

International law can clash with other law and if it does then there needs to be a balanced response

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There has been a chorus of critical comment regarding the UK Government breaking international law, because of its Internal Market Bill seeking, potentially, to change the Brexit Withdrawal Agreement.

The Taoiseach, Micheal Martin, stated there were very strong concerns that Boris Johnson was *“fundamentally seeking to deviate from what is an agreed international treaty.”* His government colleague, Leo Varadkar, stated *“International treaties have to be honoured and they trump any domestic legislation that any country may pass.”*

Importantly, the former Prime Minister John Major stated, *“If we lose our reputation for honouring the promises we make, we will have lost something beyond price that may never be regained.”*

I agree, International law must be respected and it trumps domestic law. My problem: what if two separate parts of international law conflict with each other, which part trumps the other?

A leading international human rights body, the Council of Europe - with the agreement of 39 European countries including Ireland and the United Kingdom - has a Convention for resolving the long-running Northern Ireland problem. It refers *“to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.”*

I do not know and thus cannot comment on the present negotiations between the United Kingdom and the European Union, nor indeed on the reliability of Boris Johnson's word. However, if the European Union is seeking via the Brexit Withdrawal Agreement to separate Northern Ireland from the rest of the United Kingdom in a very maximum way, then it would appear to be in breach of a fundamental principle of international law.

A question arises: which part of international law trumps the other? The answer seems obvious but, at least, a balanced analysis is required regarding international law.

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