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Advocating for an International Criminal Court

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Kofi Annan

Abstract

This Opening Remark contains the text of Kofi Annan's speech to the International Bar Association. In the speech, Annan calls for the creation of an International Criminal Court and proposes that the Court is necessary for the full realization of the United Nations' goal of international justice.

ADVOCATING FOR AN INTERNATIONAL CRIMINAL COURT

*Kofi Annan**

Ladies and Gentlemen, distinguished Members of the International Bar Association, and dear friends of the United Nations, I am very pleased to have the opportunity to address your assembly on the occasion of the fiftieth anniversary of the International Bar Association.

And, allow me to quote President Mary Robinson of Ireland's recent address to the graduating class of Yale Law School: "The world needs lawyers more than the world is willing to admit."

As you reflect on the accomplishments of your institution over the last half-century, so, too, are we reflecting on ours and how we may refine the United Nations' purpose and its mission. We are reforming our United Nations, conscious of our heritage, committed to its principles, and faithful to its foundation. That foundation is the law. It is the idea that the behavior of states and the relations between them shall be governed by one law, equal and applicable to all. It is the commitment to the peaceful, negotiated settlement of disputes. It is the fervent hope that human rights and fundamental freedoms may be extended to all the peoples of the United Nations.

That is our inheritance. That is the legacy that we seek to bring to life every day in every corner of the world. It is our solemn duty and our highest calling. What can we do in our time to answer this calling? How can we improve our service to the globe? Where can we refine? Where can we refocus? Where can we reinvigorate the U.N.? Those are the questions that lie at the heart of our current reform effort. The answers, I believe, will chart the path of our United Nations for years to come.

We are living through a remarkable period in the advancement of international law. Great strides have been made in refining its writ, expanding its reach, and enforcing its mandate. The challenges of the future — narcotics, disease, crime, and international terrorism — are increasingly recognized as trans-

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national challenges. As that recognition has grown, so too has the realization that international law is a vital tool in the global effort to meet tomorrow's challenges.

The response to our common challenges must not only be global, but also unified. Through the United Nations, Member States have coordinated legal measures and established lasting norms for state behavior and inter-state relations. The United Nations has, ever since its inception, been at the forefront of codifying international norms. Indeed, we celebrate this year the fiftieth anniversary of the International Law Commission. The Charter of the United Nations envisioned a profound role in the area of international law, calling upon the General Assembly — and I quote: “to initiate studies and make recommendations for the purpose of . . . encouraging the progressive development of international law and its codification.”

Over the last fifty years, the International Law Commission has pursued this mission with great success, setting forth basic rules in most of the key areas of international law. These rules have, in turn, served as the basis for global treaties, governing state activities in fields such as maritime navigation, marine oil extraction, and the provision of drinking water. Indeed some of these treaties — such as those regulating diplomatic matters — may be said to form the very foundation of the practice of international relations.

Tonight, I would like to share with you my ideas on one vital aspect of the United Nations' aspirations for international law — an aspect that I personally have great hopes for — the creation of an International Criminal Court.

There can be no global justice, ladies and gentlemen, unless the worst of crimes — crimes against humanity — are subject to the law. In this age, more than ever, we recognize that the crime of genocide against one people truly is an assault on us all — a crime against humanity. The establishment of an International Criminal Court will ensure that humanity's response will be swift and will be just.

For nearly half a century — almost as long as the U.N. has been in existence — the General Assembly has recognized the need to establish such a court to prosecute and punish persons responsible for crimes such as genocide.

Many thought, no doubt, that the horrors of the Second

World War — the camps, the cruelty, the exterminations, the Holocaust — could never happen again. And yet they have. In Cambodia, in Bosnia and Herzegovina, and in Rwanda. Our time — this decade even — has shown us that man's capacity for evil knows no limits. Genocide — the destruction of an entire people on the basis of ethnic or national origins — is now a word of our time. It is also a heinous reality that calls for a historic response.

In the absence of an international criminal court, the Security Council acted to establish two ad hoc international tribunals, for Yugoslavia and for Rwanda. These tribunals have made significant progress and are setting an important precedent. War criminals can and will be brought to justice. They cannot complete their task, however, without the swift and complete arrest of all indicted criminals. I would like to use this occasion, once again, to call on all countries concerned to surrender suspects within their jurisdiction. True justice demands no less.

May I also take this occasion to strongly applaud the frank and candid appeals made by my friend U.S. Secretary of State Madeleine Albright on the subject of war crime during her recent visit to the Balkans.

Peace and justice are indivisible. They are indivisible in the former Yugoslavia, in Rwanda, and in all post-conflict situations where the dawn of peace must begin with the light of justice. The international criminal court is the symbol of our highest hopes for this unity of peace and justice. It is a vital part of an emerging system of international human rights protection. It will ensure that indicted criminals suspected of genocide in any country can be tried and convicted.

Great progress has been made since the 1994 draft statute on an international criminal court prepared by the International Law Commission. The General Assembly has decided to convene a conference of plenipotentiaries in 1998 to adopt a convention on the establishment of an international criminal court. That conference will coincide with the fiftieth anniversary of the adoption of the Genocide Convention.¹ I cannot think of a more solemn, more significant occasion for the world to take the final step toward global justice. The creation of an international

1. Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277 (1948).

criminal court will not only complete the vision of the Genocide Convention, it will also bring that vision into reality.

Distinguished friends of the United Nations, in the prospect of an international criminal court lies the promise of universal justice. That is the simple and soaring hope of this vision. We are close to its realization. We will do our part to see it through till the end. We ask you, as lawyers and tribunes of justice to do your utmost in our struggle to ensure that no ruler, no state, no junta, and no army anywhere can abuse human rights with impunity. Only then will the innocents of distant wars and conflicts know that they, too, may sleep under the cover of justice; that they, too, have rights and that those who violate those rights will be punished.

Allow me to conclude by congratulating you, the representatives of the International Bar, on the fiftieth anniversary of your association. May the next fifty years be as fruitful and progressive as the last.

Thank you.