A submission to the Review by the Department of Foreign Affairs and Trade of Ireland’s Foreign Policy and External Relations

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Contributed by Dóchas, The Association of Irish Non-Governmental Development Organisations

Working for a world where poverty and inequality are unacceptable, And where every person has the right to live free from fear, Free from want, and able to fulfil his or her potential

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Summary

In an increasingly globalised world, places and events that may once have seemed remote to us are increasingly part of our foreign policy concerns; issues such as financial stability, a fair global trading regime and the global response to climate change are critical to our national interests. Global stability within a rules-based system is vital to us, as a small nation.

At the same time, Ireland has an important heritage of supporting and promoting values- and justice-based agendas within international relations, including the rule of international law, human rights peacekeeping, disarmament, human security, conflict resolution, sustainable human development, and the eradication of poverty.

These endeavours are central to Ireland’s considerable international reputation and to its political, diplomatic, cultural and economic standing. Therefore, the 2014 review of foreign policy should make clear that Ireland’s recent, more vigorous pursuit of its own trade interests will be held in balance with its strategic interest in international peace and stability, human rights and sustainable human development.

Dóchas recommends, with human rights protection and promotion already a high priority in Ireland’s foreign relations, that the revised foreign policy should advance a rights-based approach to foreign policy and external relations. This would offer a logical, coherent and just means by which to calibrate Ireland’s political and economic diplomacy.

Such an approach, built upon Ireland signing core human rights Conventions to which it is not a party and ratifying those to which it is, would help the State guard against its external relations unintentionally leading to discrimination against, or increasing the vulnerability of, poor countries or cohorts of older people, women, children/youth, LGBT minorities and people with disabilities.

Advancing a rights-based approach means that Irish foreign policy should be developed and implemented in as transparent a manner as possible, with citizen engagement in participatory development of policy guidance notes or more formal papers on issues of national interest. This should be matched with accountability for clearly articulated and reported Irish positions and votes in international negotiations, fora and diplomatic efforts.

Dóchas also proposes that Ireland should vigorously promote policy coherence as an important lens and mechanism by which Ireland can bring focus, rigour and fairness across policy areas, and to its foreign policy and external relations overall.

Ireland should identify incoherent positions and practices across Government, and set out how it will remedy them, if it is to achieve a dynamic balance between its global interests in sustainable development with enhanced human rights, peace and security, and trade or investment interests.

Properly implemented, policy coherence for development would ensure that we adopt a strategic approach to international issues and diplomacy; that the full breadth of Irish foreign policy interests is reviewed before clearly articulated and justified Government positions are decided upon; and that we are much less likely to undermine international peace and stability, human rights or sustainable human development, to which we are committed as a State.
Introduction

The following is the submission by Dóchas, the Association of Irish Non-Governmental Development Organisations, to the 2014 Review of Irish Foreign Policy being conducted by the Department of Foreign Affairs and Trade.

The members of Dóchas are working together to bring about a world where poverty and inequality are unacceptable, and where every person has the right to live free from fear, from want and able to fulfil their potential. Dóchas provides a forum for consultation and cooperation, helping members speak with a single voice on development issues.

Dóchas members and other elements of Irish civil society, including human rights actors, are acknowledged by the Irish Government and, in particular, by the Department of Foreign Affairs and Trade with which they work in close partnership, as key stakeholders in Ireland’s exercise of foreign policy and external relations.

We welcome the consultation exercise on the review, agreeing that it is important to reflect periodically on the purpose, values, policies and instruments of Ireland’s foreign policy and external relations as international circumstances evolve — and holding that the interests, policies and instruments pursued should flow from our values as a nation and as a people.

Context and Values

Ireland has to focus on economic renewal and has chosen to do so by driving external trade, investment and economic growth through the Department of Foreign Affairs & Trade. However, An Tánaiste Eamon Gilmore TD also noted in his introduction to the Department of Foreign Affairs and Trade Statement of Strategy 2011-2014 that “the global economic crisis must not deflect us from our traditional values and role in the world” — including active multilateralism, conflict resolution, preserving peace and stability, defending human rights, and eradicating extreme poverty.

Ireland has a long tradition of supporting and promoting the United Nations, the rule of international law, peacekeeping and military non-aggression, disarmament and arms control, human security, conflict resolution, the self-determination of small nations, sustainable human development, and the eradication of poverty.

Ireland has also championed strong international action to tackle HIV and AIDS, hunger and gender-based violence and has espoused and promoted the principles of equality, inclusion and fundamental human rights, such as in its contribution to the post-2015 global development framework to succeed the Millennium Development Goals.1

The importance attributed to these vital dimensions of Irish foreign policy needs to be sustained and protected through this review process, especially in light of the substantially increased focus and activity levels assigned to trade and investment since the Trade remit has come under the Department.

Severe economic and social inequalities at global, regional and national levels illustrate how the free market is no guarantor of social or environmental well-being, sustainable human development or basic human rights and freedoms. Rather, some regulation and intervention is required to ensure public goods, such as fair competition and working conditions, social protection, environmental sustainability, tackling inequalities (relating to gender, race, 

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1 An Tánaiste Eamon Gilmore TD’s Address to the UN Special Event on the MDGs: https://www.dfa.ie/news-and-media/speeches/speeches-archive/2013/september/millennium-development-goals/
ethnicity, mental health status, class, age, etc.) and the vindication of human rights, are protected.

Dóchas agrees with the Review consultation document that, with many of today’s challenges having particular negative impacts on poor countries, the international community has a responsibility to respond effectively.

Ireland needs to play a full, active and principled role in addressing global challenges such as hunger, population growth, climate change, emerging diseases and migration, both bilaterally and within the EU and other international fora.

As a small trading nation on the periphery of Europe, Ireland’s self-interest and the global common good are increasingly interlinked – especially if we take the long, strategic view of such global issues as climate change, trade and migration, as well as shifting international relations in an increasingly multi-polar world.

Ireland’s longstanding commitment to sustainable human development and principled humanitarian response, as well as to international peace, security and human rights, is central to its international reputation and enables Ireland to exercise considerable ‘soft power’ in international relations.

Effectively sustaining these outward-looking, justice-oriented dimensions of foreign policy and external relations - in balance with the Department’s new remit to promote Irish economic growth and prosperity - is a vital requirement of any new statement of foreign policy.

The world is increasingly inter-connected and changing: today’s development cooperation partners may well be tomorrow’s emerging economies, regional leaders, technological innovators or, alternatively, crisis countries.

Ireland needs to develop coherent policies and approaches across sectors and Departments if it is to achieve a dynamic balance between its global goals for fair, sustainable development with peace and security, on the one hand, and its national trade and investment imperatives on the other hand.

With human rights protection and promotion already a high priority in Ireland’s foreign relations, adopting a rights-based approach offers a logical, coherent and just means by which to frame, calibrate and judge Ireland’s political and economic diplomacy.

A Rights-based Approach to Foreign Policy

Human rights obligations have traditionally been understood through national jurisdiction and territory, but there is increasing international recognition of extra-territorial obligations towards progressively achieving the full realisation of human rights.

Ireland has a longstanding commitment to promoting human rights, including especially women’s and children’s rights, alongside a stable multilateral system in the shape of the United Nations, as both a matter of principle and as a key strategic interest in having a rules-based framework for international relations to provide protection for small nations.

Ireland’s strong emphasis and international reputation on human rights issues – reflected, inter alia, in its current membership of the UN Human Rights Council – suggests that, as well as shaping and informing specific programmes such as development cooperation, adherence to human rights obligations, norms and standards could usefully be
mainstreamed across all areas of the State’s foreign and external relations, including trade and investment promotion.

**Dóchas recommends that the revised foreign policy should advance a rights-based approach to foreign policy and external relations by Ireland, and spell out the details of applicable principles as well as indicators of success against which the Government (led by the Department of Foreign Affairs and Trade) can demonstrate progress.**

In doing so, Dóchas urges that Ireland take an approach to human rights that will bring greater focus on respecting, protecting and fulfilling economic, social, cultural, civil and political rights in a manner that recognises their interdependence.

Ireland should proactively analyse how the State’s foreign policy and external relations, including formal policies, negotiating positions and practical actions (in areas from trade, finance and taxation to energy and defence) fit within human rights obligations, norms and standards, as well as complementing overseas development goals, and take corrective or mitigating action as required.

This would involve Government Departments and agencies routinely and systematically ‘proofing’ potential or evolving policies and positions – in bilateral relations, within EU negotiations and policy-making, and within international fora such as the International Financial Institutions, World Trade Organisation, and the UN system – for their compatibility with human rights obligations, norms and standards.

Among other things, adopting a rights-oriented approach would mean that Ireland’s new statement of foreign policy should commit the State to:

- Quickly signing and ratifying the core human rights Conventions to which the state is not a party, expediting the ratification of conventions to which it is a signatory and integrating them into national law;
- Promoting, particularly through the Human Rights Unit of the Department of Foreign Affairs and Trade, adherence to Ireland’s international human rights duties and obligations across all Department’s strategies and work;
- Systematically applying the core human rights principles of accountability, empowerment, participation and non-discrimination in all policy processes and actions;
- Contributing to the fulfilment of our international human rights commitments including to promote decent work, gender equality, child rights and disability, as spelled out in Ireland’s 2013 Policy for International Development;
- Promoting rights-based language in national and international policy discussions, negotiations and fora, referring to issues such as access to food, girls’ and boys’ education, and health (including in relation to children) as ‘legal entitlements’ within a coherent rights framework, rather than as policy commitments alone.
- Ensuring that the human rights obligations to which Ireland has signed up inform the Department of Foreign Affairs and Trade’s revised Statement of Strategy and, progressively, the strategy statements of all Departments and state agencies.
Civil society participation is a key element of sustainable human development processes and of governance and democracy more generally. It is important both as a right and a public good in itself, as a means to promote socioeconomic, civil, political, and development rights, and as a democratic counterweight to the power of the state. Ireland should actively promote civil society participation at home and overseas, including civil society space in social, economic and political processes and the protection of civil society actors and human rights defenders empowering communities to claim their rights. At home, Ireland should intensify its investment in Development Education as an appropriate process through which to engage civil society in critical debate around development policy and issues.

Ireland’s new foreign policy should make it clear that the State will pursue its trade and economic ambitions in balance with its human rights and sustainable human development interests.

This would mean, for example, that Department of Foreign Affairs and Trade’s indicators of success – such as “contribution to removing market access barriers” or “contribution to the conclusion of international agreements of value to the Irish economy and business” – should be pursued with due regard to their human rights and development implications for Ireland’s partner countries, in particular; for developing countries more generally; and for particular population cohorts who face particular vulnerabilities in many contexts, including women, children and youth, LGBT people, people living with disabilities, and older people. These indicators should also respect Ireland’s long and principled tradition of untied development co-operation.

Likewise, an outcome of the Review should be the retention and promotion of the Department of Foreign Affairs and Trade’s key role in promoting respect for and promotion of human rights and the rule of law across the whole of Government. This should continue to include the action areas specified in the 2011-2014 Statement of Strategy, namely:

- liaison with all Departments on Ireland’s obligations under international law;
- incorporating a strong gender equality dimension into Ireland’s foreign policy;
- Implementing the prohibition on the use of Irish airspace, airports and related facilities for purposes not in line with the dictates of international law.

A coherent rights-based approach should involve legislative and practical commitment to the UN target of spending 0.7% of GNI on Official Development Assistance, and seriously addressing how development (which suffered major cuts within Government Current Expenditure in 2009-2014) will be safeguarded as a strategic human rights priority within the Government’s resource allocation/business planning cycles.

Advancing a rights-based approach also means that Irish foreign policy should be developed and implemented in as transparent a manner as possible, with citizen engagement, the participatory development of ‘policy guidance notes’ and/or formal policy papers on issues of national interest, proactive reporting (with rationale) of Irish positions and votes in international fora, and the timely release of relevant background, discussion and negotiation documents into the public domain.

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2 A couple of the high-level Performance Indicators for the promotion of Ireland’s economic interests under the Department of Foreign Affairs and Trade’s Statement of Strategy 2011-2014

3 For further details on a rights-based approach to Ireland’s international development commitments, see the Dóchas submission to the development of the Statement of Strategy for the Department of Foreign Affairs: http://www.dochas.ie/Shared/Files/2/D%C3%Bchas_submission_to_DFA_Statement_of_Strategy.pdf
The Galway Platform on Human Rights in Irish Foreign Policy, a grouping of civil society organisations and university-based human rights centres and programmes, spells out additional, specific means by which Ireland can usefully embed human rights principles, policies and actions in order to enhance the promotion and protection of human rights worldwide, including the protection of human rights defenders.

In the context of the European Union, a rights-based foreign policy would help guide and give focus to a principled and coherent Irish approach across the range of issues and sectors. Ireland should maintain an active engagement in the development and implementation of the EU’s external human rights policies ensuring their full compliance with the Union’s Strategic Framework and Action Plan on Human Rights and Democracy. In addition, Ireland should maintain principled humanitarian positions and advocacy, rooted firmly in International Humanitarian Law, at EU level.

At the wider international level, Ireland should use its seat at the Human Rights Council to champion thematic and country issues, support the independent operation of Special Procedures, and engage vigorously in the Universal Periodic Review (UPR) process. Ireland should continue to promote and adhere to International Humanitarian Law. In that regard, it should, for example, align engagement in peacekeeping missions with the application of humanitarian principles in complex emergencies, helping to preserve the independence of humanitarian missions from security objectives. In addition, Ireland's military policies and actions, and its associations with the military policies and actions of others, should not undermine the rights of people globally.

**Policy Coherence for Development**

Given Ireland’s traditional foreign policy pillars of global development and international peace, security and human rights, the new focus on Irish economic interests, and the potential for tension and incoherence between the two, together with Ireland’s national and EU commitments to policy coherence for development, Dóchas proposes that it should be advanced in the review of foreign policy as an important lens and mechanism by which Ireland can pursue just, coherent and principled international relations.

In an increasingly globalised world, events and decisions in Ireland and the EU can have a powerful and immediate impact for the better or worse on citizens in developing countries (women, children and youth, LGBT people, people living with disability, older people), including on their livelihoods, peace and security, health, economic and life prospects. Similarly, circumstances overseas can have hitherto unforeseen impact on Irish citizens, the economy and other strategic Irish interests, at home and abroad.

Places, issues and events that may once have seemed remote to us are increasingly part of our foreign policy concerns. Global stability within a rules-based system will continue to be vital to us, as a small nation. Climate change, for example, is an increasingly vital concern for humankind, requiring agreements and interventions at global, regional and national levels. In this and other areas, Ireland needs to have nuanced, balanced and coherent positions within different negotiations and fora, but also to have clear, consistent and coherent positions and practices across different sectors and policy areas while reflecting global leadership with regards to the environment and related protection concerns.

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The European Union and Ireland bilaterally have accepted that their policies, across a range of areas, can have significant detrimental effects on developing countries, and have committed to tackling issues that undermine sustainable development goals.

Through the foreign policy review, Ireland should set out its intention to more fully realise its commitment to whole of Government policy coherence for development through a vigorous, systematic process of analysing, monitoring and correcting for incoherencies.

In practice, this would mean sustaining and deepening the Department of Foreign Affairs and Trade’s efforts, established in its 2011-2013 Statement of Strategy, to have all Departments (but especially Finance, Agriculture, Fisheries and Food, Jobs, Environment, Enterprise and Innovation) ensure that Ireland’s overseas development priorities are integrated within their own thinking and positions, as well as in their negotiations on EU positions regarding trade, climate change and food security.

Clearly, these development concerns (consistent with the traditional DFAT priority area of global peace, security and human rights, and of sustainable human development) would not take precedence in every situation of tension with Ireland’s own economic interests. However, rigorous policy coherence for development process would ensure that they were properly analysed and carefully weighed up – and that both policy adaptations, and mitigating or compensation mechanisms, are properly considered to ameliorate the effects of any conflict of interest that favours Ireland (or the EU) over developing countries.

To start with, more vigorous implementation of policy coherence for development should involve working more closely on the five priorities identified for a detailed EU work programme: trade and finance, climate change, food security, migration, and security.

All of these represent significant areas of concern, and of rapid change, in the global context. It is no coincidence that they include the Department of Finance and Trade’s new remit area of trade, since the EU recognises that its economic interests and the legitimate interests of poor countries – who rely on an equitable global trading system to grow their way out of absolute and relative poverty – sometimes collide.

Systematically increasing its focus on policy coherence for development, initially in these priority areas, would help bring focus and rigour to Ireland’s policies and positions within and across policy areas, and therefore to its foreign policy and external relations. It would help ensure that the full breadth of our foreign policy interests are served by generating policy coherence for development analysis, alternative policy and negotiating position options, and ideas for appropriate mitigation or compensation measures, before Irish positions are decided upon and as circumstances change, where incoherencies are noted.

Properly adopting policy coherence for development would significantly increase the likelihood that in its trade and finance, climate change, food security, migration and security policies and positions at least, Ireland would a strong, coherent and rational grounding, and would be much less likely to undermine peace, security or human rights, to which we are committed as a State, or the potential of people in poorer countries to achieve sustainable human development, to which we are also committed.

Having made progress on these five policy areas, and in doing so streamlined Government systems and procedures for implementing policy coherence for development across Departments and agencies for a truly ‘whole of Government’ approach, Ireland should then

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5 Irish Government Department of Foreign Affairs Statement of Strategy 2011-2013
pursue the other relevant policy areas previously identified by the EU, which cover some policy areas (agriculture, fisheries, intellectual property rights) where Irish and EU policies are clearly in tension with the interests of developing country partners.

In the area of trade, for instance, this should mean Irish companies and individuals (and the State supporting them) adhering to international law and human rights conventions, norms and standards, and best practice international standards for business as a matter of course, but also to EU and Irish commitments, including to policy coherence for development.

The foreign policy review should result in Ireland establishing a timeline for the development of the National Action Plan to implement the UN Guiding Principles on Business and Human Rights. This plan should include requirements for human rights due diligence by business entities in circumstances where it is deemed appropriate, including many developing country contexts.

Additionally, Ireland’s Policy for International Development spells out the State’s support for a rules based, pro-poor international trading system. This ‘One World, One Future’ document also indicates Ireland’s support for developing countries being able to use trade to become independent from overseas aid; to improve their business and investment environments; to pursue equitable and inclusive economic and social development; to boost job creation; and to build up their agri-food sectors while maintaining a focus on inclusive economic growth.

**The policy commitments entered into by the State through Ireland’s Policy for International Development (“One World One Future”) must be held in balance with Ireland’s push for advantageous trade and investment opportunities worldwide.**

Similarly, Ireland’s values, commitments and varied interests (tactical and more strategic) on climate change, international finance, food security, migration, international security, but also other areas not currently prioritised by the EU, must be held in balance in the country’s exercise of foreign policy and external relations.

As a matter of policy coherence for development, the foreign policy review process should clarify the nature, duration, standing and implementation plans for important international development commitments by Ireland, including those to:

- Achieve the UN target of spending 0.7% of Gross National Income on Official Development Assistance;
- Spend at least 20% of ODA to on ‘hunger-related spending’;
- Channel 30% of development resources through multilateral organisations, with funding decisions guided by published performance assessments;
- Spend €100m each year related to HIV, AIDS and communicable diseases, with up to 20% of the sum to support vulnerable children; and,
- Devote more resources to gender equality, disability, sustainable development and development education.

The revised foreign policy should set out the particular areas in which Ireland will achieve tangible progress in remediating incoherencies in its own policies, positions and practices

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6 Other important policy areas requiring policy coherence for development, as identified by the EU in 2005, include agriculture, fisheries, social policies (employment), research and development, information technologies, transport, energy and the environment.
vis-à-vis the interests of developing countries – including especially, but not only, its partners in development cooperation programme. As well as indicating areas of progress and the breakdown of spending and achievements, reporting on such aspects of foreign and external relations should spell out the reasons for targets not being met and the problems being encountered.

The civil society Spotlight Report on Policy Coherence for Development has demonstrated that the European Union is not duly respecting its commitment to policy coherence for development, which is a legal obligation under the Lisbon Treaty. Building on a more vigorous adoption at home, Ireland should play an active role in ensuring that the European Union lives up to its Treaty obligations to prevent, detect and correct its policies and practices that conflict with EU objectives for international development, centred on the eradication of poverty.

The appointment of a new European Commission and the election of a new European Parliament this year is a tremendous opportunity for Europe to reinvest in policy coherence for development, and to ensure that EU policies are changed when they are shown to be damaging the rights and welfare of citizens of developing countries.

The foreign policy review should spell out how Ireland will play its part, across all Departments, in ensuring that the increasing foreign policy, trade and security ambitions of the EU are kept in balance with other strategic interests, including development and humanitarian priorities, as required by the Lisbon Treaty, so that the EU remains true to its core values of peaceful cooperation, human rights and social justice.

Ireland’s new foreign policy should also set out how the country will continue to support the mandate, institutions and mechanisms of the United Nations, and to promote UN reforms that enable it play its key roles in relation to international law and security, as well as emerging issues such as climate change processes and financing, innovative finance for development initiatives, international taxation and financial reporting standards, etc.

Advancing principled, coherent and defensible foreign policy positions through a detailed and rigorous policy coherence for development screening process, among other means, will require considerable strengthening of the resources available for it within the Department of Foreign Affairs and Trade; active promotion of the mechanism by the Department across all departments; and a clear demonstration of political will from the highest levels of Government such that the Departments of the Taoiseach and of Foreign Affairs and Trade work closely and effectively together, and across Government, to ensure its success.

Conclusions

“One of the striking features of Irish foreign policy is its strength and profile in particular niche policy sectors: overseas development, human rights, peace building (both military intervention and post conflict reconciliation) and disarmament all come to mind in this context,” Professor Ben Tonra of University College Dublin told the Oireachtas Foreign Affairs Committee in hearings on the 2014 foreign policy review. This particular strength and profile “is both a legacy and an opportunity for the future,” he states. “The intrinsic worth of such activity is incalculable in making a contribution to international peace and security, which is in Ireland’s long-term strategic interest.”

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7 http://www.concordeurope.org/259-spotlight-on-eu-policy-coherence-for-development#sthash.ot7FXGCW.dpuf
Dóchas holds strongly that Ireland’s external relations should be founded on values and principles, on which the country should strengthen its voice, and these in turn should guide its principled policies, negotiating positions and practical actions.

It is for that reason that we propose a human rights-based approach and the vigorous, systematic adoption of policy coherence for development analysis to guide Irish foreign policy in a way that cements Ireland’s international profile, builds on those areas for which it is renowned, and advances its long-term strategic interests in a clear, coherent and principled manner.

We look forward to an update on the Government’s or Department of Foreign Affairs and Trade’s analysis of inputs, along with some discussion with key stakeholders of the anticipated intent and direction of Ireland’s new foreign policy before it is signed off. Dóchas also looks forward to opportunities to discuss important aspects of the foreign policy that emerge from the review in due course, whether in Department of Foreign Affairs and Trade roundtables, timely and rigorous Oireachtas hearings – crucial to transparency and accountability – or by other means.

We would welcome some regular and structured civil society engagement with the Minister and Department of Foreign Affairs and Trade officials, within and outside the Oireachtas Committees, as time goes on regarding the impact of the Ireland’s and external relations. This will be especially important in relation to the considerable new emphasis on promoting Ireland’s trade, investment and commercial interests through the Department, for which there is not a well established system of indicators, reporting methods and accountabilities.

Dóchas also contends that the review of Irish foreign policy should result in a notable strengthening of Department of Foreign Affairs and Trade and, within that, Irish Aid capacity, especially in the areas of human rights (to promote mainstreaming of a rights-based approach across all Government departments and agencies) and policy coherence for development. Even so, these two key dimensions of foreign policy and external relations cannot by left to the Department alone but must be supported at top political level to ensure they become a regular, systematic part of the business of Irish policy and procedure.

In 2013, in its ‘One World, One Future’ document reaffirming the centrality of international development cooperation to Irish foreign policy An Tánaiste Eamon Gilmore TD spoke of Ireland’s vision of “a sustainable and just world, where people are empowered to overcome poverty and hunger, and fully realise their rights and potential.”

In 2014, Dóchas urges the Government to firmly embed that vision, together with the commitment to human rights and sustainable development, in its new guiding document for foreign policy and external relations. In the words of President Michael D Higgins:

“We must work together to reclaim a better version of Irishness than the recent one which has thankfully expired – where we put community solidarity and social cohesion above the demands of acquisitive individualism. Only then can we fully rebuild our personal lives and our communities. Only then will our island re-emerge as the homeland of social inclusion rather than social exclusion, as a place whose international reputation repudiates the appalling notion that ‘greed is good’.”