

Chapter Four

The NGO Coalition for the ICC in the Making of the ICC

Introduction

The creation of the ICC is a historic victory for human rights and international justice. The campaign for building a fair, effective and independent ICC, undertaken by NGOs from all regions of the world under the umbrella of the NGO Coalition for the ICC, has been lasting for ten years as yet.¹ Because of the NGO Coalition for an International Criminal Court, the adoption of the Rome Statute was the culmination of three and a half years of intense advocacy efforts and an unprecedented level of cooperation and coordination among NGOs themselves as well as between NGOs and governments and the UN Secretariat. The achievement of NGO involvement in the process of the making of the Court is the Rome Statute. Though the Statute has imperfections, it still reflects the most fundamental concerns of civil society, and exceeds the expectations of even the most optimistic observers going into the Rome Conference.²

In February of 1995, a small group of NGOs monitoring the UN General

¹ CICC, "Coalition for the International Criminal Court." <http://www.iccnw.org/Introduction.html> (Retrieved 12 May 2005).

² William R. Pace and Mark Thieroff, "Participation of Non-Governmental Organizations," Roy S. Lee ed., *The International Criminal Court – The Making of the Rome Statute: Issues, Negotiations, Results*, p. 391.

Assembly debate on the International Law Commission's formed the NGO Coalition for an International Criminal Court (CICC). The main purpose of the CICC was to advocate the establishment of an effective and just international criminal court. It is currently in the process of preparing a substantial report on the Diplomatic Conference, including information on the governmental negotiations and the participations of NGO Coalition members.³

This chapter depicts the contributions of NGOs at the Rome Conference to establish the ICC. Particular attention is drawn to CICC dimensions. I use four dimensions suggested by Thomas G. Weiss and Leon Gordenker to examine CICC in practice.⁴ At last, the processes of negotiations and ratifications of the CICC are also provided.

The Background of the NGO Coalition for the ICC

The NGO Coalition for the International Criminal Court so far is a network of over 2,000 civil society organizations and legal associations working together in support of a permanent, fair and effective international criminal court. Established in 1995, the NGO Coalition for the ICC is the leading source for information regarding the ICC and the regional organizations that support its formation.⁵

³ Ibid.

⁴ See the discussion in "NGOs Dimensions in Practice" and Table 2.1 in Chapter Two.

⁵ CICC website. "CICC Background." <http://www.iccnw.org/introduction/ciccbackground.html>

In the late 80s and early 90s, only a handful of NGOs had active programs supporting the establishment of an International Criminal Court; fewer still were monitoring the deliberations at the UN.⁶ It was on 10 February 1995 when a small group of non-governmental organizations first met across the street from UN Headquarters in New York and decided to work together to promote the establishment of a fair, effective, and independent International Criminal Court.⁷ Since then, they formed the NGO Coalition for an International Criminal Court (CICC) and established an informal steering committee.⁸ The World Federalist Movement – Institute for Global Policy (WFM–IGP) and its Executive Director, William R. Pace, were requested to serve as Secretariat and Convenor for the new network.⁹ From its inception, CICC sought to bring together a broad-based network of NGOs and international law experts to develop strategies on substantive legal and political issues

(Retrieved 16 May 2005).

⁶ CICC website. “CICC Background.” <http://www.iccnw.org/introduction/cicbackground.html> (Retrieved 16 May 2005).

⁷ CICC website. “Celebrating Ten Years of the Coalition.”

<http://www.iccnw.org/conferencesmeetings/cicctenthanniversary.html> (Retrieved 16 May 2005).

⁸ The Steering Committee for the CICC includes the following NGOs: Amnesty International, Asociación Pro Derechos Humanos, European Law Students Association, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights First, Human Rights Watch, International Commission of Jurists, No Peace Without Justice, Parliamentarians for Global Action, Rights and Democracy, Women's Caucus for Gender Justice, World Federalist Movement. CICC website. “Contact Information – Steering Committee.” <http://www.iccnw.org/contactinfo/steeringcommittee.html>, and “Resources & Tools – Links.” <http://www.iccnw.org/resourcestools/links.html> (Retrieved 16 May 2005).

⁹ The role of the Coalition Secretariat is to coordinate, facilitate and support the work of its global membership. This is done through regional coordinators around the world, with staff posted in New York and The Hague, including information services coordinators for English, French and Spanish, a media liaison, a legal team, technical staff and others.

CICC website. <http://www.iccnw.org/publications.html> (Retrieved 16 May 2005).

relating to the proposed Statute.¹⁰

The aims of the CICC are to advocate the creation of an effective and just International Criminal Court; unite NGOs and international law experts to develop strategies on substantive legal and political issues relation the Rome Statute; foster awareness and support among civil society organizations, including human rights, international law, judicial and humanitarian issues, religion, peace, the rights of women and children, parliamentarian and many others; promote education and awareness of the ICC proposals and negotiations; facilitate exchange of NGO and expert documentation and information concerning ICC negotiations and ad hoc Tribunals; foster discussion and debate.¹¹ This was significant because various NGOs with different goals and focus areas came together, and acted in a cohesive manner to complete set ends, and created a network to observe the ICC process.¹² These groups under the umbrella of the CICC are united in their support for a fair, effective and independent International Criminal Court and have made a significant contribution at all stages of the process, from the PrepCom to the Rome Conference, from the PrepCom to the Assembly of States Parties.¹³

¹⁰ William R. Pace and Mark Thieroff, "Participation of Non-Governmental Organizations," Roy S. Lee ed., *The International Criminal Court – The Making of the Rome Statute: Issues, Negotiations, Results*, p. 392.

¹¹ Union of International Associations, eds., *Yearbooks of International Organizations: Guide to Global and Civil Society Networks 2003/2004*, Vol. 1B (München: K. G. Saur, 2003), p. 1528.

¹² William R. Pace and Mark Thieroff, "Participation of Non-Governmental Organizations," Roy S. Lee ed., *The International Criminal Court – The Making of the Rome Statute: Issues, Negotiations, Results*, p. 392.

¹³ See CICC website, *CICC Background*, <http://www.iccnw.org/introduction/ciccbackground.html>

In the decade since the inaugural meeting of the CICC in 1995, the commitment of and partnership among over 2,000 NGOs, like-minded governments and international organizations has been instrumental to the success of our work. In sum, CICC has attained a remarkable goal, the creation of the International Criminal Court, widely acclaimed to be one of the greatest advances in international law, so far, with 99 States Parties and 50 more nations proceeding towards ratification and accession.¹⁴

CICC Dimensions in Practice

Detailed account of the approach to analyzing the role of NGOs in practice is given in Chapter Two. The dimensions are divided into four categories. Organization and governance have special relevance to locating the site of activities within governing structures and understanding the structures and aims of NGOs. Strategic and output have to do with the techniques and products of NGOs.¹⁵ This section examines the role that CICC have played in the conception, development and ongoing implementation of the Court, trying to explain that their involvement in this process was crucial to its success. Through these dimensions, the roles of the CICC in practice can be thoroughly detected.

(Retrieved 20 May 2005)

¹⁴ CICC website. "Celebrating Ten Years of the Coalition."

<http://www.iccnw.org/conferencesmeetings/cicctenthanniversary.html> (Retrieved 16 May 2005).

¹⁵ Thomas G. Weiss and Leon Gordenker, "Pluralizing Global Governance: Analytical Approaches and Dimensions," in Thomas G. Weiss and Leon Gordenker eds., *NGOs, the UN, and Global Governance* (London: Lynne Rienner Publishers, 1996), pp. 41-3.

Organizational dimensions

The dimensions of organization include two aspects, NGOs existence and operation. According to these dimensions, we can understand geographic range, support base, membership, financial information, and legal status of the CICC.

The CICC has been steadily growing since its establishment in 1995. It grew from 30 to more than 800 NGOs from all regions of the world and sectors of society.¹⁶ Since the adoption of the treaty in Rome and the launch of the campaign for signature and ratification, the Coalition has been committed to ensuring the decentralization of support for the ICC and the involvement of NGOs and other civil society groups from every region. National and regional networks of the Coalition have been forming all over the world to contribute to the ICC campaign in their region. Sectoral caucuses also exist, with a focus on issues relevant to women, children, victims, peace and faith.¹⁷ Many private organizations, such as humanitarian, parliamentary, religious, and women's organizations, under the leadership and guidance of international human rights groups, are members of the CICC.¹⁸

¹⁶ Fanny Benedetti and John L. Washburn, "Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference," *Global Governance*, p. 22.

¹⁷ CICC website. "Contact Information." <http://www.iccnw.org/contactinfo.html> (Retrieved 23 May 2005).

¹⁸ Fanny Benedetti and John L. Washburn, "Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference," *Global Governance*, p. 22.

The first meeting of founding organizations of the CICC was convened in the New York office of the World Federalist Movement (WFM). William R. Pace, its executive director, serves as the Convenor of the CICC.¹⁹ In addition to Pace, all personnel of the CICC Secretariats in New York and The Hague are in the following table:

Name	Position
William R. Pace	Convenor
Tanya Karanasios	Program Director
Staci Alziebler	Financial Officer
Désiré Assogbavi	Outreach Liaison
Joanna Barrett (The Hague)	Communications and Program Assistant
Caroline Baudot	Legal Officer
Peter Deitz	Technical Adviser
Katrina Dorn	Accounting and Human Resources Consultant
Sally Eberhardt	Media Liaison
Anjali Kamat	Outreach Liaison
Spencer Lanning	IT Consultant
Cecilia Nilsson (The Hague)	Legal Adviser
Leila Rachidi	Development Officer
Shantha Rau	Head of Communications
Alice Suh	Office Coordinator
Brigitte Suhr	Director of Regional Programs
Esti Tambay	Program and Communications Assistant
Colette Tamko	French Information Services Coordinator
Francesca Varda	Outreach Liaison
Erik van der Veen (The Hague)	Development and Communications Assistant
Astrid de Vries (The Hague)	Finance and Office Coordinator
Kristèle Younès (The Hague)	Legal Officer

¹⁹ According to the Program and Communications Assistant of the CICC, Esti Tambay, the World Federalist Movement serves as CICC’s “parent organization.” Indeed, CICC is a program of the WFM. When CICC Steering Committee members wanted to create the Coalition, they asked William Pace – and by default WFM – to serve as its convener and Secretariat (see Appendix III).

Table 4.1 List of the CICC Secretariats

Source: CICC website. "Contact Information – CICC Secretariat."
<http://www.americanstudents.us/icc.shtml> (Retrieved 5 May 2005).

In addition to the CICC secretariat is headquartered in New York City and The Hague in the offices of the WFM-IGP. The CICC focal points are represented in every region, supported by regional coordination in Mexico City, Mexico; Buenos Aires, Argentina; Quezon City, Philippines; Benin City, Benin; Lagos, Nigeria; Brussels, Belgium; and Sana'a, Yemen. Member organizations are located worldwide.²⁰ The role of the CICC Secretariat is to coordinate, facilitate and support the work of its global membership in working towards its goals.²¹ This is done through regional coordinators around the world, and through a dedicated staff in New York and The Hague, including information regional outreach liaisons, services coordinators for English, French and Spanish, a media liaison, a legal team, technical staff and others.²²

The existing structure of the CICC includes the regional teams, the sectoral caucuses, and the steering committee. The regional teams of the CICC embrace teams in charge of Africa, Asia and Pacific, Europe, Latin America and Caribbean, Middle East and North Africa. The sectoral caucuses include the following: Women's

²⁰ CICC website. "Contact Information – Regional Contacts."
<http://www.iccnw.org/contactinfo/regionalcontacts.html> (Retrieved 27 June 2005).

²¹ The Coalition secretariat coordinates the work of its more than 2,000 global members with that of governments, international organizations, and the UN Secretariat.

²² CICC website. "CICC background." <http://www.iccnw.org/introduction/ciccbackground.html> (Retrieved 14 May 2005).

Initiative for Gender Justice, Victims' Rights Working Group, Faith-Based Caucus, Universal Jurisdiction Caucus, Children's Caucus, Peace Caucus. Moreover, the Steering Committee for the CICC includes the following twelve NGOs: Amnesty International, Asociación Pro Derechos Humanos, European Law Students Association, Fédération Internationale des Ligues des Droits de l'Homme, Human Rights First, Human Rights Watch, International Commission of Jurists, No Peace Without Justice, Parliamentarians for Global Action, Rights and Democracy, Women's Caucus for Gender Justice, World Federalist Movement (WFM).²³

As for CICC finance, the current funds of the CICC are from the following donators: The John D. & Catherine T. MacArthur Foundation; The European Union; The Ford Foundation; The Open Society Institute; Third Millennium Foundation; The Governments of Canada, Finland, Germany, The Netherlands; and individual donors and participating NGOs.²⁴

Governance dimensions

Governance dimensions show the information about the instruments of the CICC governmental contact and range of concern.

The governmental contact of the CICC contains the following activities: First,

²³ CICC website. "Contact Information." <http://www.iccnw.org/contactinfo.html> (Retrieved 12 May 2005).

²⁴ CICC website. "Contributions and Support." <http://www.iccnw.org/contribute.html> (Retrieved 16 May 2005)

holding facilities meetings with representatives of governments. Second, communicating with UN officials and others involved in ICC negotiations. Third, carrying out promotional activities at public and professional conferences - including UN conferences, committee, commission and preparatory meetings. Fourth, teams work on different aspects of the Court: establishment; definitions; State consent; trigger mechanism and admissibility; general principles; composition and administration; investigation; trial, appeal and review; penalties; cooperation.²⁵

Moreover, as we know, the main purpose of the CICC was to advocate the establishment of an effective and just international criminal court. Thus, CICC has great interests in issues relating to human rights and fair jurisdiction. The sectoral caucuses of the CICC take the responsibilities for the work of norm setting and policy setting. As the mention above, the sectoral caucuses include: Women's Initiative for Gender Justice, Victims' Rights Working Group, Faith-Based Caucus, Universal Jurisdiction Caucus, Children's Caucus, and Peace Caucus. All NGOs involved in the CICC Caucuses generally meet during ICC-related in New York or in The Hague.²⁶

²⁵ Union of International Associations, eds., *Yearbooks of International Organizations: Guide to Global and Civil Society Networks 2003/2004*, Vol. 1A (München: K. G. Saur, 2003), p. 439.

²⁶ CICC website. "Contact Information – Sectoral Caucuses."
<http://www.iccnw.org/contactinfo/sectoralcaucuses.html> (Retrieved 14 May 2005)

Strategic dimensions

Strategic dimensions set out what NGOs hope to achieve within the organizational and governance dimensions. CICC provides the following main kits for the involved NGOs to carry out the making of the ICC:²⁷

1. Ratification and Implementation Toolkit: This includes national and regional tools such as samples of the legislation being developed as countries move through their ratification and implementation processes. It also includes general tools such as checklists, papers and other documents developed by experts on the constitutional and other legal issues that may arise from ratification and implementation of the Statute.

2. An NGO Toolkit: This kit is designed to assist civil society groups in their ICC campaigns and includes tips on forming networks, informing the media, planning events, conducting outreach to governments and others. The most important thing is how to outreach media, and using it as an advocacy tool. Therefore, CICC provides the manual outlines basic information about how to incorporate media strategy into ICC advocacy campaigns. The manual illustrates how to: write a press release, organize a press briefing, establish good media contacts, create a messaging strategy, give a strong media interview.²⁸

²⁷ CICC website. "Resources & Tools." <http://www.iccnw.org/resourcestools.html> (Retrieved 16 May 2005).

²⁸ CICC website. "Resources & Tools – NGO Toolkit." <http://www.iccnw.org/resourcestools.html> (Retrieved 16 May 2005).

3. Public Education Tools: This means mass propaganda, such as videos, public service announcements, power point presentations and others. The CICC has been the most comprehensive provider of on-line information about the process of establishing the ICC. The website of the CICC in particular has proven useful for those wanting to keep abreast of the latest analysis of key issues, those searching for background information, and those interested in a specific topic related to the establishment of the ICC.²⁹

Besides, CICC implements its tactical modes including monitoring, advocacy, lobbying, mass propaganda, and mass demonstration, which we can see in the processes of negotiations and ratifications.

Output dimensions

The dimensions of output are formed to make evident the results of the CICC activities. They are highly significant in determining whether CICC can reach its goals. They include a set of products of organizational work and also on how CICC maintain relationships with others in reaching its goals. The output dimensions relate to services delivered to organizational membership as well as to external persons and organizations.³⁰

²⁹ CICC website. "Documents." <http://www.iccnw.org/documents.html> (Retrieved 16 May 2005)

³⁰ Thomas G. Weiss and Leon Gordenker, "Pluralizing Global Governance: Analytical Approaches and Dimensions," in Thomas G. Weiss and Leon Gordenker eds., *NGOs, the UN, and Global Governance*

In General, CICC has grown to over 2,000 members since its creation in 1995. Prior to the Rome Conference in 1998, much of the work being undertaken on the ICC was at UN headquarters in New York, where a draft treaty was being developed. Since the adoption of the treaty in Rome and its entry into force in 2002, many more NGOs worldwide have become involved in the process, focusing on ensuring widespread ratification of the treaty and its effective implementation, generating widespread support through media outreach and public education and building networks to maximize the effectiveness of all those involved. NGOs have also been active participants in the ICC Preparatory Commission meetings and now the Assembly of States Parties in The Hague. In the next phases of the campaign, CICC will continue to ensure that information and training is provided to key officials and other stakeholders at the national and international level. CICC will also consult with the organs of the Court on a range of issues, and will monitor and promote the work of the Court itself.³¹

Moreover, CICC also provides several publications for educating those who are interested in ICC. The Publications include ICC Monitor, ICC Update, European Newsletter, and Agenda CPI. In short, these are media advisories, reviews, and

(London: Lynne Rienner Publishers, 1996), p. 43.

³¹ CICC website. "Getting Involved." <http://www.iccnw.org/gettinginvolved.html> (Retrieved 20 May 2005).

papers.³²

The Process of Negotiations (1995-1998)

The CICC played an extraordinary role, coordinating the 236 NGOs that attended the Rome Conference from its establishment in 1995 to the adoption of the Rome Statute in 1998. Many governments, the Secretary-General, other UN officials and media experts have commented on the decisive role of NGOs at the Rome Conference, and many of these comments focused on the highly organized nature of the CICC presence. From the much-publicized demonstrations orchestrated by No Peace Without Justice and Amnesty International, to the press conferences and briefings, to the detailed reports prepared by twelve monitoring teams of the CICC, time and again CICC demonstrated that it was not only the largest delegation at the Conference, but also one of the most important.³³

CICC accomplished wide-ranging and multi-dimensional activities during the Rome Conference with a view to assisting the Conference in achieving its goals. These activities included the following:³⁴ First, CICC took extraordinary responsibilities for coordination of NGO participation during the PrepCom and the

³² CICC website. "Publications." <http://www.iccnw.org/publications.html> (Retrieved 19 May 2005).

³³ William R. Pace and Mark Thieroff, "Participation of Non-Governmental Organizations," Roy S. Lee ed., *The International Criminal Court – The Making of the Rome Statute: Issues, Negotiations, Results*, pp. 392-3.

³⁴ *Ibid.*, pp. 393-5.

Rome Conference in order to facilitate the wide-ranging activities of its members. Second, CICC convened regional caucuses, a number of sectoral caucuses,³⁵ daily general strategy meetings for NGOs, weekly meetings with governments and government groups. Every region was represented and regional caucuses, in particular the three Continents Alliance of Latin American, African, and Asian NGO representatives, developed and had a positive influence.³⁶ Third, CICC created the 12 monitoring teams to cover negotiations on specific parts of the Statute. Fourth, CICC helped provide legal experts and interns to government delegations. Fifth, CICC helped organized news teams and journalists to keep the press and global civil society informed. At last, CICC made coordination between Rome and national networks to ensure that the work was maintained.

One of the most important efforts that CICC had done during the process of negotiations was its reports and the information with statistical data. There is reason to believe that the statistical information distributed by the CICC influenced the

³⁵ The CICC's sectoral caucuses were formed during the UN Preparatory Committee meetings that were considering a draft Statute for the ICC from 1996-1998, for the purpose of ensuring that the perspectives of particular constituencies were incorporated into all aspects of the negotiations. Each of the caucuses provided critical input during the Rome Conference in 1998, resulting in a treaty that is much stronger than it would otherwise have been from the perspective of women, children, victims, faith-based groups and the anti-nuclear movement. Since the Rome Conference, the caucuses have re-shaped their goals and continue to bring unique and important perspectives to the work of the Assembly of States Parties, the ratification campaign, the work to implement the treaty's provisions into national law, the worldwide outreach and education effort, and the establishment of the Court itself.

CICC website. "Contact Information – Sectoral Caucuses."

<http://www.iccnw.org/contactinfo/sectoralcaucuses.html> (Retrieved 16 May 2005).

³⁶ Human Rights Watch. "World Report 1999: International Criminal Court."

<http://www.globalpolicy.org/ngos/governance/icc/0805wbreport.htm#ngos> (Retrieved 23 May 2005).

Bureau in the drafting of the compromise proposal, which finally came to be accepted as the Rome Statute. A member of the German delegation described publication of those details from CICC as “valuable and consequential,” particularly since it restored complete clarity to everyone regarding the main lines of thinking at the Conference in support of the ICC.³⁷

To sum up, the bigger groups in CICC were the intellectual leaders of the coalition. They used it to circulate and promote new research and expert documents. In addition, smaller groups were often more effective at networking, disseminating information, and building coalitions than the larger international organizations. Through this process, CICC developed an increasingly powerful role in the development of the draft statute. Therefore, NGOs became partners in the negotiations, especially through consultative roles with a growing number of governments. The CICC organized meetings with government delegations at the PrepCom. General strategy meetings and also groups and caucuses met to develop their positions individually. The CICC as a whole never took positions during the PrepCom in order to maintain both the plurality of ideas and objectives represented by CICC and the solidarity among its members.³⁸

³⁷ John D. Van Der Vyver, “Civil Society and International Criminal Court,” *Journal of Human Rights*, p. 431.

³⁸ Fanny Benedetti and John L. Washburn, “Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference,” *Global Governance*, pp. 22-3.

The Process of Ratifications (1998-2002)

According to Article 126 of the Rome Statute, the ICC should be formally established after 60 ratifications by States parties of the Rome Statute. Thus, promoting the development of strong ICC implementing legislation in States Parties has become an increasing priority among civil society actors. It was on 1 July 2002 that the Statute entered into force to create the ICC.

Since the adoption of the Rome Statute in July in 1998, governments, international organizations, and members of civil society have organized conferences and meetings to discuss the merits and challenges of the ICC as well as to develop strategies and legislation for speedy ratification and implementation.³⁹ Therefore, the CICC has been engaged in a comprehensive program to assist its membership in effectively carrying out and coordinating efforts to advocate for and participate in the development of the ICC implementing legislation, as it continue to coordinate and support the ratification campaign. To assist its member, and also those governments working on states legislation, the CICC is committed to providing comprehensive information on the state of legislative drafting and implementation campaigns throughout the world. It also strives to make tools available to assist in the drafting

³⁹ CICC website. "Conferences and Meetings – Reports and Declarations." <http://www.iccnw.org/conferencesmeetings/reportsdeclarations.html> (Retrieved 2 June 2005).

process, such as analyses of the principal legal issues arising from ratification and implementation.⁴⁰ Moreover, ad hoc tribunal working group endeavors to support the purpose, funding, state cooperation and successful completion International Criminal Tribunal for the Former Yugoslavia and International Criminal Tribunal for the Rwanda are also the activities of the CICC.⁴¹

In the process of ratifications, CICC found there are some challenges for the creation of the ICC. One of the most significant barriers to ratification and implementation of the Rome Statute of the ICC has been a lack of accurate information about the Statute and how the Court functions. The second most important challenge has been the complexity of the treaty, and the potential need for constitutional amendment.⁴²

To meet these challenges and remove potential barriers to ratification and full implementation of the Statute, meetings and conferences on the ICC have been held almost by CICC in every region of the world since the Rome Conference in 1998. Often these are joint initiatives between governments and NGOs; some have also enjoyed the involvement of international organizations such as the International Committee of the Red Cross. All have proven extremely useful, providing important

⁴⁰ CICC website. "Resources & Tools – Ratification and Implementation Toolkit." <http://www.iccnw.org/resourcestools/ratimptoolkit.html> (Retrieved 16 May 2005).

⁴¹ Union of International Associations, eds., *Yearbooks of International Organizations: Guide to Global and Civil Society Networks 2003/2004*, Vol. 1A (München: K. G. Saur, 2003), p. 439.

⁴² CICC website. "Conferences and Meetings." <http://www.iccnw.org/conferencesmeetings.html> (Retrieved 2 June 2005).

opportunities to obtain basic information about the Statute, tackle constitutional and other legal issues, and share approaches used in other countries and regions. These meetings have often resulted in commitments from individual governments and regional groups to proceed promptly with ratification and implementation of the ICC treaty.⁴³

Besides, the CICC has developed the following goals for its work in the process of ratifications: 1) Obtaining worldwide ratification of the Rome Statute. 2) Ensuring the development of strong implementing legislation in all ratifying countries. 3) Ensuring that the appropriate mechanisms are in place for the Court to begin functioning effectively as early as possible. 4) Monitoring and supporting the work of the Assembly of States Parties. 5) Generating international public support for the Court. 6) Providing information to key stakeholders at the national and international level about the Court, the Rome Statute & supporting documents. 7) Monitoring and supporting the work of the functioning Court. 8) Building the Coalition and its networks.⁴⁴

The CICC lived up to all of these objectives. Moreover, the website of the CICC provides in-depth information about the Court and the campaign for a fair,

⁴³ CICC website. "Conferences and Meetings." <http://www.iccnw.org/conferencesmeetings.html> (Retrieved 2 June 2005).

⁴⁴ CICC website. "CICC background." <http://www.iccnw.org/introduction/ciccbackground.html> (Retrieved 14 May 2005).

effective and independent ICC.⁴⁵ Though the Rome Statute had entered into force to establish the Court, the CICC still devotes itself to advocating more countries to become the State Parties to the Statute, and struggles for helping the ICC begin its real operation. In order to follow the ongoing developments at the Court, one of the important roles of the CICC is the dissemination of accurate and timely information on the ICC.

Lessons from CICC

As we have seen CICC dimensions in practice, and the processes of negotiations and ratifications, we may realize the importance of the CICC in the making of the ICC. No one in the end denied that the NGOs, especially CICC, played a vital and positive role in securing the successful completion of the work of the Rome Conference, and indeed in facilitating the adoption of a Statute conducive to the creation of a strong, effective and independent ICC.⁴⁶

The CICC was well prepared and organized for the Rome Conference. Its convenor and steering committee had planned for a shift in its tactics to a more aggressive campaign mode. For that purpose, they designed a new organization of work. The CICC set up thirteen teams covering each part of the Statute. As a result,

⁴⁵ CICC website. "Coalition for the International Criminal Court." <http://www.iccnw.org/Introduction.html> (Retrieved 17 May 2005).

⁴⁶ John D. Van Der Vyver, "Civil Society and International Criminal Court," *Journal of Human Rights*, p. 430.

experts took more responsibility to convey daily insight, information, and analysis to all present.⁴⁷ This new technique increased the sense of responsibility and solidarity among NGO participants at the Rome Conference.⁴⁸ Besides, the interchange of information and the unrestrained exchange of communications between official delegations and the CICC benefited greatly from the reciprocation of civil society and government representation.⁴⁹ These are all prerequisites for the success of the CICC.

Moreover, milestones in the CICC's work include: participation in and monitoring of the 1998 Rome conference, resulting in the adoption of the Rome Statute of the ICC; promotion of ratifications of the Statute, resulting in its rapid entry into force on July 1, 2002; monitoring the election of the Court's senior officials, completed in September 2004; the recognition by the Assembly of States Parties of the consultative role of the CICC; monitoring and providing input on the Court's budget; and promotion of universal ratification, with more than half of the UN membership now party to the Statute.⁵⁰

In response to the functions of NGOs, CICC indeed affects national governments, multilateral institutions, and national and multinational corporations in

⁴⁷ Fanny Benedetti and John L. Washburn, "Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference," *Global Governance*, p. 32.

⁴⁸ Fanny Benedetti and John L. Washburn, "Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference," *Global Governance*, p. 32.

⁴⁹ John D. Van Der Vyver, "Civil Society and International Criminal Court," *Journal of Human Rights*, p. 430.

⁵⁰ CICC website. "Coalition for the International Criminal Court."
<http://www.iccnw.org/Introduction.html> (Retrieved 17 May 2005).

four ways: setting agendas, negotiating outcomes, conferring legitimacy, and implementing solutions.⁵¹ Moreover, it can play an important role as interlocutors and facilitators of public consultations, and can catalyze public debate and contribute to improving governance.⁵² For the efforts of the CICC, government representatives called on NGO lobbyists to promote a particular point of view, and asked for members of the CICC to urge government representatives of Like-Minded States to push for the inclusion of certain provisions in the ICC Statute.⁵³

Similar to the Ottawa Process⁵⁴, a thousand NGOs came together under a master NGO, the CICC, to complete their goals, and made great contribution to the so-called new diplomacy.⁵⁵ As in Ottawa, the NGOs were central players, involved in setting the agenda, drafting documents, and lobbying delegates.⁵⁶ More specifically,

⁵¹ P.J. Simmons, "Learning to Live with NGOs," *Foreign Policy*, p. 84. More detailed accounts about the functions of NGOs are in Chapter Two.

⁵² David Hulme and Michael Edwards eds., *NGOs, States and Donors: Too Close for Comfort?* (New York: St. Martin's Press in association with Save the Children, 1997), pp. 54.

⁵³ John D. Van Der Vyver, "Civil Society and International Criminal Court," *Journal of Human Rights*, p. 430.

⁵⁴ The Ottawa process was led by a NGO, International Campaign to Ban Landmines (ICBL), which is a network of more than 1400 NGOs in 90 countries for a global ban on landmines. The achievement of the Ottawa process was to make the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. For its efforts, ICBL won the 1997 Noble Peace Prize.

See ICBL website: <http://www.icbl.org/?eZSESSIDicbl=a4c2e0d7fcfa984142e8b6c2f7b95b3d>

⁵⁵ The term, "new diplomacy," is one also credited to Lloyd Axworthy, who used it in a statement in support of the International Criminal Court in April 1998 during a conference at Harvard University. "The New Diplomacy: The UN, the International Criminal Court and the Human Security Agenda," Notes for an Address by Honorable Lloyd Axworthy, Minister of Foreign Affairs, to a conference on UN Reform at the Kennedy School, Harvard University (25 April 1998); quoted in William Pace and Jennifer Schense, "The Role of Non-Governmental Organizations," Antonio Cassese, Paola Gaeta and John R.W.D. Jones, eds., *The Rome Statute of the International Criminal Court: A Commentary*, Vol. 1 (Oxford: Oxford University Press, 2002), p. 107. According to David Davenport, the new diplomacy is formed by the power politics and maneuvering of a group that called itself "like-minded" states and their collaborators, NGOs. David Davenport, "The New Diplomacy," *Policy Review*, pp. 17-26.

⁵⁶ David Davenport, "The New Diplomacy," *Policy Review*, p. 23.

they influence States' behaviors by the following operations: setting and controlling the international political agenda; gathering and analyzing information quickly; using the media as a means of dissemination; increasing communications with States; coordinating information and strategy; reducing coalition-building costs; monitoring and implementing international law.⁵⁷ Besides, there were frequent private meetings between the NGOs and the leadership of like-minded states, such as Canada, most of European Union, and some African states, throughout the process. All these are indispensable to the success of the new diplomacy.⁵⁸

Subsequent to the Rome Conference, Secretary-General of the UN, Kofi Annan, speaking at the World Conference of Civil Society in Montreal, Canada, spoke of "the new functional diplomacy" of NGOs that had resulted in the success of the Land Mines Convention and the Rome Conference, and expressed the opinion that a partnership between civil society and the UN "is no longer an option but a necessity." In his key-note address of 23 May 2000 to the UN Millennium Forum, the Secretary-General again praised NGOs for their efforts to promote the establishment of an international criminal court, saying:⁵⁹

*Surely such worldwide alliances among like-minded NGOs,
which have already proved so successful on issues like . . . the*

⁵⁷ Kenneth R. Rutherford, "Nongovernmental Organizations (NGOs) and International Politics in the Twenty-First Century," *American Foreign Policy Interests*, 23 (February 2001), pp. 24-7.

⁵⁸ David Davenport, "The New Diplomacy," *Policy Review*, p. 23.

⁵⁹ John D. Van Der Vyver, "Civil Society and International Criminal Court," *Journal of Human Rights*, p. 430.

International Criminal Court, are the shape of things to come – on a much wider scale and on a more continuous basis. They make you an effective force for dealing with governments, and with us in the United Nations; they allow you to expand your capabilities and your reach. I hope they will enable you to make a real difference on many broad issues in the future.

Under the circumstances of the emerging of the new diplomacy, old patterns of agreement, outworn groupings, fears of the powerful, and inhibitions on leadership were thus weakened or cut down in the Rome Conference.⁶⁰ The new diplomacy reflects a new approach to international negotiations in which the strengths of very different actors coalesce to create an influence greater than that of any of the individual actors themselves; namely, no individual actor, regardless its power, may undercut or wreck a process which the majority of other actors supports.⁶¹ The CICC, followed its goals and mission, cooperate quite well with governments, international organizations, and the UN Secretariat has great contribution to the new diplomacy.

In this case, the participation of CICC throughout the development of the ICC demonstrates NGOs' increasing significance in international politics and ability to initiate and propel issues on the international political agenda. In addition, NGOs can gradually influence some crucial international issues from low politics to quite near high politics.

⁶⁰ Fanny Benedetti and John L. Washburn, "Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference," *Global Governance*, p. 34.

⁶¹ William Pace and Jennifer Schense, "International Lawmaking of Historic Proportions: Civil Society and the International Criminal Court," Paul Gready ed., *Fighting for Human Rights* (New York: Routledge, 2004), p. 110.

In Rome, many thought they saw a window opening on the future. If the court fails, that window will close. However, for the efforts of the CICC in the making of the ICC, there are now new ways to negotiate and to reach agreement. They were tested in the making of the Court, and they indeed worked.⁶²

Conclusion

The CICC and its members have been actively supporting the establishment of the ICC for ten years since 1995, and are engaged in a range of activities from participating in expert consultations on ICC-related matters to advocating for broader national support for and cooperation with the Court.

It is remarkable to note that almost all of NGOs participating in the ICC process participated under the Coalition umbrella. For the efforts of the CICC, the Statute was the culmination of three and a half years of intense advocacy and unprecedented levels of co-operation between NGOs themselves, as well as between NGOs and the UN Secretariat. After several years of preliminary negotiations, 160 countries participated in the “UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court” working on developing and finalizing the Statute.⁶³ But most significantly, it was not just governments that came

⁶² Fanny Benedetti and John L. Washburn, “Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference,” *Global Governance*, p. 34.

⁶³ At the end, 120 States voted in favor of the adoption of the Rome Statute, 7 voted against it, and 21

to the negotiating table, but also numerous NGOs acting in support, educational, lobbying and advocacy roles.⁶⁴

In sum, CICC served as a formidable, disciplined, and omnipresent ally for the bureau for the Rome Conference, the like-minded group, and the UN Secretariat. Its actions set a new standard and precedent for NGO effectiveness, both at further conferences and almost certainly in the General Assembly and elsewhere in the UN. Because the CICC solidarity accommodated a considerable range of specific positions within a general commitment to the ICC, this kind of NGOs mobilization may recur more readily than any other feature of the CICC. In particular, NGOs demonstrated that they could deal expertly and responsibly with the sorts of questions in the domain of peace and security that the ICC will affect and confront.⁶⁵

States abstained. See “Participation of States” in Chapter Three.

⁶⁴ William R. Pace and Mark Thieroff, “Participation of Non-Governmental Organizations,” Roy S. Lee ed., *The International Criminal Court – The Making of the Rome Statute: Issues, Negotiations, Results*, p. 393.

⁶⁵ Fanny Benedetti and John L. Washburn, “Drafting the International Criminal Court Treaty: Two Years to Rome and an Afterword on the Rome Diplomatic Conference,” *Global Governance*, pp. 33-4.