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Conference to bolster support for the ICC's creation, commented, "It was encouraging to see so many countries supporting the creation of an institution of such fundamental importance to peace, human rights and security."

Canada has played a leading role in the development of the ICC, chairing the group of like-minded states at a preparatory commission that worked over a two-year period on the framework legislation. Canada also provided financial assistance to enable some of the least-developed countries to take part in both the preparatory meetings and the final, five-week diplomatic conference in Rome. The Committee of the Whole for the Conference, which developed the final text, was chaired by Philippe Kirsch, Legal Advisor to the Department of Foreign Affairs and International Trade.

The Committee had a daunting task on its hands. The original draft treaty was a bulky, 173-page document containing 116 articles and 1300 "square brackets"—difficult issues set aside for resolution later. As Chairman, one of Mr. Kirsch's first moves, after instituting night sessions, was to have drafting groups abandon the square bracket approach and deal directly with outstanding issues. After four weeks of work, the Committee presented a finished document, minus brackets, boiled down to a relatively compact 83 pages with 128 articles.

The ICC breaks new ground. It will deal with international crimes on an individual rather than a state basis, and its jurisdiction extends to crimes committed in internal conflicts. Presided over by 18 judges from 18 countries, the ICC will also have automatic jurisdiction over these

crimes, meaning that states that ratify the Statute automatically accept its jurisdiction and the Court will not have to seek case-by-case consent to act. Another new feature is the establishment of an Independent Prosecutor, elected through secret ballot by states that have ratified the Statute.

The Statute allows for cases to come before the Court via several routes. Countries that have ratified the Statute can trigger action, as can the UN Security Council and the Independent Prosecutor.

The ICC will come into existence as soon as 60 states ratify the Statute. Canada has pledged to ratify as soon as possible and is urging other countries to do the same.

Foreign Affairs Minister Axworthy signs the "Final Act" or Statute creating the ICC on July 18, 1998, in Rome. Beside him is Philippe Kirsch, Legal Advisor to the Department of Foreign Affairs and International Trade, and Chairman of the Committee of the Whole for the Conference.

Interview with

Born in Namur, Belgium, in 1947, Philippe Kirsch moved with his family to Canada at age 14 and joined the Department of External Affairs in 1972 after receiving a Master of Law degree from the Université de Montréal. Since then, Mr. Kirsch has served as Ambassador and Deputy Permanent Representative of Canada to the United Nations and as Ambassador and Agent for Canada to the International Court of Justice.

Philippe Kirsch's career has been principally with multilateral organizations in work related to international law and world security. Assignments have included Chairmanship of the following Committees: the influential Sixth (Legal) Committee of the UN; the UN Committee for the Suppression of Nuclear Terrorism; the UN Committee on the Elaboration of a Convention for the Suppression of Terrorist Bombings; and the Drafting Committee of the 26th International Conference of the Red Cross and the Red Crescent in 1995.

In June 1998, Mr. Kirsch was elected Chairman of the Committee of the Whole for the Conference on the International Criminal Court; this Committee negotiated the final text for the ICC Statute.

Canada World View interviewed Mr. Kirsch in Ottawa about Canada's role and interests in the creation of the International Criminal Court.

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