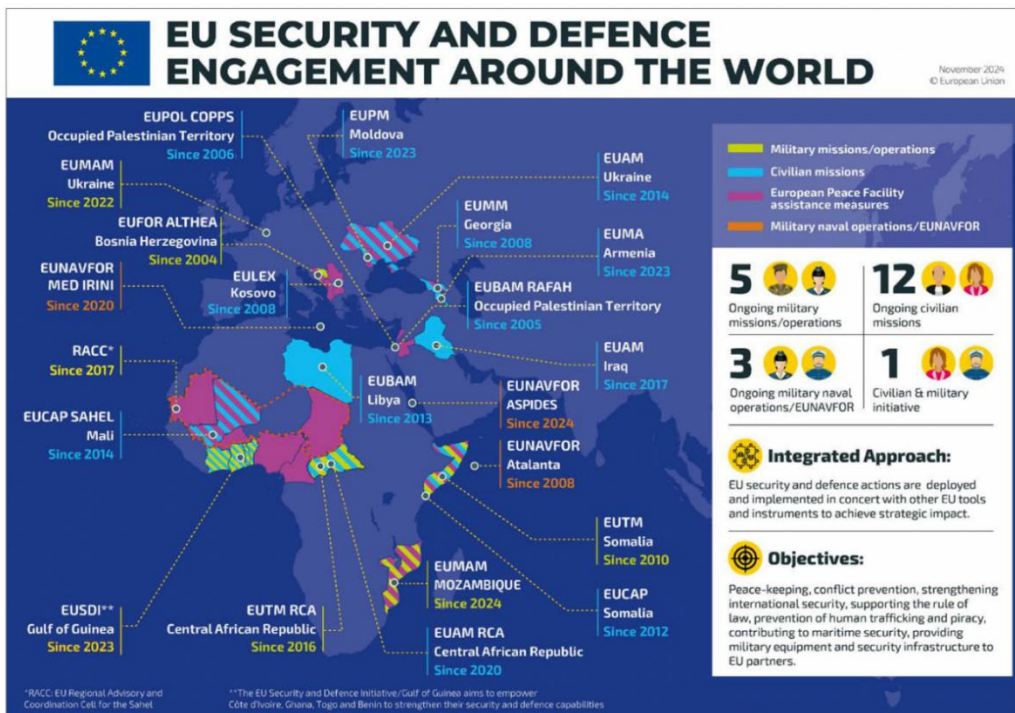
¹⁶⁸ Ibid.

¹⁶⁹ Ibid, pp. 34-35.

¹⁷⁰ Gill and others (eds.), *Leuven Manual on the International Law Applicable to Peace Operations* (CUP 2017) p. 9.

Member State or the EU High Representative for Foreign Affairs and Security Policy.¹⁷¹ As a matter of international law, any decision to authorise a CSDP operation, and the conduct of same, must adhere to the UN Charter. Under the CSDP, each EU Member State makes their own decision regarding whether or not to participate in any particular CSDP mission or operation.¹⁷² Figure 5 below outlines EU Security and Defence operations as of November 2024.

Figure 5: EU Security and Defence Engagement Around the World (November 2024)



Source: EEAS, 'EU CSDP: Missions and Operations' (April 2025)

Several TEU provisions indicate that the EU is also required to adhere to the UN Charter's principles in its external relations as a matter of EU law. For example, Article 42(1) permits the EU to conduct CSDP missions outside the EU territory in accordance with the Charter's principles. Furthermore, Article 21(2)(c) requires the EU to define and pursue common policies and actions to "...preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter..."¹⁷³

Recent developments in EU Security and Defence Policy

In response to rising geopolitical tensions, the EU has recently moved towards "a more robust and unified defence strategy".¹⁷⁴ This is reflected, for example, in the creation of:

- [Permanent Structured Cooperation](#) (PESCO) in 2017 (explained below).
- The [Directorate General for Defence Industry and Space](#) (DG DEFIS) in 2019.
- The [European Defence Fund](#) (EDF) in 2021, within the 2021-2027 Multi-Annual Financial Framework, to fund research and capability development in defence.

¹⁷¹ See, in particular, [Consolidated Version of the Treaty on European Union](#) [2016] OJ 2016/C 202/1, Article 42(4).

¹⁷² DOD, 'Ministerial Brief' (2025) pp. 37-38, available [here](#), last accessed 17 June 2025.

¹⁷³ See also Arts. 3(5) and 21(1) of [Consolidated Version of the Treaty on European Union](#) [2016] OJ 2016/C 202/1.

¹⁷⁴ DOD, 'Ministerial Brief' (2025) p. 30, available [here](#), last accessed 17 June 2025.

- The [European Peace Facility \(EPF\)](#) in 2021, a €17 billion fund financed outside the EU budget for CFSP actions in military and defence from 2021-2027.
- The [Coordinated Annual Review on Defence \(CARD\)](#) in 2017 to help Member States collaboratively implement EU capability development priorities (over two-year cycles).
- The [Rapid Deployment Capacity \(RDC\)](#) in 2025 composed of modified EU Battlegroups.
- New policy documents, including the [Strategic Compass](#); the '[White Paper for European Defence - Readiness 2030](#)' and the '[ReArm Europe/Readiness 2030 Plan](#)'.
- The [SAFE Regulation](#) (2025), a new EU financial instrument to support Member States to invest in defence industrial production through common procurement.¹⁷⁵

EU Battlegroups and EU Rapid Deployment Capacity (RDC)

EU Battlegroups are multinational, battalion-sized (approximately 1,500 personnel) and primarily land-based military units. They are intended for rapid deployment in response to emerging crises/conflicts for small-scale and time-limited missions (30 days, extendable to 120 days, if resupplied).¹⁷⁶ Their tasks can include conflict prevention, initial stabilisation, humanitarian intervention and rescue, crisis management and peacekeeping.¹⁷⁷ Their standby period is six months, and non-EU countries can participate (for example, Norway has participated). Despite being operational since 2007, to date no Battlegroup has been deployed for a mission due to issues with political will, inflexible decision-making and costs.¹⁷⁸ Any operational deployment requires a unanimous decision of the EU Council. An archived 2017 Factsheet prepared by the European External Action Service (EEAS) indicates that they would also generally require an authorising UNSC Resolution.¹⁷⁹ An exception might arise, for example, in the case of an operation involving the evacuation of EU citizens.¹⁸⁰ EU Battlegroups have been governed by the 'costs lie where they fall principle'. This has caused some troop-contributing nations to veto deployments to avoid the associated costs.¹⁸¹

An EU Rapid Deployment Capacity (RDC) was made operational in May 2025. It allows for the swift deployment of a modular force of up to 5,000 troops outside of the EU territory in a non-permissive environment.¹⁸² The RDC is composed of modified EU Battlegroups with standby periods of 12 months; national modules with land, air, maritime, space and cyber components; and strategic enablers.¹⁸³ An EEAS Factsheet, published in May 2025, indicates that the RDC's tasks can include "stabilisation; rescue and evacuation; humanitarian assistance and disaster relief; peace enforcement; and conflict prevention and capacity building."¹⁸⁴ Efforts are being made to help the RDC overcome the obstacles that prevented the deployment of Battlegroups. Under the Strategic Compass, the EU's current core policy document on security and defence,

¹⁷⁵ [Council Regulation \(EU\) 2025/1106 of 27 May 2025](#) establishing the Security Action for Europe (SAFE) through the Reinforcement of the European Defence Industry Instrument, OJ L, 2025/1106, 28 May 2025.

¹⁷⁶ EEAS, 'Factsheet: EU Battlegroups' (9 October 2017), available [here](#) [content is listed as archived], last accessed 17 June 2025.

¹⁷⁷ See Article 43(1) of the TEU; and *ibid*.

¹⁷⁸ S. Clapp, 'Establishing an EU rapid deployment capacity' (European Parliamentary Research Service (EPRS) April 2023) available [here](#), last accessed 17 June 2025.

¹⁷⁹ EEAS, 'Factsheet: EU Battlegroups' (9 October 2017), available [here](#), last accessed 17 June 2025 [archived].

¹⁸⁰ EEAS, 'CSDP: EU Battlegroups' (2013) p. 3, available [here](#), last accessed 23 June 2025

¹⁸¹ EPRS, 'At a Glance: Establishing an EU Rapid Deployment Capacity' (2023) see [here](#), accessed 17 June 2025.

¹⁸² EEAS, 'Factsheet: EU Rapid Deployment Capacity' (May 2025), available [here](#), last accessed 3 July 2025.

¹⁸³ *Ibid*.

¹⁸⁴ *Ibid*.

EU Member States committed to examining potential avenues for more flexible decision-making, including constructive abstention and the use of Article 44 of the TEU to permit ‘coalitions of the willing’ to conduct CSDP missions on behalf of the EU.¹⁸⁵ Article 44 would still require a unanimous decision of EU Member States.¹⁸⁶ Unlike the 2017 EEAS Factsheet on EU Battlegroups, the EEAS Factsheet on the RDC (May 2025) does not include an explicit reference to a general requirement for an authorising UNSC resolution.

An [EEAS update on CSDP missions and operations](#) (April 2024), states that:

“EU decisions to deploy a mission or operation are normally taken at the request of the partner country to which assistance is provided and/or based on a United Nations Security Council Resolution, and always in full respect of international law.”

The Strategic Compass indicates a commitment to uphold the UN Charter’s principles, stating that, “[i]n order to uphold rules-based multilateralism and the principles of the UN Charter, we must strengthen our strategic partnership with the United Nations”.¹⁸⁷ As discussed, Article 53 of the UN Charter prohibits regional organisations from undertaking enforcement action without the UNSC’s authorisation. In a 2021 article, Klocker asserts that, apart from Operation Sophia, interactions between the UNSC and the EU Council in preparing for CSDP military operations revealed “a certain degree of common understanding and established procedure: UN Security Council resolution first, Council decision establishing a CSDP operation second.”¹⁸⁸

Permanent Structured Cooperation (PESCO)

Article 42(6) of the TEU provides the legal basis for the EU’s permanent structured cooperation arrangements in the area of security and defence. Permanent Structured Cooperation (PESCO) was formally established in 2017 by [Council decision \(CFSP\) 2017/2315](#). All EU Member States, apart from Malta, currently participate in PESCO on a voluntary basis. PESCO projects seek to develop shared capabilities with a view to optimising the EU’s resources for peacekeeping and crisis management operations.¹⁸⁹ As of January 2025, 67 projects had been established in areas such as training, land, maritime, air, cyber and joint enabling.¹⁹⁰

Ireland’s Participation in EU Security and Defence Initiatives

According to the 2022 CODF Report, proportionately, Ireland has been a “leading contributor to CSDP missions”.¹⁹¹ As of September 2025, Ireland is participating in the German-led Battlegroup 2025. It previously participated in the Nordic Battlegroup in 2008, 2011 and 2015; the Austro/German-led Battlegroup in 2012; the UK-led Battlegroup in 2016; and the German-led Battlegroup in 2016 and 2020. The Defence Forces have also participated in

¹⁸⁵ Council of the EU, ‘Outcome of Proceedings at Brussels, 21 March 2022’ (2022) Annex: A Strategic Compass for Security and Defence, p. 14, available [here](#), last accessed 17 June 2025 [hereinafter ‘EU Strategic Compass’].

¹⁸⁶ S. Clapp, ‘Establishing an EU rapid deployment capacity’ (EPRS April 2023) see [here](#), accessed 17 June 2025.

¹⁸⁷ EU Strategic Compass (2022), p. 40, available [here](#), last accessed 17 June 2025.

¹⁸⁸ Klocker (2021) p. 6, available [here](#), last accessed 17 June 2025.

¹⁸⁹ For more information, see: PESCO Secretariat, ‘PESCO: About’, available [here](#), last accessed 17 June 2025.

¹⁹⁰ DOD, ‘Ministerial Brief’ (2025) p. 41, available [here](#), last accessed 17 June 2025.

¹⁹¹ CODF Report (2022) p. 10, available [here](#), last accessed 17 June 2025.

multinational EU military training exercises as part of the RDC's development.¹⁹² None of these engagements have involved an actual deployment as part of an EU Battlegroup/RDC operation.

As of January 2025, Ireland's commitment to the EPF, which is directed entirely toward non-lethal military assistance and calculated proportionately based on a Gross National Income (GNI) key, was approximately €400.6 million.¹⁹³ On 27 June 2025, the [Tánaiste and Minister for Defence, Simon Harris T.D.](#), announced Ireland's intention to participate in the SAFE Regulation in order to expedite the ongoing enhancement of Ireland's defence capability.¹⁹⁴

The [Defence \(Miscellaneous Provisions\) Act 2009](#) (the '2009 Act') provides for Ireland's participation in the EU's Permanent Structured Cooperation arrangements and certain projects and programmes run by the [European Defence Agency](#) (EDA).¹⁹⁵ Participation in EDA projects requires the prior approval of the Government and Dáil, and the Government must be satisfied that participation would help enhance capabilities for UN mandated missions engaged in peace keeping, conflict prevention or the strengthening of international security in accordance with the principles of the UN Charter.¹⁹⁶ During the second stage Dáil debate on the Bill in 2009, the then Minister for Defence, Willie O'Dea T.D., indicated that participation would help ensure that the Defence Forces have the "necessary capabilities" when serving in EU CSDP operations.¹⁹⁷ Ireland is involved in EDA projects in areas such as maritime surveillance.¹⁹⁸ In December 2017, the Dáil approved Ireland's participation in PESCO.¹⁹⁹ The then Minister for Defence, Simon Coveney T.D., stated that this "...has no implications for Ireland's policy of military neutrality or the triple lock..."²⁰⁰ Ireland's participation in individual PESCO projects requires Government and Dáil approval under the 2009 Act. As of January 2025, Ireland had Participant status in six PESCO projects and Observer status on 17 PESCO projects.²⁰¹

Contemporary State of Peace Operations Worldwide

"The last time the [Security] Council created a new peacekeeping operation was in 2014. A decade ago, the UN had 16 peacekeeping operations with 107,088 peacekeepers. However, following the drawdown and exit of several peacekeeping missions, this number has decreased to 11 peacekeeping operations with 61,197 peacekeepers in 2025." [[Security Council Report](#), 31 March 2025]

¹⁹² See, e.g., 'Irish Defence Forces participate in EU Milex 2025', available [here](#), last accessed 3 July 2025.

¹⁹³ DOD, 'Ministerial Brief' (2025) p. 44, available [here](#), last accessed 17 June 2025.

¹⁹⁴ Conor Gallagher and Martin Wall, 'Ireland backs €150bn defence plan as EU moves to rearm' (*The Irish Times*, 27 June 2025) available [here](#), last accessed 5 July 2025.

¹⁹⁵ The EDA's goals include enhancing the EU's defence capabilities in crisis management. See: Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the EDA (recast).

¹⁹⁶ The definition of UN mandated mission under section 1 of the 2009 Act corresponds with the definition of International UN Force in section 1 of the 2006 Act.

¹⁹⁷ Dáil Éireann Debate, 'Defence (Miscellaneous Provisions) Bill 2009: Second Stage' (15 October 2009) available [here](#), last accessed 17 June 2025.

¹⁹⁸ DOD, 'Ministerial Brief' (2025) p. 45, available [here](#), last accessed 17 June 2025.

¹⁹⁹ There were 75 votes in favour and 42 against. See: Dáil Éireann Debate, 'Permanent Structured Cooperation: Motion' (7 December 2017) available [here](#), last accessed 3 July 2025.

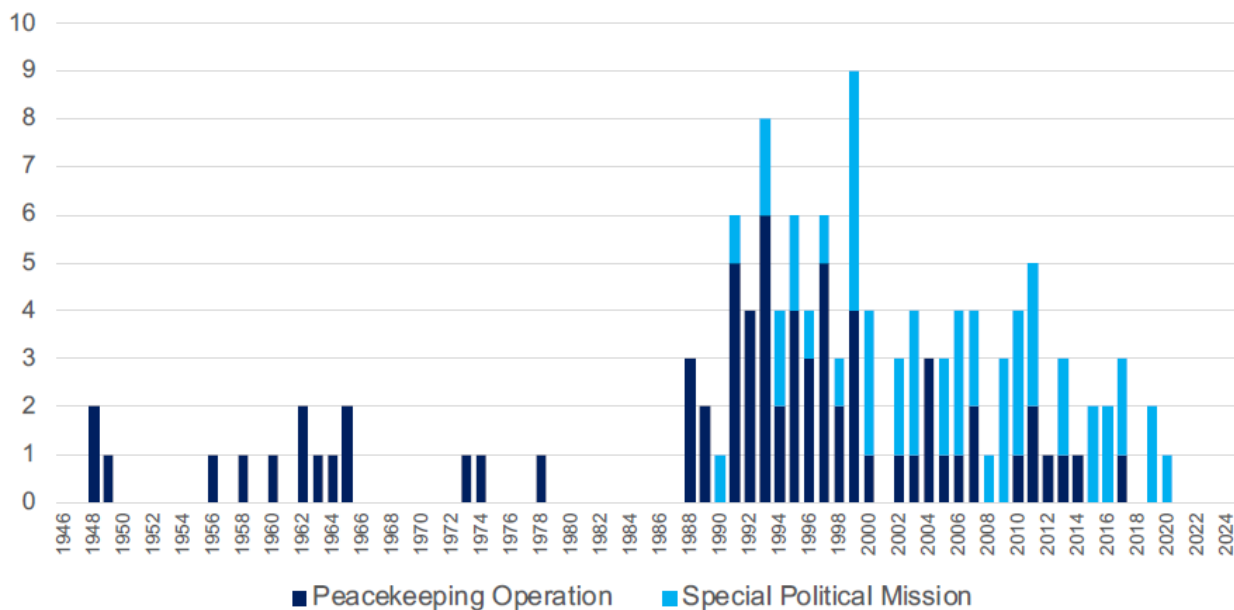
²⁰⁰ *Ibid.*

²⁰¹ DOD, 'Ministerial Brief' (2025) p. 41, available [here](#), last accessed 17 June 2025.

Security Council Report reported in March 2025 that the renewal of certain longstanding UN peacekeeping missions, such as UNDOF (Golan Heights) and UNIFIL (Lebanon), has “with rare exceptions...been a routine affair as Council members have generally been supportive.”²⁰² However, they added that in recent years there has been growing pressure during mandate renewal negotiations, in particular from China and Russia, to remove language on cross-cutting themes, such as respect for human rights.²⁰³ Subsequently, in August 2025, a compromise UNSC Resolution was adopted which approved one last renewal of UNIFIL’s mandate for 2026 to be followed by a withdrawal in 2027. The US and Israel had called for UNIFIL’s termination.

Figure 6 below is reproduced from a [UN-commissioned 2024 Report on Peacekeeping](#) and outlines new UN peacekeeping and special political missions from 1946 to 2024.

Figure 6: New UN Peace Operations, 1946-2024



Source: ‘The Future of Peacekeeping, New Models, and Related Capabilities’ (UN 2024), p.8

According to the Stockholm International Peace Research Institute (SIPRI), there were 61 active multilateral peace operations in 2024.²⁰⁴ Of these, eighteen were conducted by the UN (including peacekeeping operations and special political missions), 17 were conducted by the EU, seven were conducted by the OSCE, five were conducted by the AU, eight were conducted by other regional organisations and alliances, and six were conducted by ad hoc coalitions of States.²⁰⁵ The 2024 Defence Policy Review anticipates that future peace “missions could be

²⁰² Security Council Report, ‘In Hindsight: Ensuring Effective Peace Operations in an Uncertain World’ (31 March 2025) available [here](#), last accessed 17 June 2025.

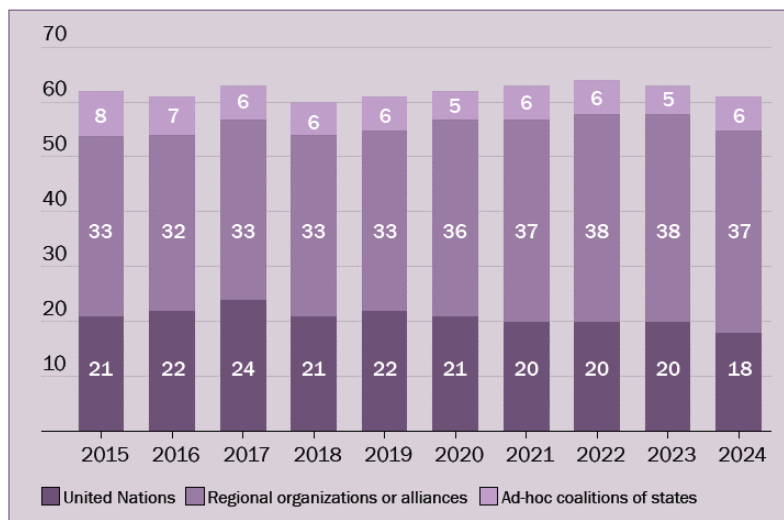
²⁰³ Ibid.

²⁰⁴ To be included, the operation’s stated intention must be: (a) to facilitate the implementation of peace agreements already in place, (b) support a peace process, or (c) assist conflict prevention or peacebuilding efforts. Good offices, fact-finding or electoral assistance missions and missions comprising non-resident individuals or teams of negotiators are not included. Claudia Pfeifer Cruz, ‘Developments and Trends in Multilateral Peace Operations, 2024’ (SIPRI Fact Sheet, May 2025) pp. 1 and 16, available [here](#), accessed 23 June 2025 [hereinafter ‘SIPRI Fact Sheet’].

²⁰⁵ Ibid, p. 1.

increasingly carried out by regional organisations, including the EU.²⁰⁶ The involvement of regional organisations in peace operations has increased in recent decades. This is apparent from Figure 7 below, which outlines the multilateral peace operations in existence between 2015 and 2024, and differentiates them by type of conducting organisation.²⁰⁷

Figure 7: Multilateral Peace Operations by Type of Conducting Organisation 2015-2024



Source: SIPRI, *'Developments and Trends in Multilateral Peace Operations, 2024'* (May 2025), p. 2

Peace Operations by Regional Organisations: Pros and Cons

Williams and Bellamy, Security Council Report and Caplan have highlighted some advantages of peace operations conducted by regional actors.²⁰⁸ They include enhanced regional legitimacy and sensitivity where regional peacekeepers have a deeper knowledge of the local context. This can cause regional peacekeepers to be viewed more favourably by locals than UN peacekeepers. Where regional organisations have a vested interest in achieving a pacific resolution due to their proximity to a conflict, they may be willing to sustain longer-term peace operations. Geographical proximity may also allow for faster deployments and resupplies. In addition, regional organisations may bring extra resources and capabilities. Furthermore, they can fill a void in circumstances where the UNSC has declined to deploy peacekeepers.

On the other hand, Williams and Bellamy observe that the growing role of regional organisations in peace operations “has raised important issues concerning legitimacy, impartiality and capacity”.²⁰⁹ Some regional organisations, including NATO and ECOWAS, have

²⁰⁶ GOI, 'Defence Policy Review 2024' (2024) p. 16, available [here](#), last accessed 17 June 2025.

²⁰⁷ This figure is reproduced from SIPRI Fact Sheet (2026) at p. 2, available [here](#), accessed 23 June 2025. See p. 16 of the Factsheet (and footnote 205 above) regarding the criteria for inclusion as a multinational peace operation.

²⁰⁸ The discussion in this paragraph draws on: P.D. Williams, 'Global and Regional Peacekeepers', in Kahler and others (eds.), *Global Order and the New Regionalism* (Council on Foreign Relations 2016) p. 67, pp. 73-74; P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) ch. 13; Security Council Report, 'The Security Council and Regional Arrangements: Towards Effective Engagement' (September 2024) pp. 29-30, available [here](#), last accessed 22 June 2025; and R. Caplan, 'Peacekeeping/Peace Enforcement', in *The Princeton Encyclopedia of Self Determination*, available [here](#), last accessed 17 June 2025.

²⁰⁹ P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) p. 36.

failed to obtain UNSC approval before commencing enforcement operations.²¹⁰ Some organisations, including the EU, have operated outside of their region.²¹¹ The effectiveness of peace operations by regional organisations can be impeded where their membership is disproportionately influenced by powerful member states or where members have diverging views.²¹² Some regional organisations have been accused of prioritising their own strategic interests.²¹³ Overall, regional organisations have less experience than the UN in conducting peace operations. Williams asserts that some have insufficient training, “relatively small bureaucracies and budgets and lack the administrative, logistical, and command structures necessary to manage large-scale military operations”.²¹⁴ A 2024 independent report commissioned by the UN’s Department of Peacekeeping submits that the UN has superior accountability and compliance mechanisms and that, despite its problems, the UNSC “retains unparalleled authority, legitimacy, and, crucially, flexibility to mandate peace operations...”.²¹⁵

Legislative Proposal

The [General Scheme](#) was published on 21 May 2025, together with explanatory notes by the Department.²¹⁶ It has 27 Heads, which are divided into five Parts. The core purpose of the proposed Bill is to consolidate, with amendments, the existing legislative arrangements under which Defence Forces personnel may be despatched and deployed for overseas service with an international force. It proposes to remove the existing triple lock requirement, including by repealing the 1960 Act and the 2006 Act (Head 3), and by inserting a new Part XIV (Heads 4-10) and a new definition of ‘international force’ (Head 11) into the 1954 Act. The Department has advised that a Regulatory Impact Assessment was not undertaken, explaining that:

“In general, legislation emanating from the Department of Defence focuses on the Defence Forces and does not apply to the ordinary citizen or to business generally. For those reasons, it was considered that a formal Regulatory Impact Assessment (RIA) was not required. Notwithstanding this, the Department applies the principles set out in the RIA Guidelines issued by the Department of the Taoiseach where appropriate.”²¹⁷

This part of the *Briefing Paper* examines the core legislative proposals concerning overseas service, including those that seek to remove the triple lock requirement. In so doing, it highlights proposed changes, as compared with the existing legislation, and areas where it

²¹⁰ Security Council Report, ‘The Security Council and Regional Arrangements: Towards Effective Engagement’ (September 2024) pp. 11-12, available [here](#), last accessed 22 June 2025; and Labuda, ‘Peacekeeping and Peace Enforcement’ (2015) para. 59, available [here](#), last accessed 17 June 2025.

²¹¹ P.D. Williams and A.J. Bellamy, *Understanding Peacekeeping* (3rd edn., Polity Press 2021) p. 270.

²¹² Paul D. Williams, ‘Global and Regional Peacekeepers’, in Kahler and others (eds.), *Global Order and the New Regionalism* (Council on Foreign Relations 2016) p. 67, p. 74.

²¹³ Richard Caplan, ‘Peacekeeping/Peace Enforcement’, in *The Princeton Encyclopedia of Self Determination*, available [here](#), last accessed 17 June 2025.

²¹⁴ Paul D. Williams, ‘Global and Regional Peacekeepers’, in Kahler and others (eds.), *Global Order and the New Regionalism* (Council on Foreign Relations 2016) p. 67, p. 75.

²¹⁵ El-Ghassim Wane, P.D. Williams, and Ai Kihara-Hunt, *The Future of Peacekeeping, New Models, and Related Capabilities: Independent Study commissioned by DPO* (UN 2024) pp.12-13, see [here](#), accessed 17 June 2025.

²¹⁶ General Scheme, available [here](#), last accessed 17 July 2025.

²¹⁷ This was clarified in email correspondence provided by the DOD to the L&RS on 21 July 2025. See also: Dáil Éireann debate, ‘Legislative Process’ (15 September 2021) available [here](#), last accessed 28 August 2025.

may be desirable to consider providing for more clarity in the proposed legislation with a view to enhancing legal certainty. It refers to the PLS process and recommendations contained in the Committee's [PLS Report](#) (July 2025).

Definitions: Head 5

Head 5 provides for definitions of key terms to be used in the proposed new Part XIV of the 1954 Act. It currently contains one definition, which is for 'training'. Further definitions may be included as drafting progresses. In the interests of legal certainty, it may be desirable to consider including a definition for 'international organisation'. This term is mentioned in Head 7(2)(a) and Head 9, which largely reflect the existing section 3(1)(a) and section 11 of the 2006 Act, respectively. Section 1 of the 2006 Act defines "international organisation" as: the UN, the OSCE, the EU or any institution or body of the EU, or "any regional arrangement or agency that participates, or has participated, in operations as part of an International United Nations Force". Head 3 proposes to repeal the 2006 Act and the 1954 Act does not currently include a definition of 'international organisation' for the purposes of the 1954 Act.

Overseas Service with an International Force: Heads 6 and 11

Head 6 concerns the despatch and deployment of Defence Forces personnel for overseas service with an international force. 'International force' is given a specific definition in Head 11, which is discussed later in this *Briefing Paper*, together with Head 6(6).

Together, **Head 6(1) and (3)** provide that a contingent of over 50 members of the Defence Forces may only be despatched and deployed for overseas service as part of an international force with the approval of the Government and Dáil Éireann (the latter via a resolution). It also provides that if the Dáil adopts such a resolution, an additional Dáil resolution will not be required for the purpose of despatching and deploying a replacement contingent. These provisions change the existing legislative requirements. When read together with the new definition of international force in Head 9, they mean that a UNSC or UNGA resolution establishing, authorising or in some way approving or sanctioning the international force in question is no longer necessary before members of the Defence Forces can participate in it.

Head 6(2) permits the Government alone to approve of the despatch of Defence Forces personnel for overseas service as part of a force to be assembled or embarked prior to deployment as part of an international force (e.g., an EU Battlegroup). However, Head 6(2) stipulates that a contingent or member cannot be deployed for an operation as part of the international force without a Dáil resolution approving the deployment. This is a change to the existing legislative requirements, which also require that the UNSC or the UNGA has adopted a resolution approving or sanctioning the force in question before deployment is permissible.

Head 6(3) outlines when the Government alone can approve the despatch and deployment of Defence Forces personnel for overseas service with an international force.

First, **Head 6(3)(a)** permits the Government to approve the despatch and deployment of a contingent of up to 50 members of the Defence Forces for overseas service with an international force without obtaining Dáil approval. The Department has explained that the 50-member threshold was included as it would enable the Government alone to approve the despatch of a military platoon (30 members of the Defence Forces) and support elements, for

example, medical and communications.²¹⁸ This represents a change to the existing legislative requirements in that currently: (i) the Government can only approve the despatch of up to 12 members without obtaining Dáil approval; and (ii) even then, the Government can only approve their participation in an international force that has been established, authorised, mandated, endorsed, approved or otherwise sanctioned in a UNSC or a UNGA resolution.

Second, **Head 6(3)(b)** permits the Government alone to approve of the despatch and deployment of a contingent to replace an existing contingent despatched under sub-head 3, in whole or in part. Furthermore, under **Head 6(4)** the despatch of a replacement contingent can permissibly result in the total number of members serving with the international force temporarily exceeding 50 due to an overlap in personnel. However, any excess of the 50-member cap is only permitted for a temporary period not exceeding 30 days. Under existing legislation, the Government alone can approve the despatch of a contingent to replace or reinforce an existing contingent serving in a UN international force.

In its [PLS Report](#), the Committee recommended that the proposed legislation set out circumstances and conditions where Defence Forces personnel might be deployed under **Head 6(3)**. The Committee also recommended that the proposed legislation include: (i) provisions requiring the Government to inform the Committee of any decision taken under Head 6(3) within a specified time limit, and (ii) oversight provisions involving the Committee and the Joint Committee on Foreign Affairs and Trade (See: Recommendations 12-14).

Head 6(5) reflects an equivalent provision contained in [section 2\(4\)](#) of the 1960 Act, which effectively provides that overseas service by Reservists is done on a voluntary basis.

International Force - Definition and Safeguards: Head 11, Head 6(6) and Head 10

Head 11 proposes to amend section 2 of the 1954 Act to insert a definition of ‘international force’, which reflects the removal of the requirement for a UNSC or a UNGA resolution. It should be read alongside **Head (6)6**, which provides that Defence Forces personnel may only be despatched and deployed for overseas service with an international force that possesses certain characteristics, as outlined in the sub-head. The Department has referred to these characteristics as ‘mandatory principles’, ‘governing principles’ and safeguards aimed at ensuring continuing compliance with the UN Charter and international law.²¹⁹ In summary, **Heads 6** and **11** propose to allow Defence Forces personnel to serve overseas with an international force, if all of the following criteria are satisfied:

1. The international force or body must be “established, led, organised or supported” by either: the UN, the OSCE, the EU or any EU institution or body, OR any other regional arrangement or body that operates in a manner consistent with the UN Charter and international law.” [Head 11].
2. The international force must operate for the purposes of peace-keeping, conflict prevention and strengthening international security consistent with the principles of the UN Charter [Head 6(6)(a)].
3. The international force must contribute to the maintenance of international peace and security in conformity with the principles of justice and international law [Head 6(6)(b)].

²¹⁸ See: Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 June 2025.

²¹⁹ See *ibid* and Explanatory Notes to Head 6 in the General Scheme, available [here](#), last accessed 17 July 2025.

4. The other requirements concerning the despatch and deployment of members and contingents of the Defence Forces for overseas service must be satisfied [Head 6].

This is a significant change from the existing *Defence Acts* in that it removes the requirement for a UNSC or a UNGA resolution in some way sanctioning, if not establishing, the international force in question. In addition, the definition of international force in Head 11 does not differentiate between armed and unarmed international forces. This means that the requirements in the General Scheme concerning overseas service with international forces apply equally to forces that are armed and unarmed. Currently, under [section 2 of the 1960 Act](#), the Government alone can approve of the despatch and deployment of an unlimited number of Defence Forces personnel to participate in an unarmed international UN force.

Criterion 1: ‘established, led, organised or supported’ by a regional arrangement or body

The explanatory note for **Head 11** explains that the definition of international force draws upon the definition of ‘international organisation’ in [section 1 of the 2006 Act](#) (discussed previously). It states that “[i]t is proposed that this new definition provides for an international force that would still include UN led/organised missions but would also include missions organised or led, for example, by the OSCE, EU, and other regional arrangements, once they operate in a manner consistent with the United Nations Charter and international law.” It may be of interest to note that NATO would fall within the scope of this definition if it is deemed to operate in a manner consistent with the Charter and international law.

Head 11 is broad enough to potentially allow for Defence Forces personnel to participate in international forces or bodies that are supported by the UN, the EU, the OSCE or any other regional arrangement or body that is considered to operate in a manner consistent with the UN Charter and international law (provided that the other three criteria outlined above are satisfied).

Head 11 requires that where the establishing, leading, organising or supporting body is a regional organisation or body other than the UN, the OSCE or the EU, then that regional organisation/body must operate in a manner consistent with the Charter and international law. In the interests of legal certainty, it may be desirable to consider the possibility of providing for more clarity in the proposed legislation regarding the objective criteria that will be used to make this determination. There appears to be an implicit assumption in the language used in Head 11 (i.e., “any other...that operates in a manner consistent with”) that the UN, the OSCE and the EU already operate in a manner consistent with the UN Charter and international law.

Criteria 2 & 3: Safeguards to promote compliance with UN Charter and International Law

During the Committee’s PLS hearing with Departmental officials on 29 May 2025, a question was raised regarding whether the removal of the triple lock meant that “any future Government [with a Dáil majority] could send any number of Irish troops anywhere in the world at any time for any purpose such as peacekeeping, peace enforcement and full combat operations”. In response, a Departmental official stated, “[w]ith safeguards built in”. In terms of the safeguards provided for in the General Scheme:

- **Head 6(6)(a)** requires that the international force “operate for the purposes of peace-keeping, conflict prevention and strengthening international security consistent with the principles of the United Nations Charter”; and

- **Head 6(6)(b)** requires that the international force “contribute to the maintenance of international peace and security in conformity with the principles of justice and international law”.

The conjunctive formulation of the Head 6(6)(a), using the word ‘and’, indicates that all three purposes must be present. However, the Department’s accompanying explanatory note uses a disjunctive formulation - and/or - suggesting that it is sufficient if the international force operates for any one of the three purposes.²²⁰ In the interests of legal certainty, it may be desirable for the proposed legislation to provide for greater clarity if the intention is that the presence of any of these three purposes would be sufficient to satisfy this criterion.

Clarification of Meaning of Certain Terms

Questions have been raised regarding the origin and meaning of the language included in Heads 6(6)(a) and (b), and concerns have been expressed that the terms ‘conflict prevention’ and ‘strengthening international security’ could potentially be interpreted very broadly so as to encompass an extensive range of activities.²²¹ As explained in the terminology section of this *Briefing Paper*, the Capstone Doctrine includes a definition of conflict prevention. However, there is no indication in the General Scheme or the accompanying explanatory notes that this definition is intended to apply to Head 6(6)(a).

The wording in Head 6(6)(a) is very similar to wording included in Article 3 of the Irish Protocol to the Lisbon Treaty,²²² which reflects wording included in [Article 42\(1\) of the TEU](#). As discussed previously, Article 42(1) permits the EU to conduct civilian and military missions and operations outside its territory for the purposes of “peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter”. As also discussed, Article 43(1) of the TEU provides a non-exhaustive list of the tasks that these operations and missions can perform.

Head 6(6)(a) includes the phrase “consistent with the principles of the UN Charter”. In response to a question regarding the inclusion of this particular wording, during a PLS hearing on 29 May 2025, a Departmental official stated:

“My understanding is that it is because there is the UN Charter as a whole and then within it there are peacekeeping principles as well, so when we refer to those principles, we are referring to the consent of the parties, the impartiality and the non-use of force. There are principles around that...

... The UN Charter deals with a whole load of areas, not just peacekeeping. We are talking particularly about the peacekeeping area.”²²³

This would appear to be a reference to the UN peacekeeping principles referred to in the Capstone Doctrine. As discussed, whilst these principles are aimed at ensuring compliance with the [UN Charter](#), they are distinct from the principles outlined in Article 2. Furthermore, they apply to UN ‘peacekeeping’, as distinct from peace enforcement. As discussed, the

²²⁰ It states that sub-head 6 requires that the international force be “...mandated to operate for peace-keeping, conflict prevention and/or strengthening international security...”.

²²¹ See, e.g., submissions by Professor Ray Murphy and Senator Alice-Mary Higgins contained in: Transcript of PLS hearing on 12 June 2025, available [here](#), last accessed 20 June 2025.

²²² [Protocol on the Concerns of the Irish People on the Treaty of Lisbon](#) [2013] OJ L60/131, Article 3.

²²³ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 June 2025.

principles of the UN Charter are commonly understood to comprise the principles outlined in Article 2 of the Charter.

It may be of interest to note that the wording included in Head 6(6)(b) is similar to wording included in Article 1(1) of the [UN Charter](#). As discussed, Article 1(1) requires the UN to take effective collective measures to maintain international peace and security, including “...to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes...” Simma’s authoritative commentary, *The Charter of the United Nations: a Commentary*, indicates that the phrase ‘justice and international law’ in Article 1(1) refers to treaties, customary international law, and general principles of law, and also establishes a connection to natural law.²²⁴

In the interests of legal certainty, it may be desirable to consider the possibility of providing for greater clarity in the proposed legislation regarding the intended meaning of the terms ‘peacekeeping’, ‘conflict prevention’, ‘strengthening international security’, ‘principles of the UN Charter’ and ‘principles of justice and international law’. In its [PLS Report](#), the Committee recommended “that the legislation potentially explore definitions for how the terms ‘*conflict prevention*’ and ‘*strengthening international security*’ will be interpreted in Ireland and outline clear parameters and safeguards for deployment in these cases” (Recommendation 4).

Safeguards for Peace Enforcement Operations

The difference between peacekeeping and peace enforcement operations and the potential for an increase in participation by members of the Defence Forces in the latter type of operation was discussed during multiple PLS hearings, including the hearing on [1 July 2025](#). During the PLS hearing on [29 May 2025](#), a discussion took place regarding the international law principles that apply to peacekeeping missions, as compared with peace enforcement missions.²²⁵ It was noted that obtaining the consent of the main parties to the conflict is a core peacekeeping principle, whereas peace enforcement missions do not require the consent of the parties.²²⁶ In response to a query raised, a Departmental official indicated that, if the triple lock is removed, any peacekeeping missions and peace enforcement missions that members of the Defence Forces participate in in the future will be fully in accordance with international law.²²⁷

Having regard to this discussion, it is not entirely clear whether it is intended, under the proposed legislation, that it will still be necessary for UNSC authorisation to be present before Defence Forces personnel can participate in peace enforcement operations conducted by a regional organisation or a coalition of willing States. As discussed, Chapter VIII of the UN Charter permits regional organisations to engage in peacekeeping with the consent of the State(s) concerned. However, Article 53 expressly prohibits regional arrangements or agencies from engaging in enforcement action without obtaining the UNSC’s authorisation. During the PLS hearings on 12 and 19 June 2025 respectively, Ray Murphy, Professor of International Law at the University of Galway, and Edward Burke, Assistant Professor in the History of War at University College Dublin (UCD), both indicated that, under the UN Charter, a UNSC resolution

²²⁴ Bruno Simma and others (eds.), *The Charter of the United Nations: a Commentary* (OUP 1995) p. 52.

²²⁵ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 24 September 2025. See, in particular, queries raised by Deputy Catherine Callaghan and responses provided thereto.

²²⁶ *Ibid.*

²²⁷ *Ibid.*

adopted under Chapter VII is necessary for peace enforcement operations.²²⁸ This interpretation aligns with the previous discussion of peace enforcement in this *Briefing Paper*.

Initial and Ongoing Assessment of Operation

The General Scheme does not clarify when and how it will be determined:

- (i) that the international force operates for the purposes of peacekeeping, conflict prevention and the strengthening of international security in a manner that is consistent with the principles of the UN Charter; and
- (ii) that the international force contributes to the maintenance of international peace and security in conformity with the principles of justice and international law.

It is unclear what objective criteria will be used to perform this assessment and which actors will be involved. Some stakeholders who support the triple lock's removal have suggested that advice will be obtained from the Attorney General, although this is not expressly provided for in the General Scheme.²²⁹ A query was raised during the PLS hearing on 29 May 2025 concerning who provides the information that the Department uses to decide whether to participate in a particular operation. In response, a Departmental official stated "...the EU does so if it is an EU issue. NATO or the UN do so if it is an UN mission...".²³⁰ The official added that any request to join a mission is "...carefully considered by the Government, the Minister of the day and our military colleagues as to what this means, including whether we are satisfied with the legal framework we are entering into and with the rules of engagement".²³¹ The official also stated that the mission would have to comply with domestic law and foreign policy.²³² During the PLS hearing on 1 July 2025, former Major General Kieran Brennan advised that decision-making by the Minister and the Government is predicated on receiving military advice from the general staff, which in turn is based on assessments of associated risks and the operating environment.²³³ Both he and former Major General Maureen O'Brien confirmed that, in their experience, the Government always followed this military advice.²³⁴

The inclusion of the words 'operate' and 'contribute' in **Head 6(6)(a)** and **Head 6(6)(b)** suggest that ongoing monitoring and assessment of the operation's conformity with the principles of the UN Charter and international law is required, in addition to an initial determination prior to deployment. However, the modalities and regularity of any such ongoing assessment are unclear from the General Scheme, beyond the provision made for an annual reporting requirement under Head 10. **Head 10** requires the Minister to report annually to Dáil Éireann on the operation of Head 6 and permits the Dáil to adopt a resolution approving the report. An equivalent requirement currently exists under [section 13 of the 2006 Act](#), which requires annual reports to the Dáil on the operation of section 2 of the 1960 Act.

²²⁸ Transcript of PLS hearing on 12 June 2025, available [here](#), last accessed 20 June 2025; and Transcript of the Committee's public session on 19 June 2025 as part of its PLS of the General Scheme, available [here](#), last accessed 30 June 2025 [hereinafter 'Transcript of PLS hearing on 19 June 2025'].

²²⁹ See submission by Assistant Prof. Edward Burke in Transcript of PLS hearing on 19 June 2025, available [here](#), last accessed 30 June 2025.

²³⁰ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 June 2025.

²³¹ *Ibid.*

²³² *Ibid.*

²³³ Transcript of PLS hearing on 1 July 2025', available [here](#), last accessed 5 July 2025.

²³⁴ *Ibid.*

In light of the above discussion and in the interests of legal certainty, it may be desirable to consider the possibility of providing for more clarity in the proposed legislation regarding how the initial and ongoing assessments will be performed to determine whether the international force operates in a manner consistent with the UN Charter and contributes to international peace and security in conformity with the principles of justice and international law. In its [PLS Report](#), the Committee made multiple recommendations in this regard (see, in particular, Recommendations 8-16). These recommendations include a requirement for a formal legal review by an independent body of all proposed and ongoing deployments, whose findings should be made available to Oireachtas members, and a requirement for regular mandate renewals, entailing both Government and Dáil approval.

Despatch and Deployment for Other Purposes: Head 7

Head 7 permits the Government or the Minister for Defence, depending on the purpose, to approve the despatch of Defence Forces personnel for overseas service for certain purposes other than service with an international force.

Head 7(2) permits the Minister to approve the despatch of a contingent or member of the Defence Forces for overseas service to perform specific enumerated functions, including training. It largely replicates [section 3 of the 2006 Act](#) (discussed above), with some changes. First, Head 5 provides for a definition of ‘training’, which applies to any references to training in Head 7. This definition is wider than the definition for training currently provided for in section 1 of the 2006 Act, in that it also includes a reference to “international military exercises”. Second, Head 7(2) requires the Minister’s approval before a contingent or member can be despatched for overseas service to perform any of the purposes outlined in the sub-head. In contrast, section 3 of the 2006 Act requires the Government’s approval. Third, Head 7(2) adds an extra purpose at paragraph (h), namely, “undertaking military close protection or military security duties”. The explanatory note clarifies that it is intended to allow for the provision of security support to Irish Embassies and diplomatic missions, and close protection services to Government members and officials when travelling abroad, particularly in high-risk settings.

Emergency Civilian Evacuations and International Counter-Narcotics Operations

Head 7(1) permits the Government to approve the despatch of a contingent or member of the Defence Forces for overseas service to:

- a) undertake civilian evacuation operations in disaster or emergency situations, or
- b) participate in international operations to counter illicit drug trafficking by sea and air.

These purposes are not expressly included in section 3 of the 2006 Act. The explanatory note explains that Head 7(1)(a) is intended to expressly allow for operations involving the evacuation of Irish citizens from disaster/emergency situations overseas, as well as high risk and/or volatile security environments. During the PLS hearing on 29 May 2025, a Departmental official explained “...this may involve situations where we are part of an emergency civil assist team, where it is a non-combatant environment and the military is being sent in to get civilians out.”²³⁵ The official added that Head 7(1)(b) would facilitate Defence Forces’ participation in international operations to counter illicit drug trafficking and engagement with the Maritime

²³⁵ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 June 2025.

Analysis and Operations Centre (Narcotics).²³⁶ The official indicated that Head 7 seeks to bring clarity regarding how Defence Forces personnel are despatched for overseas service other than to participate in an international force.²³⁷ Head 7 does not impose any limit on the number of personnel that can be despatched for overseas service, with the Minister or Government's approval, as relevant, to perform any of the tasks provided for under the Head. The overseas service activities provided for under Head 7 are not subject to the triple lock. Accordingly, the amendments proposed under Head 7 may be achieved without removing the triple lock. Head 7(3) clarifies that any overseas service by Reservists to perform any of the tasks outlined in Head 7 is done on a voluntary basis.

Mandatory Requirement to Serve Outside the State: Head 8

Under **Head 8**, every member of the Permanent Defence Force (PDF) is liable to serve overseas with an international force or for any purpose specified in Head 7. Head 8 allows for exemptions for members appointed or enlisted before 1 July 1993.²³⁸ These members can only be called upon for mandatory service with an international force established by the UNSC or the UNGA for the performance of duties of a police character. The explanatory note indicates that Head 8 is a restatement of [section 4 of the 2006 Act](#). The entirety of the legislative proposals, if enacted, would alter the nature of the mandatory service requirement insofar as the removal of the triple lock would mean that PDF members could be called upon to participate in an international force that was not established, mandated, authorised, approved, endorsed or in some other way sanctioned in a UNSC or a UNGA resolution.

Military Neutrality and Membership of International Organisations: Head 9

Head 9 provides that nothing in the Defence (Amendment) Bill 2025, once enacted, "shall be construed as thereby authorising the State to become a member of an international organisation of which it is not already a member". This reflects and restates wording used in the existing [section 11 of the 2006 Act](#). During the PLS hearing on 29 May 2025, a Departmental official indicated that this was a safeguard provision.²³⁹

PLS Process and Arguments for and against the Triple Lock

The Committee [published](#) its [PLS Report](#) on 30 July 2025, which includes 27 recommendations. These recommendations will be examined in a Bill Digest, which the L&RS intends to publish once the Bill is published. As part of the PLS process, the Committee convened public hearings with Departmental officials (on 29 May 2025) and with invited stakeholders on 12, 19 and 26 June, and 1, 3 and 10 July 2025. It received submissions from stakeholders who support the Government's proposal to remove the triple lock requirement,²⁴⁰

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ The 1993 Act was commenced on 1 July 1993. It allowed for participation in peace enforcement operations.

²³⁹ Transcript of PLS hearing on 29 May 2025, available [here](#), last accessed 20 June 2025.

²⁴⁰ Witnesses who support removal include: Edward Burke, Assistant Prof. in the History of War at the University of Dublin (UCD); Ben Tonra, Prof. of International Relations at UCD; Declan Power, independent defence and security

and stakeholders who oppose it.²⁴¹ The Government's proposal to remove the triple lock is also opposed by several opposition parties, independent TDs and Senators.²⁴²

Table 3 below, compiled by the L&RS, summarises some of the core arguments that have been made both in favour of, and opposition to, the proposed removal of the triple lock during the PLS process,²⁴³ during relevant Dáil debates,²⁴⁴ and in letters and reports by relevant stakeholders made publicly available outside of the PLS process.²⁴⁵

Table 3: Summary of Core Arguments in Favour of, and Opposition to, Removing the Triple Lock

No.	Proponents of Removing the Triple Lock	Proponents of Retaining the Triple Lock
1.	<p>It will reinforce Ireland's ability to pursue an independent foreign policy by removing the power of the permanent UNSC members to veto national sovereign decisions.</p> <p>The triple lock impedes Ireland's capacity to make sovereign decisions regarding where to despatch and deploy the Defence Forces. The P5 members abuse their veto power to block proposed UNSC resolutions authorising and renewing peace operations that Ireland wishes to participate in. The threat of a veto has a chilling effect on UN peace operations by preventing some proposals from even being presented. Even where peace operations are ultimately approved/renewed by the UNSC, the time taken to reach a decision can negatively impact Ireland's capacity to contribute.</p>	<p>The UNSC veto narrative does not accurately depict the operation and purpose of the veto; the veto does not undermine Ireland's sovereignty.</p> <p>The P5 members are not specifically vetoing Ireland's participation in particular peace operations, rather they are vetoing draft resolutions to deploy or retain a particular operation in a particular part of the world, sometimes for a legitimate reason. UNSC vetoes derive from geopolitical tensions and security concerns. If an international force were to deploy outside the UN system following a veto by a very powerful State, there is little likelihood that it would be able to keep the peace or that there would be any peace to keep. The lengthy discussions within the UNSC surrounding mandate approvals and renewals can reflect genuine concerns, for example, regarding a disconnect between the scope of the proposed mandate and the situation on the ground.</p>

analyst and former Defence Forces member; Ciarán Murphy, former Assistant Secretary and Defence Policy Director in DOD; Kieran Brennan, retired Major General in Defence Forces; Colm Doyle, retired Colonel in Defence Forces; Cathal Berry, doctor, former Army Ranger and former independent T.D.; and Barry Andrews, MEP. See also submissions of Maureen O'Brien, retired Major General in Defence Forces & Distinguished Service Medal recipient.

²⁴¹ Witnesses who oppose removal include: Karen Devine, Assistant Prof. in Politics at Dublin City University; John Maguire, Prof. Emeritus of Sociology at University College Cork; Ray Murphy, Prof. of International Law at the University of Galway and former UN peacekeeper; Joe Noonan, solicitor; Stephen Kelly, Chairman of Peace and Neutrality Alliance; Niamh Ní Bhriain of Transnational Institute; and Lynn Boylan (MEP).

²⁴² See, e.g., Dáil Éireann debate, 'Triple Lock Mechanism and Irish Neutrality: Motion [Private Members]' (26 March 2025) available [here](#), last accessed 24 June 2025.

²⁴³ Recordings and transcripts of PLS hearings are available on the [Committee's website](#), accessed 30 July 2025.

²⁴⁴ For a comprehensive list of relevant debates, see the L&RS Resource Page on the Bill [internal access only].

²⁴⁵ Regarding the latter, see, e.g., 'Open Letter from Irish Academics on the Triple Lock' (PANA, 6 March 2025) available [here](#), last accessed 24 June 2025, in favour of retention; and Ciaran Murphy, 'Ireland, the Triple Lock and Military Neutrality' (IIEA 2025) available [here](#), last accessed 29 June 2025, in favour of removal.

2.	<p>Obtaining approval from the UNGA is not a realistic alternative when the UNSC is deadlocked.</p> <p>The UNGA's involvement in the authorisation of UN peacekeeping operations was limited to a particular time period and set of geopolitical circumstances that no longer exist. The UNGA has not authorised/affirmed a UN peacekeeping operation since the 1960s and, unlike the UNSC, cannot impose binding obligations on UN Member States.</p>	<p>The UNGA can also approve peacekeeping operations.</p> <p>The existing legislation allows for members of the Defence Forces to participate in international forces that have been approved by the UNGA. Obtaining the necessary support (two-thirds of UNGA members, who are present and voting) is challenging, but not impossible. Ireland could play an enhanced role in building cross-regional support for UNGA initiatives.</p>
3.	<p>The UNSC is no longer effective in fulfilling its primary responsibility for the maintenance of international peace and security. Ireland must adjust its domestic arrangements for deploying troops overseas in response to the changed geopolitical and regional security environment, and to enhance its agility and protect its reputation amongst allies.</p> <p>The UNSC has not approved a new peacekeeping operation since 2014 and veto use has increased significantly in recent years. UNSC reform is unlikely in the near term. Ireland must adjust its domestic arrangements for deploying Defence Forces personnel overseas in response to the changed geopolitical climate. It must be able to coordinate and cooperate with allies in order to respond to new security and defence challenges. The requirement for a UNSC mandate undermines Ireland's agility and could lead to Ireland being viewed as an unreliable partner, including within the EU.</p>	<p>The UNSC also faced deadlock during the Cold War. Although the UN can be inefficient and dysfunctional, it is still the appropriate forum for resolving major geopolitical problems.</p> <p>The UNSC is afforded primary responsibility for the maintenance of international peace and security under the UN Charter. The UN is still the appropriate forum for resolving geopolitical disputes. The UNGA's membership includes all of the world's States and the UNSC's membership includes several of the most powerful States. During this current period of heightened geopolitical tensions, Ireland should be supporting the UN, not turning away from it. It is concerning that some actors are seeking to militarise the EU and enable it to project power through military force, contrary to its founding principles.</p>
4.	<p>The proposed legislation, once finalised, will include sufficient safeguards to ensure that any international force Ireland participates in operates in a manner that is consistent with the UN Charter and international law.</p> <p>The legislative proposals include safeguards, which are aimed at ensuring that any operations the Defence Forces participate in comply with the UN Charter and international law. These safeguards can be strengthened as drafting progresses. Some witnesses during the PLS hearings and the Committee in its PLS Report made suggestions in this regard.</p>	<p>The legislative proposals, if enacted, would permit Irish troops to participate in international forces that do not comply with the UN Charter and international law, and in operations that lack adequate monitoring and evaluation mechanisms.</p> <p>The legislative proposals could enable Ireland to participate in peace enforcement operations and military enforcement operations more broadly, which are conducted by regional organisations and coalitions of willing States without UNSC authorisation. This would be contrary to the UN Charter and international law and could result in Ireland becoming a party to dangerous armed conflicts involving the world's most powerful armies. Also, without the UN's robust monitoring and evaluation mechanisms,</p>

		Ireland cannot ensure that every international force it participates in adheres to the UN Charter and international law.
5.	<p>The Government, Oireachtas and Defence Forces are fully capable of ensuring respect for the UN Charter and international law when making decisions regarding the overseas deployment of Defence Forces personnel with international forces, and in monitoring every operation’s ongoing compliance with international law.</p> <p>This argument is based on confidence, drawing on past experience, in the whole community involved in these decision-making processes, including the Government and the Defence Forces. It is also based in confidence in Ireland’s democratic political system and rule of law-based legal and judicial systems, more broadly. This argument notes that, while the Minister and Government make the final decisions, they take advice from senior military advisers within the Defence Forces and have not deviated from that advice in the past. This argument also highlights the professionalism of the Defence Forces noting the role of the Judge-Advocate General and the fact that military advice is provided by experienced military commanders and based on assessments of both risk and operational environments. The argument is also based on an expectation that military commanders within the Defence Forces will not obey unlawful orders.</p>	<p>The proposals afford too much discretion to the Government and leave Ireland more vulnerable to pressure from powerful States and organisations.</p> <p>The legislative proposals would effectively enable any Government with a whipped Dáil majority to decide to deploy an unlimited number of Defence Forces’ members to any international force operating anywhere in the world. They remove an existing legislative safeguard that protects Ireland against pressure from powerful States and bodies to participate in forces that do not comply with the UN Charter and international law. This argument rejects any assumption or suggestion that the EU and NATO always comply with the UN Charter and international law.</p>
6.	<p>Removing the triple lock does not impact Ireland’s policy of military neutrality as the two issues are entirely distinct.</p> <p>Ireland’s traditional policy of military neutrality means that it cannot participate in military alliances or common or mutual defence arrangements. This policy is unchanged by the legislative proposals and protected under Head 9. Ireland’s military neutrality does not equate to political neutrality, as evident from Ireland’s support for Ukraine. The Dáil debates surrounding Ireland’s application to join the UN in 1946 reveal the concerns that existed at that time that UN membership could undermine Ireland’s neutrality. Neutrality did not feature prominently in the Dáil debates surrounding the 1960 Act. The requirement for UN authorisation was included in 1960 because a UN-mandated force was the only type of multilateral mission that the Defence</p>	<p>The triple lock’s removal will undermine Ireland’s military neutrality.</p> <p>The triple lock’s removal will undermine Ireland’s military neutrality as it will enable participation in non-UN approved operations led by actors promoting their own self-interested agendas. This could result in Ireland becoming a party to dangerous armed conflicts. The triple lock guarantees that Defence Forces personnel can only participate in UN-approved operations with ‘international legitimacy’. This international legitimacy derives from the UN’s universal membership, its accountability and funding frameworks, and the fundamental role it plays in maintaining international peace and security under the UN Charter.</p>

	Forces could feasibly participate in at that time (i.e., there were no alternatives).	
7.	<p>Removing the triple lock will remove an obstacle to multilateralism.</p> <p>Ireland will remain committed to the UN if the triple lock is removed. The triple lock has not significantly contributed to Ireland's diplomatic successes. The current requirement for a UNSC mandate undermines Ireland's capacity to participate in multilateral peace and security operations led by regional actors and coalitions of willing states, due to the P5's abuse of their veto power.</p>	<p>Removing the triple lock will significantly weaken Ireland's commitment to multilateralism and undermine its international reputation.</p> <p>Ireland has enjoyed diplomatic successes across a range of areas, including disarmament, human rights, nuclear non-proliferation and the right to self-determination. These successes are attributable in large part to Ireland's tradition of military neutrality, support for multilateralism, perceived independence, and history as a British colony. Allowing Defence Forces personnel to participate in international forces absent UN approval represents a dilution of Ireland's commitment to multilateralism and the UN system. This will undermine Ireland's international reputation and credibility, particularly amongst States from the Global South. This in turn will impede Ireland's ability to use its soft power to forge alliances with a wide range of global actors. Furthermore, any increase in participation in EU-led missions means that less resources will be available for participation in UN-led operations.</p>
8.	<p>Previous governments did not make a legally binding commitment to never alter the triple lock and the current geopolitical environment necessitates its removal.</p> <p>Previous governments never made a legally binding commitment to never alter the triple lock. Furthermore, the Constitution does not prevent the removal of the triple lock. The geopolitical environment has changed significantly since 2009 when the second referendum on the Lisbon Treaty took place. Currently, the requirement for a UNSC mandate undermines Ireland's capacity to contribute to overseas peace operations.</p>	<p>The removal of the triple lock betrays commitments made to Irish citizens by previous governments before the second referendums on the Lisbon and Nice treaties.</p> <p>Previous governments made commitments after the 'No' votes in the first referendums on the Lisbon and Nice treaties, which led the Irish people to believe that ratification of these treaties would not impact the triple lock. A related argument is that the legislative proposals in the General Scheme require a referendum/plebiscite. Some proponents of this argument rely upon Article 6 of the Constitution, which stipulates that the People of Ireland have the right, in final appeal, to decide all questions of national policy.</p>

Appendix I: Tables comparing Existing Legislative Provisions regarding Overseas Service by Defence Forces versus the Legislative Proposals

Table 4: Existing Legislation

Activity	Gov. Approval	Dáil Approval	UNSC/UNGA Resolution	Core Provision
Less than 12 members participating in armed international force overseas	Yes	No	Yes	S. 2 of 1960 Act
Between 12 and 50 members participating in armed international force overseas	Yes	Yes	Yes	S. 2 of 1960 Act
Over 50 members participating in armed international force overseas	Yes	Yes	Yes	S. 2 of 1960 Act
Contingent to replace, in whole or in part, or to reinforce an existing contingent in armed international force overseas	Yes	No	Yes	S. 2 of 1960 Act
Unlimited number of members participating in unarmed international force	Yes	No	Yes	S. 2 of 1960 Act
Despatch for overseas service as part of EU Battlegroup to be assembled/embarked before deployment for operation with international force	Yes	No	No	S. 2(3) of 1960 Act
Deployment for operation overseas with EU Battlegroup having previously been despatched overseas to partake in the assembly/embarkment of the EU Battlegroup prior to deployment	Yes	Yes	Yes	S. 2(3) of 1960 Act
Despatch of a member or contingent (unlimited number) overseas to: <ul style="list-style-type: none"> a. fill a post (e.g., secondments), b. give/undertake training, c. perform ceremonial duties, d. conduct monitoring or observation or advisory duties, e. participate in/undertake reconnaissance or fact-finding missions, f. undertake humanitarian tasks in response to actual/potential disaster/emergency, g. participate in a sporting event, and h. inspect and evaluate stores, equipment and facilities 	Yes	No	No	S. 3(1) of 2006 Act
Despatch of a member or contingent (unlimited number) overseas to partake in international military exercises (training)	Not expressly provided for in definition of training under current legislation (see section 1 (definitions) and section 3(1)(b) of 2006 Act)			
Despatch of member/contingent (unlimited number) overseas to undertake military close protection or military security duties	Not expressly provided for under current legislation.			
Despatch of member/contingent (unlimited number) overseas to undertake civilian evacuation operations in an emergency	Not expressly provided for but some civilian evacuation operations have been conducted under the ‘humanitarian tasks’ provision in section 3(1)(f) of the 2006 Act.			
Despatch of member/contingent (unlimited number) overseas to participate in international counter-narcotics operations	Not expressly provided for under current legislation.			

Table 5: Legislative Proposals in General Scheme

Activity	Gov. Approval	Minister Approval	Dáil Approval	UNSC/ UNGA Resolution	Most Relevant Heads
Up to 50 members participating in an armed international force overseas	Yes	Full Gov. approval	No	No	Head 6(3)(a) & Head 11
Over 50 members participating in an armed international force overseas	Yes	Full Gov. approval	Yes	No	Head 6(1) and Head 11
Contingent to replace an existing contingent of over 50 members in an armed international force overseas, that was despatched with Government and Dáil approval	Yes	Full Gov. approval	No	No	Head 6(1) and Head 11
Contingent to replace existing contingent of up to 50 members serving overseas in armed international force that was despatched with Government approval only, which can result in total numbers exceeding 50 for up to 30 days	Yes	Full Gov. approval	No	No	Head 6(1), (3) and (4) and Head 11
Contingent to replace existing contingent of up to 50 members serving overseas in armed international force that was despatched with Gov. approval only, that results in overall numbers exceeding 50 for more than 30 days	Yes	Full Gov. approval	Yes	No	Head 6(1), (3) and (4) and Head 11
Up to 50 members participating in an unarmed international force overseas	Yes	Full Gov. approval	No	No	Head 6(3)(a) and Head 11
Over 50 members participating in an unarmed international force overseas	Yes	Full Gov. approval	Yes	No	Head 6(1) and Head 11
Despatch for overseas service as part of international force (e.g., EU Battlegroup) to be assembled/embarked before deployment for operation as part of international force	Yes	Full Gov. approval	No	No	Head 6(2) and Head 11
Deployment for operation overseas as part of international force (e.g., EU Battlegroup) having previously been despatched overseas to partake in assembly/embarkment of international force prior to deployment	Yes	Full Gov. approval	Yes	No	Head 6(2) and Head 11
Despatch of a member or contingent (unlimited number) overseas to: a. fill a post (e.g., secondments), b. give/undertake training, c. perform ceremonial duties, d. conduct monitoring or observation or advisory duties, e. participate in/undertake reconnaissance or fact-finding missions, f. undertake humanitarian tasks in relation to actual/potential disaster/emergency, g. participate in a sporting event, and h. inspect and evaluate stores, equipment and facilities	No	Yes	No	No	Head 7(2)
Despatch of a member or contingent (unlimited number) overseas to partake in international military exercises (training)	No	Yes	No	No	Head 7(2)(b) & Head 5 (training definition)
Despatch of member/contingent (unlimited number) overseas to undertake military close protection or military security duties	No	Yes	No	No	Head 7(2)(h)

Despatch of member/contingent (unlimited number) overseas to undertake civilian evacuation operations in response to actual/potential emergency/disaster	Yes	Full Gov. approval	No	No	Head 7(1)(a)
Despatch of member/contingent (unlimited number) overseas to participate in international counter-narcotics operations by sea and air	Yes	Full Gov. approval	No	No	Head 7(1)(b)

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