



Statement

by

H.E. Ambassador Walid Nasr

*to the United Nations Diplomatic
Conference of Plenipotentiaries
on the Establishment of an
International Criminal Court*

Rome, Italy, 15 June - 17 July, 1998

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**Permanent Mission of Lebanon to the United Nations
866 United Nations Plaza, Suite 531, New York, New York 10017**

Mr. President:

On behalf of the delegation of Lebanon, allow me at the outset to express to you our congratulations on your election as president of this historic conference. I would like to take this opportunity to express the appreciation of the government of Lebanon to the Italian government for hosting this conference. Your country's time honored history in lawmaking, and Rome's contributions to mankind's legal heritage throughout the centuries make this city the ultimate venue that would hopefully witness the birth of one of the most distinguished legal institutions that we all await: the International Criminal Court.

I would be remiss if I fail to congratulate the chairmen and members of the Committee of the Whole, and of the drafting committee respectively on their election to steer the work of this conference so that it can fulfill its historic mandate. Lebanon's election to the membership of the drafting committee is a source of pride. As we see it, this great honor is a renewed international expression of the international community's confidence in our country which is preoccupied with peace building after a long protracted conflict. It is first and foremost a testimony of our keen interest in this subject. This should come as no surprise. Beirut, our Capital, was the seat of one of the first schools of law known to mankind. Lebanon had also participated in the drafting of the Universal Declaration of Human Rights. A Lebanese Judge was a member of the International Court of Justice, and another is currently sitting on the bench of the international Tribunal of the Law of the Sea.

Mr. President:

Millions of people are eagerly awaiting the results of the proceedings of the Rome Conference. It appears that until this very moment, and despite the major progress achieved by the Preparatory Committee entrusted with drafting the Statute of the International Criminal Court, the world is still anxiously awaiting, wondering whether or not we shall succeed in establishing this Court.

The participation by a great number of delegations of United Nations member states, and by scores of Non Governmental Organizations in the proceedings of this conference convince us that the peoples of the world are serious in their pursuit. We shall be working together in the following five weeks so that this long awaited brainchild of ours may finally see the light. We are confident that our efforts will be refocused so that we may ultimately realize our goal, a goal that we will be proud of. We want to establish the ICC, which would be an independent, impartial, and effective body that promotes the respect for international humanitarian law, and seeks to protect all the members of the international community, the weak before the strong. This is a Court in which peoples and individuals should be equal before the law. This equality before the law will undoubtedly give a boost to the existing guarantees of international peace and security.

Lebanon expects the International Criminal Court to contribute to the activities of the maintenance of international peace and security. The Court would not obstruct the role entrusted to the Security Council and the General Assembly by the Charter. Nevertheless, it would not be a subsidiary organ of either. It would cooperate with them when and as necessary, but it shall remain an independent entity complementing their roles. If the Charter of the UN entrusts the Security Council with enforcement measures against states, the Court can complement this role when similar enforcement action is needed against individuals. This will definitely help to change the pattern of sanctions currently in force. Sanctions would no longer have to be used against peoples, and third country parties who collectively end up bearing the brunt of the sanctions regimes under the existing arrangements.

If we want the Court to be impartial and effective, we have to make sure that it represents the different legal systems, particularly in the office of the Prosecutor. In discussing the issue of the complementarity in jurisdiction between the ICC and national courts, the language we choose must be precise and clear. This will rule out the possibility of political manipulation when the concept of the ability and

willingness of the state to carry out the investigation or the prosecution is defined. The Prosecutor and his deputies must be given a clear authority to submit the case to trial at the request of a state whose nationals were the victims of a criminal act expressly described in the Statute of the Court. We must also secure the cooperation of the governments with the Court, and guarantee the necessary immunities for its different organs to allow this legal institution to fulfill its mission.

There is no doubt that the crimes that are proposed to be within the jurisdiction of the Court are extremely important. Our delegation has no problem with this. However, due to the limited time available to us, we may have to chose the most serious crimes of concern to the international community, namely, the crimes of genocide, war crimes, crimes against humanity, as well as the crime of aggression. It is inadmissible to be selective in making up the war crimes list. The acts described as war crimes in the Geneva Conventions of 1949 carry the same weight. We cannot select certain acts, and drop the others. Therefore, the jurisdiction of the Court shall extend to all the acts listed in the definition of war crimes under the Geneva Convention.

Mr. President;

The delegation of Lebanon will participate effectively in the deliberations of the conference. But like all other small delegations we will suffer from the proliferation of meetings. We would therefore like to underline the extreme importance of transparency in the discussions, including the informal ones. With this transparency, we will be able to win the great majority needed to adopt the coveted statute of the Court.

Thank you for your attention.