



2<sup>nd</sup> June 2016

An Roinn Gnóthaí Eachtracha agus Trádála  
Baile Átha Cliath 2

Department of Foreign Affairs and Trade  
Dublin 2

Mr. Gordon Deegan

Our Ref: FOI/Req/16/057

Dear Mr. Deegan,

I refer to your request dated 6<sup>th</sup> May 2016 made under the Freedom of Information Act 2014 for access to records held by the Department of Foreign Affairs and Trade, as follows:

**In relation to the text of the Dáil question included below, I am seeking the name/type of munitions concerns in each of the 38 applications that were refused in 2015 and the county of origin of those applications that were refused. In each of the 38 refusals, I am seeking a text of the advice sent by the Dept. of Foreign Affairs to the Dept. of Transport in each case of refusal.**

**Deputy Clare Daly asked the Minister for Transport, Tourism and Sport further to Parliamentary Question No. 853 of 14 April 2016, if he will provide a breakdown by country of origin of the 57 refusals of munitions exemptions requests and the reason for these refusals. [7839/16] Minister for Transport, Tourism and Sport (Deputy Paschal Donohoe): In the reply to Question Number 853 of 14 April 2016, it was stated that 869 requests were made in 2015 to carry munitions through Irish airspace and that 812 permits were issued in 2015. Of the 57 applications for which permits were not issued in 2015, 38 applications were refused; 11 applications were withdrawn or cancelled; and 8 permits were issued in year 2016 in respect of applications made in 2015. In respect of the 38 refusals, the airlines concerned were from the following countries: USA (32), UK (3), Germany (2), and Russia (1). All the refusals were based on advice from the Department of Foreign Affairs and Trade.**

I refer also to the acknowledgement of your request which was sent to you on 16<sup>th</sup> May 2016.

In considering your request I considered the Department of Foreign Affairs and Trade's role in relation to the carriage of munitions on civil aircraft.

The Minister for Transport, Tourism and Sport has primary responsibility for the regulation of foreign civil aircraft in Ireland. Under the Air Navigation (Carriage of Munitions of War, Weapons and Dangerous Goods) Order of 1973 the carriage of munitions of war is prohibited on civil aircraft through Irish airspace or airports unless an exemption has been obtained in advance from the Minister for Tourism, Transport and Sport. Questions concerning the operation of the application process are a matter for that Department.

When the operator of a civil aircraft makes an application for such an exemption the Minister for Transport, Tourism and Sport seeks the advice of relevant Government Departments and agencies. The Department of Foreign Affairs and Trade is consulted in relation to any foreign policy issues that may arise and may provide observations to the Department of Tourism, Transport and Sport which takes the final decision on all applications.

In considering applications circulated by the Department of Tourism, Transport and Sport, this Department examines the nature of the munitions that it is proposed to carry. This Department will recommend against granting an exemption where the munitions in question are non-discriminatory in their effects. This policy stems from Ireland's clear objection to "indiscriminate weapons" and is consistent with international humanitarian law (IHL) which regulates the conduct of armed conflict. A basic rule of IHL is that, in military operations, parties to an armed conflict must distinguish between combatants and civilians, and the use of a weapon which is inherently indiscriminate is prohibited.

Thus, as a matter of policy, this Department would recommend against granting an exemption for the carriage of items such as cluster munitions, anti-personnel landmines, chemical, biological, radiological and nuclear weapons.

Additionally, this Department will generally recommend against granting an exemption for the carriage of grenades, bombs, missiles or rockets. This Department would not recommend against the granting of an exemption for the carriage of such items through Irish airspace on civil aircraft in circumstances where they are being transported for Irish Defence Forces or An Garda Síochána purposes.

I have identified 38 records that fall within the scope of your request. The records are listed in the schedule attached. I have made a decision to part grant all 38 records.

The records being released to you are the emails sent to the Department of Transport, Tourism and Sport from the Department of Foreign Affairs and Trade in response to requests for observations on applications for exemption from prohibition on carrying weapons or munitions.

### **Right of appeal**

If you are unhappy with this decision you may appeal it. In the event that you need to make such an appeal, you can do so by writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by e-mail to [foi@dfat.ie](mailto:foi@dfat.ie). Your correspondence should include a fee of €30 for processing the appeal. For methods of payment please contact the FOI Unit at [foi@dfat.ie](mailto:foi@dfat.ie) or 01-4082857.

You should make your appeal within 4 weeks from the date of this notification, where a day is defined as a working day excluding, the weekend and public holidays. However, the making of a late appeal may be permitted in appropriate circumstances. The appeal will involve a complete reconsideration of the matter by a more senior member of the staff of this Department.

Yours sincerely,



Claire McCarthy

International Security Policy Unit