

**Address by the President of Ireland, Mary McAleese,  
to the International Court of Justice,  
The Hague, Monday 2 May 2011**

Mr. President,  
Members of the Court,  
Ladies and gentlemen.

Thank you for your warm welcome. It is an honour to address you in the distinguished surroundings of the Peace Palace in The Hague, the International Law Capital of the World.

The seventeenth-century lawyer and philosopher Francis Bacon once said “the place of justice is a hallowed place” and as the world court, the ICJ here in the stunningly beautiful Peace Palace is exactly that, a hallowed, a sanctified place for all those who believe in the rule of good law. It is no coincidence either that through the name of this beautiful building, international justice is so closely and intimately linked with peace. It has often been said that justice and peace cannot each exist without one another. How many conflict ridden parts of the world, how much of human history bears powerful witness to that simple reality. I thank you, Mr. President, and each Member of this Court for making the cause of international justice and world peace your personal vocation and life’s work. Since the law was my own first calling, it is truly a privilege to address this Court, the principal judicial organ of the United Nations, the place that says to the world’s bullies and betrayers of human rights that there is a day of reckoning, there is a calling to account before all of humanity.

My own country’s long and unhappy experience as a colonized nation, which had to fight not just for independence but for the recognition of the civil and human rights of its people distilled into an unshakeable desire to see international disputes resolved peacefully through the architecture of a globally agreed system of international structures and law. For us independence was the pathway to participation as a free and equal member of the community of nations. The first meeting of Dáil Éireann, the Irish Parliament, was convened on 21 January 1919 and adopted not only a Declaration of Independence and a provisional Constitution, but also a “Message to the Free Peoples of the World”. This Message proclaimed that: “Ireland today reasserts her historic nationhood the more confidently before the new world emerging from the war, because she believes in freedom and justice as the fundamental principles of international law.”

Ireland’s commitment to an international community based on the rule of law was also evident in the following years. One of the first acts of the Irish Free State was to apply for membership of the League of Nations, which it joined on 10 September 1923, 12 months after Hungary and 18 days before Ethiopia. The Irish Government registered the Anglo-Irish Treaty of 1921 as an international agreement in accordance with Article 18 of its Covenant on 11 July 1924 and Ireland remained a committed member of the League until its dissolution. Indeed the League’s last Secretary General, Sean Lester, was an Irish man, a native, like myself, of County Antrim in what was to become Northern Ireland following the partition of Ireland. Born into an Ireland that was part of the British Empire, born into a Protestant family in a strongly pro Union, pro Empire town, this remarkable and somewhat forgotten man became persuaded by the idea of independent nationhood and captivated by the idea of the League of Nations. He became Ireland’s permanent delegate to the League of Nations in 1929 just in time to for Ireland’s post-ratification acceptance of the compulsory jurisdiction of the Permanent Court of International Justice in 1930.

In 1937 the Irish people adopted a new constitution, Article 29 of which affirms the commitment of the Irish People to the ideal of peace and friendly co-operation amongst nations founded on international justice and morality. Article 29 also accepts the generally recognized principles of international law as Ireland’s rule of conduct in its relations with other States and

affirms the principle of the pacific settlement of international disputes by international arbitration or judicial determination.

The Constitution also contains forward looking provisions on the fundamental rights of each individual human person. These provisions preceded the development of international law in the post-World War Two era, but they are based on the same principle that the protection of the individual, his and her right to dignity and freedom, must be the foundation on which all legal systems — global, regional or domestic — are grounded.

More recently, the British-Irish Agreement, signed in Belfast on Good Friday, 1998, set the scene for the resolution of the long-standing politico/sectarian conflict in Northern Ireland by exclusively peaceful means. The Agreement created a context of new laws and structures which guaranteed parity of esteem, equality of citizenship and the vindication of citizens civil and human rights. It was overwhelmingly endorsed by the people of the island both North and South, in separate referendums and it has since then formed the basis for stable government in Northern Ireland as well as vastly increased cross-border co-operation.

When Ireland became a member of the United Nations, and a party to the Statute of this Court, in 1955 our then Minister for External Affairs, Liam Cosgrave explained that Ireland's vision was to "take our place in the comity of nations and do our part to secure what small nations have always required, the maintenance of peace". Since 1955, membership of the United Nations has been the cornerstone of Ireland's foreign policy and has always been grounded in the reality that, in the still relevant words of Sean Lester, "[t]he organisation of peace is not a question of sentimentality nor even of abstract justice, but of vital concern, perhaps of life and death".

As a member of the United Nations and as a country with a tradition of military neutrality, Ireland has brought its unique voice and charism to issues such as disarmament, peacekeeping, human rights and development. Our Defence Forces and our national Police Force, *An Garda Síochána*, have served with distinction in many of the United Nations international peace-keeping missions. The negotiation of the Nuclear Non-Proliferation Treaty was the outcome of a process that began with the adoption of the so-called "Irish resolution" by the General Assembly in 1961. Ireland was the first State to ratify the Convention in July 1968 and we continue to play an active part in the Treaty régime. In May 2008, Ireland hosted and chaired the Dublin Diplomatic Conference at which the Convention on Cluster Munitions was negotiated and adopted by consensus. Ireland ratified the Convention in December of that year and is active in promoting its universalization and implementation. We are also a strong supporter of the work of the United Nations Peacebuilding Commission.

We are firmly committed to the principles of the Universal Declaration of Human Rights and are party to key international human rights treaties, including the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, as well as the conventions on racial discrimination, women's rights, the rights of children and the prevention of torture. Ireland has signed and is committed to ratifying the International Convention on Enforced Disappearances and the International Convention on the Rights of Persons with Disabilities. We are active participants in the human rights work of the United Nations in the General Assembly in New York and the Human Rights Council in Geneva. Our foreign policy is strongly supportive of international efforts to end impunity for genocide, war crimes and crimes against humanity, including through the implementation of the concept of Responsibility to Protect. We have ratified the Geneva Conventions of 1949 and their 1977 Protocols and supported the establishment of courts and tribunals to try, where necessary, those charged with the most serious of these crimes. We also know from our own history the ignominious role played by poverty in the disempowerment and oppression of too many people and so you will find in Ireland a long standing commitment both at community and political level, to the fight against global poverty, hunger and disease, to development issues and to practical solidarity with the world's poor.

Ireland's commitment to effective multilateralism is also reflected in our almost 40-year membership of the European Union, a community based explicitly on the rule of law, the promotion of democracy, human rights and the strict observance of international law, including the principles of the United Nations Charter. We are, too, members of the World Trade Organization, the Bretton Woods Institutions, the Council of Europe and the Organization for Security and Co-operation in Europe, the chairmanship of which Ireland takes over in 2012 for the first time. So clearly a commitment to the rule of law in international relations is the golden thread running through all aspects of Irish foreign policy. We believe emphatically that international law, including global, regional and bilateral agreements, can and does play a key role in promoting democracy, human rights, peace and prosperity, including through the harmonious and equitable development of world trade and the solving the gamut of global problems from restrictive trade practices to climate change.

Needless to say Ireland fully endorses the efforts of the United Nations to develop, promote and implement international norms and standards. In this context we are proud that the current Legal Counsel to the United Nations is an Irish lawyer, Patricia O'Brien, the first woman to hold the post.

Mr. President, as you yourself have said: "To structure a system of values and to make accountable those who break it, we need the rule of law in our international community." A key component of the rule of law at international level is the work of international courts and tribunals, with the International Court of Justice, the world's highest court, at its centre.

In its 65 years the Court has never been busier and with the impressive list of cases on its docket, the years ahead are already well accounted for. The range of issues covered is vast and bewilderingly complex — from the use of force in international relations, international humanitarian law, human rights, international criminal justice, international immunities, environmental issues and territorial and maritime boundary disputes. Your diligent, painstaking pursuit of outcomes through credible, internationally respected processes is part of the glue that holds humanity together in some kind of order, some kind of mutually intelligible dialogue.

As an island state with considerable interests in the sea and its resources we regard this Court's Judgments in the *Anglo-Norwegian Fisheries* case and the *North Sea Continental Shelf* cases as seminal. The principles recognized by these decisions enabled the significant extension of the maritime jurisdiction of coastal States such as Ireland. Ireland was an active participant in the Third Conference on the Law of the Sea — which culminated in the adoption of the United Nations Convention on the Law of the Sea in 1982. The Convention, rightly called the "Constitution for the Oceans", builds on these important Judgments. The Court continues to play a vital role in law of the sea matters, providing valuable guidance not only to those participating in proceedings but to the international community as a whole. In the words of Judge Tanaka in the *Barcelona Traction* case: "The most important function of the Court . . . is to be found not only in the settlement of concrete disputes, but also in its reasoning, through which it may contribute to the development of international law."

Ireland has participated in the work of the Court having made submissions in four recent advisory proceedings — the *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*; the *Legality of the Threat or Use of Nuclear Weapons*; the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*; and the *Accordance with International Law of the Unilateral Declaration of Independence in respect of Kosovo*.

As an indication of the Irish Government's commitment to the rule of law in international relations, it has recently taken the decision that Ireland will accept the compulsory jurisdiction of the Court and signalled its intention to lodge a declaration to that effect by the end of 2011.

The number of judgments and opinions issued by the Court in recent years is a notable and welcome development. It is testimony to the increased recourse to the law in settling international disputes and the confidence which the international community places in this Court's integrity, independence and expertise. You have earned that integrity and respect the hard way, for as the famous Irish playwright George Bernard Shaw once said: "Peace is not only better than war, but infinitely more arduous." The volume of your work here certainly reflects that fact but we are deeply grateful that there are many great legal minds in this place dedicated to the vindication of the dignity of the human person and to the steady, relentless promotion of international peace through an uncompromising love of justice.

Mr. President, Members of the Court, in the words of the distinguished former President of the Court, Judge Rosalyn Higgins: "International law . . . in a world often divided by politics, is our common language."

Thank you for the privilege of visiting the Court today and the opportunity to address you in that universal tongue which we hope will one day silence the bullies and give voice to a new world order where peace and justice reign for all humanity.

*Go raibh míle maith agaibh go léir.*

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