

BOOK REVIEW

United Ireland, Human Rights and International Law, by Francis Anthony Boyle, Clarity Press, Atlanta, GA, United States, 205 pages, published 2011, ISBN 0983353921.

The book *United Ireland, Human Rights and International Law* is a powerful call for a United Ireland. It deals with the consequences of the British colonial domination in Ireland and exposes the possible ways to liquidate these consequences, bring historical justice, and put the foundations of long-lasting peace.

The book analyses clearly and succinctly the so-called “Irish Potato Famine” (*The Irish Hecatombe*). It offers an authoritative response to the question of whether “the policies pursued by the British government from 1845 to 1850 in Ireland, which resulted in the mass starvation of over one million Irish people, constituted ‘genocide’ (p. 20). While the *Irish Potato Famine* has been previously approached from different angles by scholars, this book offers a unique insight into the *Irish Famine* from the perspective of both US and international law. When genocide occurs, many deny that it is *genocide* in spite of the evidence, as in the case of the *Great Irish Famine* 150 years ago. Professor Boyle provides in this book an analysis that leaves no space for misinterpretation of the *Irish Famine* as *genocide* under international law. This is not a small accomplishment, since *genocide* is a legal concept still surrounded in controversy, and an analysis of this crime as the one provided in *United Ireland, Human Rights and International Law* has long been overdue.

Relying on his extensive knowledge and experience as a professor of international law and as a international lawyer, Professor Boyle offers primarily in his book a highly instructive lesson about *genocide*. In order to provide the necessary theoretical framework for both understanding the content of the crime of genocide and for confirming its existence, the author didactically guides the reader through the relevant US and international law instruments. He adopts a broad historical view, setting Irish experience in the context of many other horrors perpetrated around the world that can qualify as genocides (e.g., against: the Jewish people (Holocaust), Armenians, Native Americans, African Americans under slavery, Bosnian people). In support of the *Irish Famine* genocide claim, the author presents in addition an astonishing and overwhelming body of official documents and statements produced by British government officials. These documents and statements constitute self-incriminatory, “direct evidence” of the British officials’ “genocidal intent against the Irish” (p. 34), aiming at reducing and destroying the Irish population, or forcing them by such famine to emigrate on a large scale, in order to radically restructure Ireland. As shown in the book, the *genocidal intention* was too unequivocal for denial.

To confirm whether these deliberate policies inflicted by the British government were *genocide* within the meaning of the 1948 Genocide Convention, Professor Boyle focuses further on the theoretical aspects of the crucial element of *intent* necessary for evidencing the crime of genocide. He convincingly shows the

reader that *killing* is not the only way of committing genocide. So the historical record provided in the book vividly confirms that *genocide*, for the meaning provided by the Genocide Convention, can also be perpetrated by deliberately inflicting on a group of people *serious conditions of life that risk their destruction*, such as campaigns of mass starvation; death; eviction; forcing emigration on a large scale; deprivation of land, properties, language, trade, free practice of religion, education, or role in government, etc.

In an eloquent manner, Professor Boyle debunks the flawed argument brought by the British officials that the deliberate starving to death of “the one million Irish” should not be regarded as genocide. In demonstrating furthermore that the *Irish Famine* was *genocide*, the author relies in particular on his experience as a legal adviser of Bosnia Herzegovina on the 1993 Bosnian Genocide case before the International Court of Justice (ICJ) (where the author won two important ICJ orders prohibiting the commission by Yugoslavia of the crime of genocide against the Bosnian people), and this Court’s final Judgment on the merits in the *Bosnia* case, in 2007. Considering, in principle, the acknowledgement by the ICJ in the *Bosnia* case that “in order to constitute genocide, a state must only intend to destroy a ‘substantial part’ of the group ‘as such’” (p. 32), and not the ‘whole’ group, the author makes it clear that by deliberate policies pursued in Ireland from 1845 to 1850, which resulted in the mass starvation of over one million Irish people, the British government itself defined, actually, the ‘genocide’ by any other name.

Professor Boyle further addresses and contextualizes the legacies and implications of the British colonial domination that led to radical oppressive policies to restructure Ireland, such as those implemented during the *Irish Famine* between 1845 and 1850. He regards the problem of illegal partition of the 1916 Irish Republic by Britain as a clear violation of the well-established rules of international law and human rights existent in the seminal international law instruments/agreements. Along with this issue, the author analyses Britain’s responsibility under international law for treating Northern Ireland as a ‘colony’. He equally pays attention to the protection of the fundamental human rights of Protestants living in Northern Ireland, in the view of the relevant international law instruments.

The colonial legacy inspiring the non-constitutional Supplementary Extradition UK–US Treaty, designed against the Irish People (Irish American citizens and Irish everywhere), is further examined in great detail. The author contextualizes this ‘new’ proposed Treaty in the light of international law rules vis-à-vis the problem of Northern Ireland, seen in the dimension of an international conflict. An in-depth analysis by the author, built around the story of Joe Doherty, a renowned Irish patriot who fought against the British colonial domination and occupation regime, exposes the real agenda behind this proposed Extradition Treaty concluded by the United States with the British Monarchy. In principle, the author reveals the ways in which this ‘new’ Treaty violates the most basic principles of international and US domestic law, human rights, customary international law, and *jus cogens*. He also brings into the context the efforts made for instituting a National Campaign to defeat the proposed Treaty, in 2003, along

with the work of the American Civil Liberties Union in this respect, as well as the author's involvement in the Campaign of putting into practice in the United States the MacBride's principles to abolish Britain's long-standing criminal misrule.

In the final part, Professor Boyle offers valuable suggestions to deal peacefully with colonial legacies, for Ireland and Britain "to draw a line beneath the past nine centuries of struggle and strife and genocide in order to move forward from there as equals" (p. 195). Here, the author advocates for an effective and attractive model of self-determination for Northern Ireland that will implement international law and human rights for all Irish living in Ireland without discrimination.

The book does not purport to be a definitive scholarly answer to controversies surrounding the difficult concept of 'genocide', but it brings several interesting suggestions to solve some of its controversies, based on a case that is generally overlooked in the legal scholarship. It also has the merit to dispel the belief that international legal documents are long and boring reading, by making lively and memorable for specialists and non-specialists alike many complicated international legal documents. These documents are skilfully integrated by Professor Boyle with historical facts and stories of the fight of Irish patriots (such as Sean MacBride, awarded the Nobel Peace Prize for his work in international human rights, Joe Doherty, or Robert John MacBride) into a narrative that has the quality to tell the reader an unforgettable story, easy to connect with. One should have no doubt that the book can become an important text for international legal practitioners, political theorists, and historians, as well as be a good supplementary reading in law, history, or international relations courses at all levels.

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