

**IRELAND**  
**Public Meeting of the Security Council**  
**Wednesday, 10 July 2002**  
**Bosnia & Herzegovina/International Criminal Court**  
**Statement delivered by IJ7.E. Amb. Richard Ryan**

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Mr. President,

Ireland welcomes this public meeting of the Council,

It provides a timely opportunity for a more inclusive debate on a complex and highly sensitive issue of central importance to all of us.

Ireland subscribes fully to the statement that has been made earlier in the debate by the Representative of Denmark, on behalf of the European Union.

We are strongly committed to the Common Position of the Union concerning the International Criminal Court.

Ireland has ratified the Rome Statute. We did so, having amended our Constitution, following a popular referendum.

Mr. President,

The recent exchanges in the Council have registered clearly with the broad international community that the United States Government has what it genuinely believes to be soundly based problems with the International Criminal Court and its impact on US personnel serving in peace operations.

At every stage during the past difficult weeks, Ireland has confirmed that it will work with other members of the Council to achieve a pragmatic and reasonable outcome to the concerns that have been put forward by the United States regarding the operation of the Court and the position of US personnel in United Nations mandated, or authorised peace operations.

While we understand the concerns of the US, we do not feel that they are well founded. Nor can we agree to the mechanism that it has proposed, hitherto, to allay them,

We consider that the Rome Statute of the ICC already contains adequate safeguards against politically inspired investigations or prosecutions before the Court.

Military or diplomatic personnel from any country, including those from non-parties to the Rome Statute, who serve in UN-authorized operations, are covered by these safeguards.

The Rome Statute enshrines the principle of complementarity, which rightly accords priority to national judicial processes.

In the context of peacekeeping, that priority role falls to the national judicial processes in the contributing State.

The Statute also allows for bilateral agreements, such as those envisaged in Article 98(2).

In addition, the Statute allows for a deferral by the Court of an investigation, or prosecution pursuant to a request by the Security Council, as provided for in Article 16 of the Statute.

Mr. President,

The development of international law is one of the great achievements of humankind in recent decades.

International Treaties have their own integrity which must be protected. This, for Ireland, is a fundamental principle.

The Security Council must respect, in spirit and letter, this wider fabric of international law and of international cooperation.

In this connection we are disturbed by the possibility that the present exercise could have adverse effects on the credibility and prestige of the Security Council itself, if it is not handled adroitly.

We greatly regret the uncertainty that has been brought upon the functioning of UNMIBH and of SFOR in Bosnia & Herzegovina.

Beyond that, it would be a grave matter indeed if the current impasse in the Council were to affect a whole series of other operations as their mandates come up for renewal.

There are a number of important, essentially free-standing, but now politically intertwined factors involved here: the role of the Council and how it functions; the primacy and integrity of international law; the future of United Nations peace operations; and the crucial role that the United States has to play in support of these operations.

Taken together, these factors present a challenge.

I have described briefly the principles that guide Ireland's approach to this challenge.

I have also set out some of the preoccupations of my Government, as well as legal factors underpinning our position and approach.

Taking account of these principles and preoccupations, let me reiterate that we are open to a reasonable way forward that is legally and politically sound and that will quickly resolve the matter, while meeting valid concerns.

Ireland will pay utmost attention to the views expressed by the wider membership of the United Nations in the present meeting, in the conviction that any solution to the current impasse will need to preserve, not harm the standing of the United Nations as a whole.

Thank you Mr. President.