



An Roinn Gnóthaí Eachtracha agus Trádála
Baile Átha Cliath 2

Department of Foreign Affairs and Trade
Dublin 2

13 April, 2015

Our Ref: FoI/Req/2015/029

Mr. Kieran Dineen,
The Irish Sun,
4th Floor,
Bishop's Square,
Redmond's Hill,
Dublin 2.

Dear Mr. Dineen,

I refer to the request which you have made under the Freedom of Information Act 2014 for access to records held by this Department. Further to the amendment agreed on 6 March, the request refers to: *'All correspondence with the United States Government, its representatives, authorities and departments, regarding the use of Shannon airport by the United States Army and other defence forces (to include correspondence received and sent) from January 2013'*.

I refer also to the acknowledgement of your request which was sent to you on 9 March 2015.

Most of the correspondence between this Department and the Government of the United States regarding the use of Shannon Airport relates to requests from the Embassy of the United States for permission for US military aircraft to land at Shannon Airport. I would like to take this opportunity to provide information on the policy and procedures relating to these and other requests.

Foreign military aircraft

The Air Navigation (Foreign Military Aircraft) Order 1952 gives the Minister for Foreign Affairs primary responsibility for the regulation of activity by foreign military aircraft in Ireland and in Irish airspace. The Order provides that no foreign military aircraft shall fly over or land in the State without the express invitation or permission of the Minister. It further provides that the aircraft shall comply with such stipulations that the Minister may make.

Arrangements under which permission is granted for all foreign military aircraft to land at Irish airports are governed by strict conditions. These include stipulations that the aircraft must be unarmed, carry no arms, ammunition or explosives and must not engage in intelligence gathering, and that the flights in question must not form part of military exercises or operations. These conditions are applied to ensure compatibility with Ireland's longstanding policy of military neutrality which is characterised by non-participation in military alliances. This policy provides a context within which requests for overflights and landings are considered by the Department of Foreign Affairs and Trade.

With regard to the arrangements for the processing of requests for permission for foreign military aircraft to land at Irish airport, these requests are submitted by to the Department of Foreign Affairs and Trade by the Embassy of the country in question. As part of the decision-making process, the Department circulates these requests to relevant Government Departments and agencies. If the Department is satisfied with the request, clearance is granted on the basis of the aforementioned conditions and including any additional requirements as advised by those consulted.

Successive Governments have made landing facilities at Shannon Airport available to the United States for well over 50 years. Most requests for foreign military aircraft to use the landing facilities at Shannon Airport concern aircraft refuelling, crew and passenger rest, with smaller numbers relating to the transport of dignitaries, flight crew training, airport familiarization and aircraft maintenance.

Other requests

The Department of Foreign Affairs and Trade also deals with requests to permit the wearing of foreign military uniforms which is governed by the Defence Act 1954. The Act states that the written consent of a Minister of State is required where a person wishes to wear a foreign uniform while entering or landing, or going into a public place in the State.

The US authorities have been given permission for their military personnel to wear uniforms in the transit areas at Shannon Airport but permission must be sought, through the Department, to wear uniforms at other locations. The majority of troops that transit through Shannon Airport do so on chartered civil flights and the requests usually arise when there is an unexpected delay in the schedule of civil aircraft carrying US military personnel. It is in this context that a small number of requests arose during the period covered by this FOI request where permission was sought for US military personnel to wear uniforms outside of the transit areas.

In a small number of instances where US military aircraft were transporting VIPs, the Department received requests for permission for the carriage of the weapons of the VIP personal protection officers and the use of radio frequencies on the hand held radios assigned to these officers. These requests are considered in consultation with relevant Government Departments and agencies.

FOI request

Further to your request, I have identified 1,864 records that fall within the scope of your request for the period from 1 January 2013 to 26 February 2015; the records are listed in the attached schedule. I have made a decision to refuse access to these records under the following sections of the FOI Act:

Section 32 (1) A head may refuse to grant an FOI request if access to the record concerned could, in the opinion of the head, reasonably be expected to—(a) prejudice or impair:
(iii) lawful methods, systems, plans or procedures for ensuring the safety of the public and the safety or security of persons and property,
(ix) the security of a building or other structure or a vehicle, ship, boat or aircraft

Section 33 (1) A head may refuse to grant an FOI request in relation to a record (and in particular but without prejudice to the generality otherwise of this subsection, to a record to which *subsection (2)* applies) if, in the opinion of the head, access to it could reasonably be expected to affect adversely—
(d) the international relations of the State

Section 33 (2) This subsection applies to a record that— (b) contains a communication between a Minister of the Government or his or her Department or Office and a diplomatic mission or consular post in the State or of the State

Section 35 (1) Subject to this section, a head shall refuse to grant an FOI request if—(a) the record concerned contains information given to an FOI body, in confidence and on the understanding that it would be treated by it as confidential

I have carefully considered both the nature and source of these records and I am satisfied that, on balance, the public interest is best served in refusing access to these records.

Right of Appeal

Should you wish to appeal this decision, you may do so in writing to the Freedom of Information Unit, Department of Foreign Affairs and Trade, 76-78 Harcourt Street, Dublin 2 or by email to foi@dfat.ie. A fee applies for an appeal for access to non-personal information; the level of this fee has been set at €30. For methods of payment, please contact FOI Unit at foi@dfat.ie, or 01-4082857.

You should make your appeal within 4 weeks (20 working days) from the date of this notification. 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,



Caroline Phelan,
Responding Officer.