

IRELAND

Introduction

Ireland currently does not possess armed drones, *'nor [are] there any plans to procure such equipment'*, said the Irish Minister of Defense Alan Shatter in 2015 in response to a questionnaire by the International Centre for Counter-Terrorism (ICCT) on European positions on armed drones and targeted killings.¹ However, Ireland's Defense Forces have operated unmanned aerial vehicles (UAVs) as an information-gathering asset since 2007.² These surveillance drones were part of the EU-mission to Chad and the Central African Republic.³ The use of these drones remains limited, though, and the last time they were deployed overseas was in April 2010.⁴

Articulate clear policy

The ICCT research project mentioned in the introduction gauges the extent to which European Union (EU) governments share the United States' position on armed drones and targeted killing. In doing so, the authors Jessica Dorsey and Christophe Paulussen sent a questionnaire to the Ministries of Foreign Affairs, Defense, Justice and intelligence services of all 28 EU Member States.⁵ The Irish Department of Defense (International Security and Defence Policy Branch) was one of the few who gave a general response to this questionnaire. In its answers the Irish Department of Defense made it clear that any use of force by its troops, disregarding the weapon in question, must follow the Rules of Engagement: *'Regardless of whether the use of force is carried out by armed drones or by more traditional weapons Ireland would always take the view that international humanitarian law and international human rights law is directly applicable to all situations'*.⁶ They specifically mentioned that international law is not open for innovative or alternative interpretations.⁷ Given its position, Ireland is an example for other EU Member States and could potentially take the lead in articulating specific and concise policy on the use of drones.

Prevent complicity

The then Deputy Prime Minister and the Minister of Foreign Affairs of Ireland argued during a parliamentary debate held in June 2013 that Ireland strongly opposes extra-judicial killings, because it undermines one of the key concepts in the fight against terrorism, namely the concept of the rule of law.⁸ Ireland's specific concern is focused on the indiscriminate use of UAVs in conflicts, as their use is subject to international humanitarian law. *'This sets specific requirements in respect of the use of force*

¹ Christophe Paulussen, Jessica Dorsey and Bérénice Boutin, 'Towards a European Position on the Use of Armed Drones? A Human Rights Approach', *The International Centre for Counter-Terrorism - The Hague* (October 2016) pp: 26, available at: <https://www.icct.nl/download/file/ICCT-Dorsey-Paulussen-Towards-A-European-Position-On-Armed-Drones-And-Targeted-Killing-Surveying-EU-Counterterrorism-Perspectives.pdf>.

² Marie O'Halloran, 'Defence Forces operate drones but they are unarmed, Minister tells Dáil', *The Irish Time* (12 December 2013) available at: <https://www.irishtimes.com/news/politics/oireachtas/defence-forces-operate-drones-but-they-are-unarmed-minister-tells-d%C3%A1il-1.1624708>.

³ O'Halloran, 'Defence Forces operate drones but they are unarmed', available at: <https://www.irishtimes.com/news/politics/oireachtas/defence-forces-operate-drones-but-they-are-unarmed-minister-tells-d%C3%A1il-1.1624708>.

⁴ Ibidem.

⁵ Paulussen, Dorsey and Boutin, 'Towards a European Position on the Use of Armed Drones?', the introduction, available at: <https://www.icct.nl/download/file/ICCT-Dorsey-Paulussen-Towards-A-European-Position-On-Armed-Drones-And-Targeted-Killing-Surveying-EU-Counterterrorism-Perspectives.pdf>.

⁶ Ibidem, 26.

⁷ Ibidem, 26.

⁸ Parliamentary Debates: Dáil Éireann, 'Official report – unrevised', vol. 808, no. 2 (26 June 2013) pp: 497, available at: [http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/%28\\$vLookupByConstructedKey%29/dail-20130626/\\$File/Daily%20Book%20Unrevised.pdf?openement](http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/%28$vLookupByConstructedKey%29/dail-20130626/$File/Daily%20Book%20Unrevised.pdf?openement).

in armed conflict, including the principles of necessity, proportionality and distinction’, said Gilmore, then Minister of Foreign Affairs.⁹ Furthermore, the Irish Minister of Defense mentioned that Ireland has expressed its view on the legal aspects the US efforts to combat terrorism and emphasizes that human rights law must always be applied. Ireland's position reaffirms that established international law constitutes an adequate framework for the use of remotely piloted aircraft.¹⁰ Though EFAD commends Ireland's position that established international law must be implemented, it underlines the need for UAV specific policy and regulations. New technologies used in weapons systems may blur juridical definitions, hindering an accurate implementation.

Ensure transparency

In response to the ICCT survey, Ireland has expressed its opinion that more transparency in the context of unmanned aerial vehicles is of utmost importance.¹¹ During the 27th Session of the Human Rights Council on 22 September 2014, Ireland proclaimed that there is a need to establish clear international consensus on the legal questions concerning the use of armed drones. In the light of this need, Ireland urges States to be ‘as transparent as possible’ concerning their use of armed drones. States should make efforts to quantify their use of unmanned aerial vehicles and release information about the number and identities of casualties.

Establish Accountability

Ireland has consistently made the statement that the use of armed drones must be in accordance with international law, without using an innovative interpretation in order to avoid the limitations imposed by legal standards.¹² On 10 March 2014, at the 25th Session of the Human Rights Council, Ireland welcomed the focus of the Special Rapporteur on Counter Terrorism on the issue of accountability.¹³ During the 27th Session of the Human Rights Council Ireland again made a statement on accountability, saying that ‘states must take responsibility for their actions’.¹⁴ If their actions include targeted killings, then states must make every effort to avoid civilian casualties.¹⁵ In the same statement Ireland said that if civilian deaths or injuries are nevertheless reported, all states must take their accountability in facilitating prompt, independent and impartial investigations.¹⁶ If, as a result of the investigations, drones strikes proven to have been unlawful, each state must provide access for the victims to an

⁹ Parliamentary Debates: Dáil Éireann, ‘Official report – unrevised’, pp: 497, available at:

[http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/%28\\$VLookupByConstructedKey%29/dail~20130626/\\$File/Daily%20Book%20Unrevised.pdf?openement](http://oireachtasdebates.oireachtas.ie/Debates%20Authoring/WebAttachments.nsf/%28$VLookupByConstructedKey%29/dail~20130626/$File/Daily%20Book%20Unrevised.pdf?openement).

¹⁰ Houses of the Oireachtas, ‘Written Answers Nos. 97: International Terrorism’ (19 November 2013) available at:

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2013111900053#WRA03050>.

¹¹ Paulussen, Dorsey and Boutin, ‘Towards a European Position on the Use of Armed Drones?’, pp: 55, available at:

<https://www.icct.nl/download/file/ICCT-Dorsey-Paulussen-Towards-A-European-Position-On-Armed-Drones-And-Targeted-Killing-Surveying-EU-Counterterrorism-Perspectives.pdf>.

¹² First Committee - 69th Session, H.E. Patricia O'Brien, ‘Statement by Ireland’, Conventional Weapons Debate (23 October

2014) available at: https://unoda-web.s3-accelerate.amazonaws.com/wp-content/uploads/assets/special/meetings/firstcommittee/69/pdfs/TD_CW_23_Oct_Ireland.pdf

¹³ Human Rights Council – 25th Session, ‘Statement by Ireland’, Clustered Interactive Dialogue with the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on Counter Terrorism (10 March 2014) available at:

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/int-priorities/humanrights/SR-on-Freedom-of-Religion-or-Belief-and-the-SR-on-Counter-Terrorism.pdf>.

¹⁴ Human Rights Council - 27th Session, ‘Statement by Ireland’, Panel discussion on ensuring use of remotely piloted aircraft or armed drones in counter-terrorism and military operations in accordance with international law, including international human rights and humanitarian law (22 September 2014) available at:

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/int-priorities/humanrights/Statement-by-ireland-at-panel-discussion-on-use-of-drones.pdf>.

¹⁵ Human Rights Council - 27th Session, ‘Statement by Ireland’, available at:

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/int-priorities/humanrights/Statement-by-ireland-at-panel-discussion-on-use-of-drones.pdf>.

¹⁶ Ibidem.

effective remedy.¹⁷ In other words, Ireland sees transparency and the release of information concerning the use of (armed) drones by states as an essential step towards greater accountability.

Control proliferation

At the First Committee at the 2016 UN General Assembly, the Irish Representative welcomed the recent US initiative of a Joint Declaration on the Export and Subsequent Use of Armed Unmanned Aerial Vehicles.¹⁸ Ireland has signed this declaration agreeing to the development of policy that will regulate production, export and use of armed and strike-capable drones to that end that international law, including human rights law, is upheld.¹⁹ Ireland is looking forward to participating in follow up discussions regarding its implementation and follow up discussions are indeed needed since the Declaration remains ambiguous and unspecified on how international and human rights law must be interpreted and applied. Hence, increased proliferation and the growing deployment of drones remain key challenges that need to be addressed, as existing definitions in arms export control regimes are blurred due to new developments surrounding armed drones and related technologies and the ease with which civilian drones can be transformed into military capable drones.²⁰

¹⁷ Human Rights Council - 27th Session, 'Statement by Ireland', available at:

<https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/int-priorities/humanrights/Statement-by-ireland-at-panel-discussion-on-use-of-drones.pdf>.

¹⁸ U.S. Department of State, 'Joint Declaration for the Export and Subsequent Use of Armed or Strike-Enabled Unmanned Aerial Vehicles (UAVs)' (28 October 2016) available at: <https://2009-2017.state.gov/r/pa/prs/ps/2016/10/262811.htm>.

¹⁹ U.S. Department of State, 'Joint Declaration', available at: <https://2009-2017.state.gov/r/pa/prs/ps/2016/10/262811.htm>.

²⁰ Jessica Dorsey, 'Towards an EU common position on the use of armed drones', EU Directorate-General for External Policies (5 June 2017) 31, available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578032/EXPO_STU\(2017\)578032_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578032/EXPO_STU(2017)578032_EN.pdf).