



## World Federalist Movement – Institute for Global Policy

**To: WFM Council**  
**From: WFM International Secretariat**  
**Date: October 23-24, 2004**  
**Re: Coalition for the International Criminal Court Project**

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### Introduction

The Coalition for the International Criminal Court continued to play a critical role in the Court's remarkable growth over the past year. The WFM-IGP has continued to act as the Coalition's secretariat, as requested by the CICC steering committee in 1995. In addition to coordinating major international civil society initiatives in support of the Court, the CICC has been at the forefront of efforts to secure universal ratification of the ICC treaty and to develop on-the-ground support for the ICC which will be crucial for the Court's ultimate success.

Coalition membership continues to grow and represents vast thematic and geographic interests, including groups concerned with human rights, women and children's rights, peace, international law, humanitarian assistance, the rights of survivors, faith-based groups, and disarmament advocates. In fact, the Coalition comprises over 95% of all organisations working on the ICC -- an extraordinary expression of global solidarity.

The CICC continues to focus its work on the following key objectives:

- Promoting efforts for universal ratification of the ICC treaty;
- Assisting efforts to develop national legislation in compliance with the ICC obligations and the *complementarity* principle (in which the ICC only intervenes when a State is *unwilling* or *unable* to exercise its jurisdiction);
- Promoting awareness about the Court and the Rome Statute amongst a wide range of constituencies, especially in countries where cases arise;
- Monitoring and supporting the *operationalization* of the Court;
- Strengthening the work of the Assembly of States Parties;
- Increasing international support for the Court;
- Conducting targeted education and training of key stakeholders; and
- Further expanding the Coalition and its networks.

The CICC realises these objectives through a multifaceted program of actions which capitalize on the CICC's strengths as an international coalition – including organising, advocacy, research, and information dissemination. This work is facilitated by our presence in each and every region of the world (including the new Regional Coordinator based in Yemen), our relationships with local civil society on the ground, and our unique role as an informal advisor to key ICC actors, working closely with the Court's highest officials and the ICC Assembly of States Parties.

Following the entry into force of the ICC's treaty, the Rome Statute, just two years ago, the Court has already started its judicial functions. The Office of the Prosecutor has initiated investigations concerning the two situations referred to the Prosecutor by two States Parties: Uganda and the Democratic Republic of the Congo. Another six situations are also currently under the Prosecutor's scrutiny. The ICC's main purpose is to assist the international community in the difficult task of closing the impunity gap for the most heinous international crimes: genocide, war crimes and crimes against humanity. However, while the Court places itself at the heart of the new international justice system to fight

against impunity, it also remains a “court of last resort”, leaving the primary responsibility to exercise jurisdiction over alleged criminals with individual States. But this system of *complementarity* can only work if all States: ratify or accede to the Rome Statute; fully cooperate with the Court by providing all the necessary judicial assistance in its proceedings; and implement all of the crimes under the Rome Statute as well as the Statute’s general principles of criminal law into domestic legislation.

### **Project Goals and Activities**

- The CICC will expand its efforts to help governments navigate the often difficult path of enacting the two types of domestic legislation that need to be in place for every ICC State Party: legislation that allows for cooperation with the ICC and legislation that provides for domestic trials of ICC crimes.
- The CICC will assist in the development of formal and informal resolutions and mechanisms supporting universal ratification and implementation with the Assembly of States Parties and Like-Minded Countries (Friends of the ICC).
- The CICC will continue to work with local groups, national authorities and regional bodies to develop our campaign goals in targeted countries. To help us achieve our member-wide goals, the CICC will continue to develop multidimensional action plans in each target country, through the guidance of our consultants located in Africa, Asia, Central America, CIS, Middle East and North Africa, as well as the United States of America.
- The CICC will engage in constructive dialogues and efforts to cooperate with governments, regional bodies (e.g., the Arab League of States, ASEAN, African Union, European Union, Organization of American States, Organization for Security and Cooperation in Europe) and international organisations (e.g., United Nations, UN Development Program, International Committee for the Red Cross) as well as ICC officials, the media, donors, law enforcement experts, and non-governmental organisations, to obtain our goals.
- The CICC has remained the most vital source of information about the ICC. We will continue to develop and improve our resources, undertaking outreach through our website (the fundamental ICC resource internationally), the administration of 17 listservs in four languages, and production of three Court related publications in three languages.

Despite the CICC’s remarkable accomplishments, many challenges still lie ahead. Countries that still have not ratified the Rome Statute are mostly those that have not adhered to many international human rights treaties and humanitarian law conventions and those with fragile democracies, weak civil societies and internal conflicts. Many are also small, poor, developing countries that are in dire need of financial assistance. Many of these countries have had to make extraordinary efforts to resist USA pressure against them for their support of the ICC. Other countries are in great need of technical assistance in order to fully implement the Rome Statute into domestic legislation. National campaigns like those promoted by the WFM-IGP project can help to cultivate the ground for future ICC treaty ratification and the adoption of new legislation.

The CICC will continue to counter the anti-ICC campaign of the current USA administration. Anti-ICC legislation enacted in the United States, including the American Service Members Protection Act, has been damaging the campaign for universal ratification and implementation of the ICC treaty. Key activities to counter this damage will include: dissemination of information about what the Court is and what it is not, specifically geared to a United States audience; support of the campaign efforts by USA member organisations of the Coalition; liaising with the European Union on efforts to dissuade the United States from anti-ICC legislation; and work with members of the Security Council to prevent US interference with the ICC at the UN-level.

Additionally, the CICC project is exceptional in developing multiplier effects. Program models developed by the CICC have been implemented by regional, national and local coalitions and civil society organisations. Having developed a unique framework and program of activities, one of the Coalition’s greatest strengths has been its ability

to see that framework realised by member organisations at every level and in every region of the world. In this way, the project has a singular capacity to directly support NGOs in the target countries, strengthening their ability to remain committed to and engaged with the ICC issue.

The Coalition was instrumental in helping to secure the highest standards of fairness and representation at the elections of the Court's senior officials, completed in September 2004. Throughout the early phases of the Court's establishment, the Coalition's presence in The Hague has promoted the equally high standards of fairness and effectiveness of the Court at every step. During this most recent phase of our work, we have enhanced our unique role as an informal advisor to the Court, serving in close consultation with the ICC's highest officials and preparing the groundwork towards the establishment of critical policies and procedures governing the good functioning of the Court. Despite the achievements to date, an enormous amount of work remains to ensure that the Court will be as fair, effective and independent as possible.

The Coalition project is unique in its capacity to generate political will and support among stakeholders. Its success has been demonstrated by the extraordinary recognition given to the Coalition by the Assembly of States Parties of the ICC and by the highest officials of the Court, the Friends of the ICC/Like-Minded Countries, and the European Union. The Coalition has also set a unique example of civil society networking and *new diplomacy*. The Coalition project has played a critical role in the development of the Court, and the Coalition stands alone in its ability to reach around the globe and generate international support for the ICC, global governance and the rule of law.