

UN panel calls on all countries to ratify ICC

By Mark Turner
The Financial Times
November 30, 2004

All countries should sign and ratify the statute of the International Criminal Court, a high-level United Nations panel will demand later this week, and the UN Security Council should be far more ready to refer wrongdoers to international criminal justice.

The call is one of many recommendations by 16 veteran politicians and diplomats on how to meet the greatest threats of the 21st century, including nuclear proliferation.

Kofi Annan, the UN secretary-general, hopes the panel's report will galvanise debate on reforming the 59-year-old organisation ahead of a summit of world leaders next year.

But the advice on the court is likely to infuriate the US, which has opposed it both through the UN and through bilateral agreements. Washington's support is seen as crucial to the success of any UN reform.

Making better use of the recently established court is crucial to ensuring the better protection of civilians, according to the panel, which includes Brent Scowcroft, who served as national security adviser under George Bush senior but has rocky relations with his son's administration.

"In the area of legal mechanisms, there have been few more important recent developments than the Rome statute creating the International Criminal Court," the panel says.

"In cases of mounting conflict, early indication by the Security Council that it is willing to use its powers under the Rome statute might deter parties from the gravest violations of the laws of war," it says.

"The Security Council should stand ready to refer cases to the International Criminal Court."

The only cases formally under investigation by the court have been referred by state parties rather than the Security Council.

But the US has consistently resisted any mention of the court in council resolutions. Most recently, the US was reported earlier this week to have blocked a UN statement supporting an investigation into a massacre in Burundi because of fears that it contained a hidden reference to the international criminal court.

Supporters of the court warn that Washington is currently pushing through legislation, within its omnibus appropriations bill, that threatens a cut-off in economic aid to countries that do not sign up to a bilateral agreement guaranteeing immunity for US citizens.

The US had previously threatened only to withhold military aid, but the new measure would prohibit assistance under a \$2.5bn (€1.9bn, £1.3bn) economic support fund (ESF).

According to the Coalition for the International Criminal Court, an umbrella group of non-governmental organisations supporting the institution, the measure would cancel \$8.5m aimed at promoting peace in Northern Ireland as well as \$250m for "healthcare, education, and governance reforms" in Jordan. Cyprus would lose \$13.5m intended to further its peace process. Other affected countries could include Ecuador, Paraguay, Peru and Venezuela and South Africa.