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The following are excerpts from the discussion:

Canada World View

To what extent does the Statute signed in Rome reflect the Canadian vision of an International Criminal Court?

Philippe Kirsch

There's a significant Canadian imprint. In the draft that the Conference adopted are institutional characteristics that Canada wanted and pushed for very hard in the company of other countries in the group of like-minded states. For example:

- the Court's automatic jurisdiction over crimes;
- jurisdiction over internal armed conflicts; as we know, these conflicts have been the most common source of bloodshed and atrocities in recent times;
- the incorporation of strong provisions related to sexual crimes and crimes against children;
- the element of complementarity — the fact that the Court will take action only when national legal systems are unable or unwilling to genuinely investigate or prosecute. I should point out that this provides a great deal of protection to states with judicial systems that function effectively. The Court would not pre-empt action in cases involving the citizens of these states because the countries in question would be able to take the necessary action;
- the fact that the jurisdiction of the Court can be triggered by an Independent Prosecutor, as well as by states that have ratified the Statute and by the Security Council.

Canada World View

How will the Court relate to the Security Council?

Philippe Kirsch

It will be a constructive relationship. The Council may refer situations to the Court and require co-operation from all UN member states. In exceptional circumstances, the Council may request a 12-month deferral of Court proceedings while measures are under way to promote international peace and security.

Canada World View

How will Canadians benefit from the creation of the ICC?

Philippe Kirsch

In many ways — I can think of two in particular. Canada is one of the world's leading contributors to peacemaking and humanitarian missions. The presence of the Court will contribute to the effectiveness of these missions and, I think, reduce risks to peacekeeping personnel. It's been suggested, for example, that one reason the United States sustained no casualties in the mission to implement the Dayton Accords [which brought peace to war-torn former Yugoslavia] was that people who were responsible for committing atrocities were already indicted and had consequently lost their authority to influence events.

More fundamentally, there are the benefits Canadians will share with all other countries. By reaffirming the rule of law, the Court will be a stabilizing factor in international relations. It should also foster reconciliation in the aftermath of conflicts by isolating and stigmatizing war criminals.

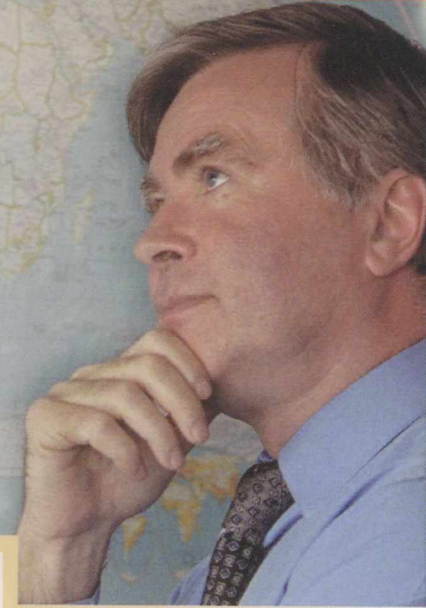


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Canada World View

Will the Court continue to evolve?

Philippe Kirsch

Most definitely. We need to arrive at a definition of aggression, for example, and to develop a number of practical rules for the operation of the Court. And we expect that, as nations that voted against the Court see it in operation, they will come to realize that it is a legal rather than a political institution, and come around to support it.

Is it a perfect court? Not yet — but it is a strong court. The UN Secretary-General, Kofi Annan, has called it “a gift of hope to future generations and a giant step forward in the march toward universal human rights and the rule of law.”