

**Remarks at the launch of the Law Reform Commission's Inventory of
International Agreements, LRC, 18 July 2018**

Ms Justice Stewart, Commissioners, colleagues

First of all I would like to thank the Commission and in particular Professor Donncha O'Connell and Ray Byrne for the kind invitation to say a few words today to mark the launch of the Law Reform Commission's draft *Inventory of International Agreements*, as part of Project 10 on International Agreements in the Commission's Fourth Programme of Law Reform. It is clear that a huge amount of work has gone in to the draft Inventory, not least on the part of the research team at the Commission.

It is always a pleasure to return to the Law Reform Commission, where I spent a year long stint as a research assistant some years ago – quite some years ago I'm afraid. My colleague, Trevor Redmond, who is here today, is another – more recent - graduate of the Commission.

As some of you may know, the Department of Foreign Affairs and Trade includes a Treaty Office, in the person of my colleague Mary Corley who is also with us today, who works under Trevor's guidance. An important role of the Treaty Office is to gather in information on international agreements which Ireland has signed and become party to, and to publicise that information. The

Office's key task is to lay international agreements to which the State is party before Dáil Éireann, but it also makes public details of these agreements through the Irish Treaty Series, which has been in existence since 1930.

The Department welcomes the Law Reform Commission's work on the draft Inventory of International Agreements. The information on the treaties to which Ireland has become signatory, ratified or acceded to complements our work, which, as I mentioned, includes disseminating information on the international agreements to which the State is party, including through publishing the Irish Treaty Series on the Department's website.

The draft Inventory draws on the information in the Irish Treaty Series in large part, and the Department was pleased to work with the Commission in this regard. However, the Inventory also goes further than the Irish Treaty Series by publishing information on agreements signed but not ratified and ratified but not yet in force. It also presents the information under subject headings, linked to the headings used in its Classified List of In-Force Legislation, which many of us find so helpful in our work.

The draft Inventory also provides information on legislation linked to the international agreements in the Inventory. This is an interesting feature of the Inventory, and an important one.

As many here today will know, Ireland is what is known as a dualist state when it comes to international agreements – this means that, unlike in a monist state where international agreements to which the State becomes party automatically form part of the legal order applicable in that State, in Ireland international agreements only become part of domestic law where the Oireachtas so determines. Ireland, as a state committed to international law, therefore seeks to have in place all necessary domestic implementing measures **before** becoming party to any given international agreement.

Sometimes it is possible very clearly to identify a link between an agreement and a piece of legislation – for example, the Vienna Convention on Diplomatic Relations is given effect in Irish law by the Diplomatic Relations and Immunities Act, whereas there are no domestic implementing measures in place, or indeed required, in relation to other agreements, such as the Vienna Convention on the Law of Treaties. In other cases, for example the International Covenant on Civil and Political Rights, Ireland may give effect to its obligations via several legal provisions – including Constitutional provisions and legislation.

The Department commends the Commission for its collaborative approach, and looks forward to continuing engagement as it works on the Inventory, as well as to the publication of its Discussion Paper on the implementation of international obligations, which no doubt will be of interest to us all.

Thank you