

Speech by the President of the Parliamentary Assembly of the Council of Europe Peter Schieder at the 4th Parliamentary Conference on the Stability Pact for South-Eastern Europe

Brussels, 21 May 2003

This is the fourth parliamentary conference on the Stability Pact, organised in the framework of the Troika. For this occasion I had prepared a speech that looked at the recently-released report by the Special Co-ordinator Erhard Busek against the background of the conclusions of our last parliamentary conference held in October 2002 in Tirana. There is much to be said about the progress made during the last semester in implementing Stability Pact projects, and I am sure other participants at this conference will do so. I have decided, however, to speak on another matter, one that is not on the agenda but perhaps should have been, as it is intrinsically linked to stability in South-Eastern Europe.

On 2 May this year, Albania, the host of our last parliamentary conference, signed a bilateral agreement with the United States aimed at exempting their officials, military personnel and nationals from the jurisdiction of the International Criminal Court. Albania was the third Council of Europe member state, after, Romania and Georgia, to sign such an agreement. Today, three more countries in the region - the former Yugoslav Republic of Macedonia, Croatia and Bosnia and Herzegovina - have been asked to follow suit.

I know that, in these difficult and uncertain times, it is not considered wise to criticise our friends overseas. It is even more sensitive to do so in the context of South-Eastern Europe, where the United States has played and continues to play such an important role. But these are also times when holding to our principles and values is equally important. I have no doubts that true friends will eventually understand, even if some will need time before they do.

Why have I decided to raise this subject today? Because the title of the conference is "A new European Policy for South-Eastern Europe". Against this background, I should like to recall the following points.

Firstly, the European Union has been, from the very beginning, a driving force behind the creation of the International Criminal Tribunal. It hailed the adoption of its Statute as a "truly historic moment in the process of furthering the rule of law and the fight against impunity". In July last year the EU said the entry into force of the Statute was "a major leap in the progressive development of international law".

As a result, the Council of the European Union adopted a common position to "raise the issue of the widest possible ratification, acceptance, approval of or accession to the Rome Statute" in its negotiations or relations with third countries. I would regard the Stability Pact, as an ideal occasion to do so, yet I see little evidence of this being the case.

The second reason why I believe we should discuss the issue of the exemption agreements at this conference is the fact that South-Eastern

Europe seems to be the prime target of US diplomatic efforts to undermine the International Criminal Court. Virtually all countries in the region are concerned, with the exception of those joining the European Union next year. Their links to Brussels appear to offer some protection against US pressure, while others further down on the waiting list are more or less left on their own.

Thirdly, both the International Criminal Court and the Stability Pact are part of an international effort to deal with conflict. The former through justice, the latter through economic and political assistance. It is in South-Eastern Europe where the parallels between the two processes are most clearly evident. Certainly, the idea for an International Criminal Court preceded the wars in the former Yugoslavia, but it was the extent and the brutality of the bloodshed in the Balkans which persuaded us of the need to give real teeth to international justice, and greatly influenced the final phase in the Court's setting up. If we are genuinely committed to the Court, and honest in our effort to promote stability in South-Eastern Europe, we must be coherent in our attitude to both.

Countries targeted by the US administration find themselves between a rock and a hard place. Following the signature of the exemption agreement, I wrote to the Speaker of the Albanian Parliament to express my concerns and inform him of the official position of the Assembly, which considers these agreements as a threat to the integrity of the Court and asks Council of Europe member states not to sign or ratify them. Yet I do not want to put additional pressure on these countries. If they act pragmatically, they do so from need, not greed.

United States assistance is essential to their fragile economies. Resistance to American pressure might have serious implications for their economies or security and undermine their, and the region's, stability. We must not allow this to happen. The only way to do so is by putting an end to the current attitude of looking the other way. We must ask the United States to stop exploiting the fragility of a war-torn region to protect their partial interest. But we must also offer the countries concerned full political support and any additional assistance which would allow them to decide freely on this, and any other matter concerning their future.

I know that some tend to minimise the threat of the exemption agreements to the Court, usually by providing lengthy legal arguments that such agreements are allowed by the Rome Statute or not detrimental to it. I disagree, both from the legal and the political point of view.

One thing is clear: Europe believes in the International Criminal Court and international justice and the United States does not. This is not about details, it is about principle: what is at stake is our fundamental belief about how the world should be run. We cannot have it both ways, and we should stop trying to. If we believe in international justice, we should have the courage of our convictions and we should say so.

I would like to end with an appeal to our colleagues in the European Parliament to call for a clearer and firmer position of EU governments on this issue.

The people of South-Eastern Europe have just emerged from a decade of war with its toll of destruction and human suffering. They look to their friends in the United States and in Europe with hope for a better and more secure future. Europe and America owe it to them to resolve our disagreements and reject a false choice between the stability of the region and the integrity of the Court.