

Statement by Mr. Patten, European Commissioner for DG External Relations

September 25, 2002

European Parliament, Strasbourg

**Patten, Commission.** - Madam President, I am very pleased to speak today about the European Commission's continuing support for the Rome Statute and for an effective International Criminal Court. I believe, as Parliament does, that the creation of the International Criminal Court represents a critical milestone in the evolution of international human rights law.

No longer will tyrants gain impunity for genocide, war crimes, and crimes against humanity - including widespread murder of civilians, torture and mass rape - by hiding behind the cloak of national sovereignty. No longer will the international community have to create international criminal tribunals after the fact - after the crimes that we all deplore have already been committed.

In the 21st century, potential tyrants and mass murderers will know in advance that the international community is prepared to hold them accountable for massive violations of human life and dignity. It is our belief and our hope that this awareness will help to reduce the frequency and the severity of such crimes. But when it does not, and the relevant national legal authorities are unwilling or unable to act, the international community will have in place a complementary system of criminal justice that is fair, transparent and effective.

The European Union fully supports the Court. The principles of the Rome Statute, as well as those governing the functioning of the ICC, are fully in line with the principles and objectives of the Union. The consolidation of the rule of law and respect for human rights, as well as the preservation of peace and the strengthening of international security, in conformity with the Charter of the United Nations, and as provided for in Article 11 of the EU Treaty, are of fundamental importance to us.

We have committed ourselves to the success of the ICC. We have provided funds in projects to support the broadest possible ratification and implementation of the Rome Statute and we have committed more money for that purpose.

Of course, there is still real work to be done before the ICC can function as intended. One challenge is to increase the number and broaden the geographical scope of states that have signed and ratified the Rome Statute. As of today, 139 states have signed the Statute, and 81 have ratified it. These numbers are impressive, but need to be increased. We note a particular gap among Asian States. The Commission will continue to make every effort to encourage third countries that have not yet done so to sign and/or ratify the Statute. We will also work with states that have ratified the Statute to ensure the timely adoption of national implementing legislation necessary to cooperate with the Court and to exercise national criminal jurisdiction over crimes covered by the Statute.

At the moment, of course, the most controversial issue is that of bilateral agreements under Article 98 of the Rome Statute, to which the Presidency referred. The Commission supports the decision taken by the foreign ministers at Helsingør to develop an EU response on Article 98 that seeks to accommodate US concerns without in any way undermining the Rome Statute.

As soon as the details of the European Union position on Article 98 are completed - I hope by the end of this month – we will work with the candidate and EEA States to maintain a united front on the ICC.

With regard to the longer term, the Commission also supports an ongoing dialogue between the European Union and the United States on the future of the International Criminal Court. An open EU-US dialogue on these matters is critical to the ultimate effectiveness of the Court. We disagree with the United States about the Court. We are sorry that all the reassurances we gave during the negotiations, and subsequently, have been ignored. We are sorry that they have declined to take 'yes' for an answer. So be it. Without any acrimony, but with steady determination, we must get on with the task of making the Court a success.

There is an obvious challenge in doing that. That is to ensure that the nomination and election of the ICC's judges and chief prosecutor are fair, transparent and fully consistent with the criteria set out in the Rome Statute. Fairness, transparency and consistency are important to ensure the legitimacy of this new institution in the eyes of the whole world.

European Union Member States should ensure that their handling of this process sets a positive example. Parliaments, professional associations, and non-governmental organisations around the world can also contribute to this process by recommending potential candidates for consideration by states parties and by evaluating the qualifications of all those candidates.

I only wish to add how much the entire Commission appreciates the European Parliament's tireless advocacy on behalf of a strong and effective International Criminal Court. We look forward to continuing this positive relationship on behalf of the ICC well beyond the Court's first operational session next autumn.