

Civil Society Actors in International Law and World Politics

Cenap Cakmak*

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Formation of the Coalition was not the culmination of a long-planned journey undertaken by the NGOs. Instead, it was an immediate response and initial reaction of civil society sector to the reluctance and indifference of states and intergovernmental organizations to the idea of creating an International Criminal Court (ICC). Although this state of indifference was in fact historically usual, especially the later attempts within the ILC in 1990s seemed to be promising, and civil society actors did not want to miss this opportunity.

Key words: International Criminal Court, NGOs

1. Introduction

The efforts and subsequent proposals of the International Law Commission (ILC) were weakened by the UN General Assembly, which, instead of making a call for a multilateral diplomatic conference, decided to establish an Ad Hoc Committee that would be charged with studying the issue further. This was especially shocking and disappointing for a select group of NGOs which followed the deliberations concerning the creation of an ICC. Realizing that the efforts would be once more halted, those NGOs decided to develop a new strategy; the idea of forming a Coalition of NGOs was the outcome of this decision (Glasius, 2002: 145).

For this reason, it could be basically argued that the Coalition was in fact unprepared by all means; the issue was already under serious discussion, and much had to be done in order to influence the behaviors and decisions of states, and ultimately

to secure the adoption of an international treaty that would establish an ICC favorable by civil society. However, despite the disadvantages involved, the Coalition succeeded to bridge the gap within a very short time, and create a concerted action, and an effective framework enabling cooperation between the member organizations. Especially the employment of such technological advances as internet tools has been of great help in establishing a working communication.

But of course that does not necessarily mean that the works of the Coalition have not been affected by the disadvantages stemming from unpreparedness at all. At the inception, Coalition for the International Criminal Court (CICC) had to mainly rely on resources and inputs provided by the core group of NGOs, as its reach was fairly limited. One of the practical consequences of this was that it has focused on the expansion of its limits at the beginning.

The other one is that CICC member organizations, and even real persons in their individual capacities, had to spend efforts partially independently of the Coalition. This has been the case especially until the start of Preparatory Committee meetings in

* Department of International Relations, Faculty of Economics and Administrative Sciences, Mugla University, Turkey and post-doctoral researcher at Rutgers University, New Jersey

1996. Some prominent NGOs already had the necessary expertise and resources to be devoted to the promotion of the ICC; so they have managed to produce good works. Some of them have been influential even before the formation of the Coalition.

Departing from the above points, it would be possible to divide the activities and works of the Coalition in relation to the promotion of the ICC prior to the Rome Conference mainly into five sub-sections. First is the focus on the completion of formation, and subsequently expansion of the Coalition. Second is the extensive works of individual NGOs on producing expert documents, academic writings, and other similar tools that would help disseminate the idea of the ICC among such interested parties as academics, diplomats, state delegations and so on. Third is the efforts devoted to raising public awareness. In recognition that the idea of the ICC is not very common to general public, the Coalition has employed its resources to publicize that idea, and to convince the world community that such an institution is needed. Fourth is the Coalition's presence and influence in the Preparatory Committees (PrepComI) leading to the Rome Conference.¹ And the final one is the Coalition's efforts and activities to establish ties with Like-Minded Groups, including governments and intergovernmental organizations.

Production of Expert Documents:

Considering that the subject matter of the ICC was not very well known, CICC members have devoted much time to prepare technical writings, and academic articles on issues requiring extensive knowledge and expertise of international criminal law. The primary objective of the works was to inform state representatives, academics, and diplomats on very specific and little-known subjects of international criminal law. Those works have been so successful and informative that head of the Dutch Delegation to the Rome Conference stated that the expert documents and academic works of CICC members were very informative and of the highest quality (Glasius, 2002: 150).

2. Reports and Positions Papers

Since 1995 when the CICC was formed, NGOs have especially been prolific in producing reports requiring expertise on the matter of the ICC, and position papers stating their views and stances towards the idea of the creation of an ICC and its content. Especially those with substantial international legal expertise have generated numerous documents during the period between the time of CICC forma-

tion and the start of Rome Conference. Those documents have helped frame the idea of the ICC as favored by civil society actors, increase the knowledge and understanding on the Court to be established, and make the issue more concrete.

Although there are numerous works falling into this category, only some prominent ones are hereby referred to. One of the fundamental reasons for the abundance of those works was that the idea of creation an ICC has become concrete, as the ILC has adopted a Draft Statute. Therefore, there was a clear framework of discussion whose boundaries was determined by that Statute. Another reason is that the expertise of NGOs had allowed them to create substantial documents. Among the prominent documents produced in this period, the first one is the position paper of Amnesty International regarding a permanent ICC released in October 1994 (AI, 1994).

The report openly acknowledges the positive aspects of the Statute; i.e. it provides that the Court will have jurisdiction over serious crimes; states will have to submit to the Court's jurisdiction for the crime of genocide; it excludes death penalty and so on. However, despite those aspects, the report contend that the proposed Court by the Draft Statute is far beyond meeting the expectations, and that substantial revisions should be made to the Statute in order to achieve a fair and effective ICC (AI, 1994: 4).

The report suggests that the Court should have jurisdiction over a broad range of crimes whose clear definitions should be provided by the Statute. States Parties should clearly state their submission to the jurisdiction of the Court in relation to the set of core crimes. While the report recognizes possible role for the Security Council in relation to the exercise of the Court's jurisdiction, it demands this role be limited to its obligations under Chapter VII of the UN Charter. The report also urges that independence of the Prosecutor should be ensured, and that the Prosecutor should be able to proceed on his own with investigation or prosecution of the crimes under the jurisdiction of the Court (AI, 1994: 5-8).

Third Position Paper of International Commission of Jurists (ICJ) on the ICC released in August 1995 (ICJ, 1995) is also one of the earlier documents referring to the demands of the NGO sector pertinent to the ICC. In this fairly long and detailed 83-page report, ICJ stresses that the initial steps taken by the UN Ad Hoc Committee appointed by General Assembly within the context of creating an ICC were positive and constructive. However, despite this generally positive view, ICJ provides detailed comments and suggestions relevant to various aspects of the

Court as proposed by the Draft Statute. While ICJ agrees with the Ad Hoc Committee's works, and the provisions of the Draft Statute in most issues, in a number of subjects, it states its objections, and provides alternatives. For instance, it argues that requiring a high number of ratifications for the entrance into force of the Court will unnecessarily delay the Court's operation (ICJ, 1995: 5).

The report clearly states that ICJ strongly favors a permanent institution. However, it supports that the Court meets only when necessary (ICJ, 1995: 8). In relation to the crimes prosecutable by the Court, ICJ believes that it is essential to clearly define the crimes under the jurisdiction of the proposed Court (ICJ, 1995: 17). In particular, it argues that the sub-crimes that would be cited as crimes against humanity need to be clearly stated (ICJ, 1995: 20). However, it argues in the report that the crime of aggression should not be included in the crimes that would be covered by the Statute establishing a permanent ICC. The reason for this opposition is the suggestion contained in the Draft Statute in relation to the determination of the act of aggression. The Draft provides that this task is to be performed by the Security Council; however, ICJ opposes this suggestion on the grounds that it would negatively affect the functions of the Court (ICJ, 1995: 18).

The report also supports the complementarity principle contained in the Revised Draft Statute. Therefore, ICJ favors the primacy of national court in prosecuting the crimes under the Court's jurisdiction (ICJ, 1995: 28). Despite this unusual stance, – given that most NGOs, quite contrary to this position, have consistently expressed their preference of the primacy of the Court over national jurisdictions – ICJ clearly advocates that the proposed Court should have inherent jurisdiction for all crimes covered by the Statute (ICJ, 1995: 31-32). However, the report once again slightly contradicts with the overall stance of civil society sector concerning the "opt-out" regime, recognizing the rights of the States Parties to make reservations. ICJ argues that allowing such reservations is the better approach (ICJ, 1995: 34).

However, ICJ draws attention to the limited scope of complaint mechanism, and argues that this should be expanded so that individuals and NGOs could lodge complaints with the Court (ICJ, 1995: 37). It also suggests alterations in the provisions of the Draft Statute limiting the Court's ability to exercise its jurisdiction. ICJ defends that States should be able to submit complaints without any further conditions for what they had expressed their consent (ICJ, 1995: 39). In a similar vein, ICJ also objects the strong reference made in the Draft Statute to the UN Security Council especially with regard

to the crime of aggression (ICJ, 1995: 43). With regard to the applicable penalties, the report criticizes the Revised Statute for its failure to provide clarity on the sentences to be imposed by the Court. The ICJ stresses that the penalties should be clearly defined, and that the Court should have the sole discretion in determining the sentences (ICJ, 1995: 61).

The brief review of the ICJ report shows that it adopts a realistic approach. While it provides some comments that are inconsistent with the general stance of the rest of NGOs, the Court envisioned in this report is not an inferior one. Moreover, it should also be noted that the Final Statute adopted at the end of the Rome Conference resembles the one advocated in that report. This indicates that the report was prepared realistically, and that ICJ's experience on the ICC matter was so substantial.

Another major position paper reflecting the views of NGO sector was released by the Lawyers Committee for Human Rights (LCHR) in August 1996 (LCHR, 1996). Overall, the paper states that the Committee supports limiting the scope of the Court's jurisdiction to a set of core crimes. Stressing that the Court has to be independent if it is to be credible, the LCHR believes that the Court should have inherent jurisdiction for all the crimes contained in the Statute. The Committee also argues that both the Prosecutor and individuals should be allowed to lodge complaint before the Court. Lastly, while it does not raise any objection to the competence of the national legal systems in dealing with the core crimes under the Court's jurisdiction, the Committee urges that the discretion on whether the national authorities are unable to address a particular issue concerning the commission of those crimes should be given to the Court itself (LCHR, 1996: 1-35).

A joint report prepared by The Committee on International Law, and The Committee on International Human Rights of The Association of the Bar of the City of New York (Joint Report, 1996) also provides good insights on the proposed ICC. While it welcomes the progress that has been made in relation to the creation of the ICC, the report refers to some deficiencies in the Draft Statute. For instance, it is argued in the report that the Draft does not state how the Court will be financed (Joint Report, 1996: 30).

The report also provides some recommendations for possible consideration during the creation of the ICC. According to the report, the initial subject matter of the Court should be limited to genocide, war crimes, and crimes against humanity. It also objects the states' consent approach provided in the Draft Statute on the grounds that this may negatively affect the exercise of the Court's jurisdiction; there-

fore, this approach should be replaced. The report also provides that the Prosecutor should have the power to initiate an investigation, or prosecution. And lastly, the Security Council's roles in relation to the functioning of the Court should not include the power to block its operation (Joint Report, 1996: 30).

In the same year, AI prepared a report drawing attention to the challenges ahead for the UN PrepComI (Hall, 1996), which was scheduled to convene soon. The author of the report, Christopher Keith Hall, Legal Advisor to AI, points out that while the steps taken towards the creation of the ICC are by all means of significance, historical experience tells that the momentum could be easily lost amidst objections and concerns raised in relation to the preservation of national sovereignty, and strong references and attachments to national interests, and non-interference to internal affairs. To this end, he notes that "the result of the last attempt nearly half a century ago by the General Assembly to establish a permanent international criminal court suggests that" the world community needs to be cautious and yet determined on the issue of creation of an ICC (Hall, 1996: 2).

3. Reasons for Warning

He provides solid reasons for his warning:

Despite the broad support for the establishment of a permanent court of some sort, many governments at the Ad Hoc Committee and the Sixth Committee advocated changes in the 1994 draft statute which would weaken the court (Hall, 1996: 3).

Referring to probable obstructions by at least some of States delegates that would diminish the role and efficiency of the prospective Court, Hall urges that the Preparatory Committee should secure the Prosecutor's authority to initiate independent investigations and prosecutions, the Court's authority to bring the suspects before the Court when States are unable to take the necessary steps, definitions of core crimes, and fair trial guarantees (Hall, 1996: 4-19).

It has been observed during the period covering the developments between the adoption of the Draft Statute for an ICC by the ILC in 1994 to the inauguration of the Rome Conference that at least some of the NGOs that have produced technical documents, including reports, briefs, and position papers were organizations focusing on legal issues, and having good level of expertise and knowledge on various subjects of international humanitarian law, and international criminal law. American Bar Association (ABA) was one of them. The Association

released a report in 1998, which contained detailed recommendations on the future Court (ABA Resolution, 1998).

The report provides that the Court's initial jurisdiction should be limited to three core crimes, genocide, war crimes, and crimes against humanity, that the Court should be able to exercise its jurisdiction over those crimes without needing any further authorization, and that this jurisdiction should not negatively affect the status and role of national jurisdictions, that is, it should complement, and not replace national judicial systems (ABA Resolution, 1998: 2). However, it should also be noted that while the report urges protection of national sovereignty, it also recognizes the role of the UN Security Council in issues relating to international security, and further states that "The UN Security Council, states parties to the ICC treaty, and, with appropriate safeguards, the ICC Prosecutor should be permitted to initiate proceedings." (ABA Resolution, 1998: 3).²

While the majority of NGOs have produced papers and reports of such aspects of the future ICC as the core crime it would have jurisdiction on, the role of the Prosecutor, the role of national jurisdictions, the relationship between the UN and the Court and so on, there have been relatively a few work on financing it. One of those was prepared by the WFM (Mac Sweeney, 1996). The report concludes that there should be a budgetary mechanism of some sort to enable the court to tap resources easily and quickly when the need arises. Another way of dealing with this issue could be an International Criminal Justice fund, similar perhaps to the fund of the UN Compensation Commission, which would give the court independent financial resources. Hence, the independence of the court will be enhanced, and there will be less need to make huge changes to the level of assessment of states when the court is in session (Mac Sweeney, 1996: 17-18).

The documents produced by the NGOs in this period were of great value; however, it should be noted that the *The International Criminal Court: Making the Right Choices* series of the AI consist of five seminal works. These are Defining the Crimes and Permissible Defenses and Initiating A Prosecution (AI Part I, 1997), Organizing the Court and Guaranteeing A Fair Trial (AI Part II, 1997), Ensuring Effective State Co-operation, Establishing and Financing the Court and Final Clauses (AI Part III, 1997), and Recommendations to the Diplomatic Conference (AI Part IV, 1998). Those fairly comprehensive and carefully crafted papers provide powerful insights on the future ICC. While they were mainly designed as manuals for delegations partici-

pating the PrepComI sessions where a number of issues on the ICC were considered, those papers are still frequently cited and consulted.

The above overview on the reports, position papers and other similar documents that require a substantial expertise of international criminal law, and international humanitarian law is not of course exhaustive. In addition to the ones briefly described above, there are also a large number of similar documents that have been produced by various NGOs within the period under review (i.e. Garcia, Martinez and Darriba, 1996; HRW Commentary, 1996; ISHR, 1996; Bissonnette, 1997; Aspen Institute, 1998; Donat-Cattin, 1996). Those documents have covered a variety of issues relating to the creation of the ICC, ranging from the core crimes to be covered by the Court, to the rights of the accused, from the role of UN Security Council in relation to the works of the ICC, to the status of national judicial systems vis-à-vis the operation of the Court.

4. Academic Works

There are numerous scholarly articles and other similar works written by individual members of the Coalition during the period covering the developments prior to the Rome Conference. Even though it is not possible to assert with certainty that the authors of those works have performed the writing activities as part of their commitment to the Coalition's works on promoting the idea of a permanent ICC, those works at least show that the activists of the NGO sector have extensive knowledge of international humanitarian law, and international criminal law.

Most of the time, those works have appeared in such leading law periodicals as *The American Journal of International Law*, and focused on quite technical aspects of the future Court, and its legal standing and setting within the international legal order. They were informative, and of high quality, as reflected by numerous references made to them later. However, it should also be noted that while those were almost purely legal and technical works, they in general strongly emphasized the necessity of a permanent ICC. Of course, it is not so easy to measure the impact of the recommendations contained in those writings on the behaviors and stances of the States pertinent to the idea of an ICC; yet it is at least possible to assert that they have—even if modestly—contributed to the dissemination of the desire and need towards an within the academic community.

Christopher Keith Hall, legal adviser to AI, have authored, among others, four significant articles covering the deliberations in the six sessions PrepComI that have convened between 1996 and 1998 (Hall, 1997, 1998a, 1998b, 1998c). Jelena Pejic, head of delegation for Human Rights First at the Rome Conference, has also been a prolific writer of academic and popular works (i.e. Pejic, 1995, 1998). Feminist writers and activists affiliated with the Coalition have of course been more focused on gender-related issues of international criminal law (i.e. Green, Copelon, Cotter and Stephens, 1994).

Information Dissemination and Publicizing the Idea of a Permanent ICC:

One of the most crucial roles the Coalition played before the inauguration of the Rome Conference was to inform the public on the future Court (see, Deitelhoff, 2004: 25). While the technical papers, reports, position papers and the like were of great value, as they provided extensive information and knowledge for especially the diplomats, state representatives, and other high level officials, their impact on the masses was inevitably limited.

However, informing the public about the future Court was vital, if the input of global civil society in its creation was to be claimed. Without a large base of support by the world community, the Court would have been an intra-states apparatus whose content and function was to be determined in conformity with the principles of state sovereignty and non-interference with the internal affairs.

But the idea of a permanent Court was not very well known among the peoples of the world. There were two major reasons for this: first, the issues relating to international criminal law were among those known a little. While there was a general interest towards, and a limited amount of knowledge about international human rights issues, even the existence of international humanitarian law as a distinct area of law was unnoticed. Second, there has not been a sort of tradition as to inform the public about the formal ongoing negotiations pertinent to a multilateral treaty to be accorded between States. The regular tendency was to convene the conference, deliberate the issues, and adopt a treaty on a particular subject, and announce the outcome.

In recognition of the need to publicize the idea of a permanent ICC, until the inauguration of the Conference, the Coalition has organized numerous national and international conferences, seminars, and other meetings in similar sort where public attendance have been secured. By this, it aimed to draw the world community's attention to the future Court. The fact that those conferences have been held even

in remote parts of the world is indicative of how CICC have been effective and committed to the dissemination of information regarding the ICC.

It does not seem possible to even make an estimate on the number of the conferences held by the Coalition Secretariat as well as NGO members in the Coalition, and of the conference venues. Those conferences and seminars are of diverse character in terms of attendance, content, and scope. While some were open to only experts of the subject, some others were held for the purpose of disseminating basic information on the Court. Some conferences were organized by NGOs only, whereas some others were held jointly with governments.

However, the impact of holding conferences and seminars have inevitably been limited, since only a very small portion of world community had the opportunity to participate in those activities. For this reason, the Coalition has also employed methods that would facilitate the reach to large segment of people. The advance in information and communication technologies has been of great help in this regard. Especially the arrival of internet was very timely; the CICC successfully adapted itself to this advance, and started heavily relying on it in dissemination of information, and ensuring the publicity of the Court.

Accordingly, the Coalition has frequently used e-mail as a means of communication, and established e-mail list-serves whereby it registered individual members. However, it should be noted that the reach of this method is also limited, as it has to rely on voluntary participation. Therefore, CICC also created a website where all important information and news on the ICC were posted. It was an easily accessible open source; so anyone interested in receiving information on the ICC could consult with it. Over the time, the website has enhanced in many respects; today, it is the major source on all aspects of the ICC.

The Coalition's activities concerning publicizing the Court are not limited to dissemination of information over the Internet. Considering the impact of the mass media tools, the CICC has also heavily relied on such media as TV and newspaper ads, TV and radio programs, and press conferences. In addition, in order to draw public's attention to the Court, some big and influential names were invited to special events organized by CICC members (Glasius, 2002: 151).

Furthermore, the Coalition itself has published a newsletter *The International Criminal Court Monitor (ICC Monitor)* since 1996. This publication has for long time remained the only one providing detailed information on the latest developments concerning the ICC. The publication has covered a wide

range of issues, including the latest activities on the ICC around the world, the recent developments in the UN circles, the status of the deliberations at the Ad Hoc Committee, and PrepComI sessions.

Therefore, it could be said that the Coalition's activities regarding dissemination of information and publicizing the idea of the ICC were twofold. On the one hand, it has tried to reach global community, and enlightened it about the ICC. The Coalition had enough expertise and resources for doing that. The strong and well-working link between the NGOs organized at the national level and the Coalition Secretariat in New York was facilitating the flow of information. National coalitions, therefore, had a good source of information when they organized local conferences or seminars. On the other hand, the Secretariat could rely on its national contacts so that it could focus on the developments at the UN. Especially the founding member organizations, along with those which had the necessary resources and expertise, were trying to get information on the formal negotiations and deliberations. This was a vital task, as there was no source other than the Coalition disseminating this sort of information.

5. Forging a Coalition of NGOs

Although the CICC was established with the participation of twenty-some organizations in 1995, it was by all means beyond having a nation-wide reach, let alone a global one. In fact, at the beginning, there was no such thought as expanding the Coalition. As Prof. Andrew Clapham, who attended the meeting whereby the Coalition was founded, notes, "Our vision of a coalition was people who met informally to discuss key issues rather than an extensive international NGO community." (Pace, 2005: 2).

Furthermore, at the inception, in terms of financial resources, human resources, that is to say, activists committed to promote the idea of an ICC; it was very modest and humble. It was an endeavor whose future is closely tied with its enlargement and acceptance by other global civil society actors. For this reason, the founders of the Coalition, while working hard to ensure advancements in the inter-state negotiations that were taking place prior to the Conference, have also tried to broaden the scope and reach of this recently established issue-oriented umbrella organization.

To this end, they have spent efforts to form national coalitions on the one hand, and to maintain a working coordination and cooperation between the organizations from the remote parts of the world that

expressed their commitment to work in line with the Coalition. The Coalition's Convener Bill Pace explains the CICC's strong emphasis on national activities as follows:

From the days of the Ad Hoc Committee, the Coalition has engaged in efforts to raise awareness of the ICC at the national level. Efforts to educate key stakeholders and to raise awareness generally about the ICC continue to be the foundational element of the Coalition's mandate and work. It is this effort to raise basic awareness that has allowed the Coalition to develop such a large membership base... This membership base has supported work in many crucial areas at the national level (Pace, 2003).

He further notes that the Coalition's campaigns were "of a nature that even the largest Coalition members could not undertake them on their own; instead, they required the sustained coordination of NGOs of all sizes and mandates, from all over the world." (Pace, 2003).

The primary rationale behind the idea of national coalitions was the probable impact the local organizations might have on their government's stance pertinent to the permanent ICC. Furthermore, once the treaty that would establish an ICC is adopted, the influence and expertise of local NGOs would have been strongly needed in the ratification process of the concerned treaty. Considering that the idea of an ICC was not so common especially in the developing and underdeveloped world, the Coalition members put a particular emphasis on the efforts to create national NGO coalitions in Africa, Asia, and Latin America (For details see Hampson and Reid, 2003). Within a fairly short time, the Coalition has succeeded in its endeavor, and created numerous national NGO coalitions willing to work and cooperate with the CICC Secretariat in promoting the ICC as a whole.

As might be predicted, the Coalition's enlargement efforts have culminated in positive results in the Western world first. Three factors could be cited for this situation. First, the core group of organizations that assumed role in the creation of the CICC was mostly based on Western countries, and had a number of branch organizations in various Western countries. Second is the Western world was already familiar with the idea of an ICC at least to a certain extent. And the third one is that priority has been given to the developed world by the Coalition.

In the developed world, perhaps it was the US which had the most local NGO coalitions working to create an ICC. Four major examples are informative enough in this regard. One is the Washington Working Group on the International Criminal Court, "a coordinating group of the Washington legislative

and governmental affairs offices of American non-governmental organizations committed" to the promotion of the ICC.³ Second is the American NGOs Coalition for the ICC (AMICC).⁴ Third one is the Independent Student Coalition for the International Criminal Court, which later became The Council for American Students in International Negotiations.⁵ The fourth one is the Southern California Working Group on the International Criminal Court, established by the efforts of the "concerned individuals in Southern California have gathered to establish mechanisms for local people to participate in the global debate over the establishment of the ICC."⁶

The efforts of the CICC members as well as those organizations represented within the aforesaid local coalitions resulted in the rapid growth of the Coalition in the US. Within a relatively short time, many American NGOs expressed their consent and desire to collaborate with the CICC. For instance, the United Methodist Bishops decided to join the Coalition prior to the Rome Conference. Its American branch has participated in the coalition's activities, and actively taken place in one of its major caucuses, the Faith-Based Caucus on the ICC.⁷

In North America, Canada was also vibrant in terms of NGO activism and coalition formation in relation to the promotion of the ICC. A number of Canadian NGOs decided to form a coalition even before the official inauguration of the CICC. Those NGOs were organized under the name of the Canadian Network for an International Criminal Court that was initiated in August 1994 by the World Federalists of Canada (Watt and Teagle, 1996: 10). The Network was a very diverse one which consisted of approximately 180 members, including NGOs, academics, Members of Parliament, and staff of the Department of Foreign Affairs and National Defense. It has engaged activities pertinent to the ICC since the very beginning. For instance, it has organized a number of briefings with government representatives on the Canadian delegation to the Ad Hoc Working Group and to the Preparatory meetings for the ICC, disseminated information via mail campaigns, computer conferencing and media linkages (Watt and Teagle, 1996: 10).

In Europe, the Coalition has grown very rapidly. For instance, the coalition of France-based NGOs was established on October 7, 1997. The *Fédération Internationale des Leagues des Droits de l'Homme* and *Amnesty International-France* were chosen to run the technical secretariat.⁸ The primary motive behind the establishment of this coalition was the commonly shared view that "it was crucial for French NGOs to demand more transparency in the decision-making process from the French authori-

ties and to raise awareness of this issue with French civil society."⁹ To this end, they adopted a three-dimensional strategy: "to develop a common position on certain issues, disseminate an announcement to other France based NGOs inviting them to adhere to the Coalition, and to organize a joint delegation to meet with the decision-makers."¹⁰

The French NGO Coalition began operating in February 1998, and comprised 21 France-based NGOs in mid-1998.¹¹ In general terms, it has tried to convince the French Government to change its position vis-à-vis the proposed Court.¹² To this end, its members contacted the French President, Prime Minister and the Ministers of Justice, Foreign Affairs and Defense, and organized a meeting between the French national coalition and the Minister of Justice. The coalition also produced a report on the French position regarding the ICC, which was distributed to the parliamentarians.¹³

A national coalition was also formed in Italy, where the international diplomatic conference to establish a criminal court would be held. The coalition of Italy-based nongovernmental organizations committed to the establishment of an ICC was formed by representatives of Amnesty International-Italy, the European Law Student Association (ELSA), Movimondo and No Peace Without Justice (NPWJ).¹⁴ The coalition of Italy-based NGOs assumed important roles especially on coordinating the activities of Italian NGOs during the period of time leading to the Diplomatic Conference, helping the CICC establish contacts with the Italian government and coordinating the preparations of the NGOs that would arrive in Rome for the Diplomatic Conference in Rome.¹⁵ The Italian NGO coalition for an ICC has also persistently invited other Italian NGOs to join the coalition.¹⁶

The decision of United Kingdom-based NGOs to create a national NGO coalition was mostly based on "the strong support voiced by the new Foreign Secretary Robin Cook for an ICC, and a slight shift in the positions of this government on certain key issues" discussed at the most recent PrepComI session.¹⁷ The Coalition agreed to develop an e-mail network to allow for information sharing between groups. In order to effectively discuss the ICC-related issues, the members of the coalition decided to establish an open-ended working group.

The CICC Secretariat attempted to create a national NGO coalition in Portugal. To this end, the Secretariat and ELSA-Portugal jointly organized a meeting on January 8, 1997 "to discuss developing a coalition of organizations interested in the establishment of an effective and independent ICC."¹⁸ Such a coalition was also formed in Spain. The crea-

tion of the Spanish national NGO coalition was announced in a press conference held in Madrid on January, 1998, in cooperation with the Federation of Associations of Organizations for the Promotion and Defense of Human Rights in Spain and the Movement for Peace, Disarmament and Liberties, the CICC.

However, it should be noted that while the Coalition was able to obtain positive results out of its attempts to create national coalitions, in rare cases, such a coalition could not be formed. One example is Russia. Notwithstanding the failure to establish a Russian NGO coalition for an ICC, Human Rights Watch, member of the CICC Steering Committee, in cooperation with some of the Russian-based NGOs, tried to develop ICC-related activities in Russia.¹⁹

The striking successes obtained in North America and Europe led the Coalition members to extend their efforts to create national NGO coalitions to the remaining parts in the world. In addition, the resolution of the funding problem has been another impetus behind the extension of the efforts. While the Coalition lacked of financial resources necessary to reach Africa, Asia, and Latin America, "with the funding support of its members, foundations, the European Union, private individuals, and progressive governments," the Coalition became able to reach NGOs, individuals, and other interested parties from developing and underdeveloped world.

To this end, the Coalition members have spent efforts to expand the coalition's sphere of influence to Africa, Latin America, Asia, and the Middle East. The efforts have especially been effective in Africa. Following an intensive campaign to expand the coalition's reach, about ninety organizations from, among others, Kenya, South Africa, Nigeria, Uganda, Botswana, Rwanda, Ethiopia and Tanzania agreed to participate in its works and efforts.²⁰ The promising success led the coalition members to intensify their efforts on Africa. Subsequently, "the Coalition has tried to facilitate the establishment of networks in Africa on a local, regional and national basis."²¹

Although the coalition's efforts to establish strong ties with the local NGOs based in the Middle Eastern countries have not resulted in the formation of local NGO coalitions, the regional civil society organizations have had the opportunity to get accustomed to the ICC as well as the CICC itself. At least some organizations in the Middle East have shown interest in joining the CICC. And even some of them have volunteered to explain the coalition's mission and mandate to other interested organizations.

Of course, the efforts of the CICC to forge a strong and internally coherent umbrella network are not limited to the above examples. It does not seem

possible to give an exact number of national NGO coalitions that have been formed prior to the Rome Conference. Sometimes, geared-up efforts resulted in amazing outcomes. For instance, during the tour of Europe the Coalition European Coordinator Pascale Norris made in 1997 led to the creation of ten national networks on the ICC. Similar occasional efforts resulted in the formation of dozens of national NGO coalitions in Latin America and Africa. Even in Asia, known for its weak civil society movements, a number of networks were formed within a short time in India, the Philippines, Australia, New Zealand and Japan.

6. Maintaining Strong Ties with Governments

Although the Coalition was slowly becoming a strong alliance, individual NGOs within the Coalition soon after its establishment realized that they definitely needed the support of the governments in their endeavor. In addition, there were at least two reasons for the NGO Coalition to forge a coalition – although a looser one than they already formed – between the CICC and the emerging group of like-minded states (LMG).

First, LMG was active for a long time. It emerged as a joint endeavor of a handful of small and medium states supportive of the ICC who “came together to work on how to further and advance the process” in 1994, even before the creation of CICC. LMG was formed with the purpose of promoting the idea of a permanent ICC and campaigning for a multilateral treaty conference where the issue of an ICC would be discussed. It was –and still is– “an informal association,” and did not “have a fixed composition.” (Behringer, 2003: 16). Its presence for a relatively long time made LMG attractive to CICC as a potentially beneficial ally during the whole course of negotiations prior to the Rome Conference.

Second, both parties, CICC and LMG, would have had advantages out of an alliance. For the LMG, such an alliance was desirable for the following reasons:

First, security issues regularly disadvantage small and medium states in their influence in negotiations as this issue is traditionally seen as a central domain of great-power politics. LM states could refer to the support of ‘civil society’ for their approach to legitimize their position in the negotiations. Secondly, the LM-group could draw on the strong expertise of NGOs to strengthen their arguments (Dietelhoff, 2004: 26).

As for the NGOs, the alliance would ensure their access even to the informal meetings, which

were vital to its efforts in support of the ICC (Dietelhoff, 2004: 27). Furthermore, fairly young NGO Coalition had to, in the words of Bill Pace, “share the substantial work ahead, and find worldwide support if the obstacles facing the creation of the ICC were to be overcome.” (Pace, 2003). Moreover, it was imperative to get the support of middle powers, especially non-Western ones, in order to design the Court as a universal institution. For this reason, “the CICC particularly sought to ensure that developing countries, which feared that the court would become a tool of Western domination, would support a court.” (Hampson and Reid, 2003: 27). That way, the Court would have been supported by a diverse and yet a large group of governments, which would have necessarily increased its legitimacy and acceptability (Behringer, 2003: 16).

In recognition of the need for the States’ support, NGOs that had been working on the establishment of a permanent ICC sought ways to establish ties with governmental delegations that favored a strong and independent Court even before the formation of the NGO Coalition. The partnership between the LMG and the NGOs traces its roots back to the revived discussions on the ICC in the early 1990s. A few number of supportive states and NGOs which had been following the discussions at the Sixth Committee of the UN realized a cooperation was strongly needed, when they were unable to convince the big powers to hold a multilateral treaty conference for the establishment of the Court. As a consequence, both the LMG and the NGOs “decided separately that they would each have to be more organized and efficient if they wanted to have a hand in setting the agenda for the ICC process. They also decided that it would be necessary for NGOs and States to work in coordination.” (Pace, 2003).

The initial rapprochement between the CICC and LMG has over the time become a real partnership. For the most part, they have advocated the same arguments, shared the same vision, and agreed on the same principles. Their collaboration has become much more powerful during the whole course of PrepComI meetings. They have often acted as a uniform block, and stood against the assertions and proposals of big powers, which favored a weak and an institution to be controlled by the UN Security Council.

They have become so effective during the PrepComI negotiations that soon after the inauguration of the first meeting; it “became obvious that two negotiation blocks would dominate the process.” (Dietelhoff, 2004: 5) The Coalition established between the CICC and LMG, and the big powers under the leadership and influence of five per-

manent members in the UN Security Council (P5) (Deitelhoff, 2004: 8).

During the negotiations in the PrepComI sessions, P5 strongly insisted that the proposed Court would be subordinate to the Security Council, whereas the LMG strongly supported by the NGO Coalition opposed this proposal on the grounds that a Court as envisaged by big powers "would inherently hurt the impartiality and independence of the court." (Deitelhoff, 2004: 14). Similarly, NGOs and like-minded states favored an independent prosecutor with broad authorities, who could initiate investigations and prosecutions on his own, while P5 group advocated a trigger mechanism that would be under the control of the Security Council. With regard to the controversy on whether the Court was to be vested an inherent jurisdiction or the State Parties were to have recognized to join an opt-in jurisdictional regime, LMG and CICC spent efforts for the adoption of the inherent jurisdiction for all core crimes.

The overall stance of the partnership between the CICC and LGM was an alternative frame, which was developed in response to the power-centered approach of big powers, and interpreted "effectiveness as resulting from universal applicability." This stance implied that "the court should not respect the power asymmetries existing in the international system but must have the power to cut through them." (Deitelhoff, 2004: 18-19).

The level of cooperation and the strength of the partnership between civil society actors and the states supportive of an institution as favored by the NGO Coalition have steadily increased over the course of PrepComI sessions. While the number of like-minded states was six or seven at the beginning, this figure has exceeded fifty until the end of PrepComI sessions. More importantly, the coalition of LGM attracted the attention of some big powers soon after the inauguration of the sessions. For instance, while it was in the P5 block at the beginning, the United Kingdom later changed its position and joined the LMG. Moreover, many of the states that had contributed to the various UN peacekeeping forces also joined the same group, an important indication for the increasing support to the ICC even among those countries that have more or less regional or global ambitions.

The most notable success in this regard was the participation of African countries in the joint attempts of the CICC-LMG partnership during the sessions. As already noted, involving particularly the developing countries, and non-Western countries in the campaign held to support an independent and impartial Court was one of the principal objectives of CICC. For this reason, the participation by the

African countries signified a huge success for the Coalition.²²

As a consequence of the strong emphasis of the NGO coalition on establishing partnership with the LMG, it has often sought new ways to improve this partnership. During the whole course of negotiations, CICC remained in close contact with the British and Canadian delegations. It was a wise decision, as those two adopted positions very similar to those of the Coalition, and had the capacity to influence and even dominate the negotiations (Hampson and Reid, 2003: 28). It has also pioneered regular meetings held between the Coalition and LMG. Those meetings have often been informal and casual. For instance, one of the most common methods to get together was luncheons. Germany hosted the luncheon meetings between the CICC members and members in the LMG.²³

Those attempts worked out well, and the CICC members and states in the LMG managed to create a powerful block prior to the Rome Conference. Especially the withdrawal of the United Kingdom from the P5 group was a notable success. Moreover, by the end of the PrepComI sessions, the coalition of CICC and LMG included many states from Europe, Africa, Commonwealth, and Caribbean (Hampson and Reid, 2003: 28).

While the partnership established between LGM and CICC was most visible and comprehensive during the negotiations at the PrepComI sessions, it should however also be noted that governments sharing the same vision with that of the NGOs regarding the nature of the Court to be established often joined the activities organized by CICC members, including conferences, seminars and workshops. They, in cooperation with CICC, developed "regional settings to increase knowledge on the issue and to counter the special fears in the respective regions." To this end, they organized conferences on the ICC different parts of the world, including Latin America, Asia, Africa, and Central and East Europe. The primary objective was "to allow open and free discussion – not necessarily to establish clear-cut positions on the specific issues but to generate knowledge and understanding of the main issues involved." (Deitelhoff, 2004: 23).

The coalition of LMG and CICC has proven to be quite successful in both raising awareness and ensuring a negotiation framework for an ICC that would ensure the creation of a fair and independent ICC. The partnership characterized by solidarity, common vision, a sense of sharing and mutual understanding could not only increased the number of states that showed interest in joining the LMG-CICC Coalition, but also effectively resisted against the

efforts of big powers to undermine the institution it envisaged. Largely due to the contribution of the coalition of LMG and CICC, the contents of the documents related to the future Court have been dramatically modified, in a way favored by the civil society sector. It also managed to encounter the intensive efforts of such big powers as the US, China, Mexico, and India to prolong the PrepComI negotiations to ensure further consideration of their concerns and skepticisms about the Court (Behringer, 2003: 16).

The primary reason behind the success was of course the effective partnership maintained between the NGO Coalition and the LMG. However, it was also asserted that the normative framework the partnership pronounced in relation to the Court it has been favoring has appealed a very large segment of the world people as well as participating delegations. The world overall was favoring an independent and impartial Court, an institution that was contrary to the wishes of those who adopted the power-centered approach. The delegations that participated at the PrepComI sessions soon became aware that they should have favored the normative framework advocated by the NGO Coalition in order to convince their citizens (See, Dietelhoff, 2004).

Even though it would be fair to attribute the success achieved through the cooperation and partnership between the CICC and LMG to both parties, most commentators praise CICC for its enthusiasm and tireless efforts with regard to establish such cooperation. For instance, Ved P. Nanda argues that the CICC deserves credit for bringing together the group of like-minded states which included more than forty states from all parts of the world (Nanda, 1998: 428). In other words, the CICC often introduced an innovative attempt or position, and subsequently tried to gain the support of the LMG. Of course that does not necessarily mean CICC had a coercive impact on the latter. However, the point that should be underlined is that in general CICC has been the pioneer, and LMG the supporter and follower.

It should be noted however that whatever the case is the LMG-CICC coalition made all the preparations ahead of the Rome Conference. The preparedness is best visible in the basic principles mutually shared and agreed on by both parties during the fifth session of PrepComI. According to those principles the LMG-CICC coalition would work to ensure that the ICC remain independent from the United Nations Security Council; an independent position of ICC Prosecutor will be created; ICC jurisdiction will be extended to cover cases of genocide, crimes against humanity, war crimes, and the crime of aggression; the states will provide full cooperation with the ICC; the ICC will make the final decision on is-

sues of admissibility; and a diplomatic conference of plenipotentiaries will be convened in Rome (Behringer, 2003: 16-17; Nanda, 1995: 428).

7. The Coalition at the Preparatory Committee Meetings

The idea of a permanent ICC revived in early 1990s. The International Law Commission (ILC) assumed role to draft a generally acceptable statute for a permanent Court. In 1992, a working group, which adopted basic parameters for a Draft Statute was created under the auspices of the Commission (ILC Report, 1992). Both the Commission and the UN General Assembly endorsed the work of the working group in 1992 (General Assembly Resolution, 1992).

The working group submitted its report that provided a Draft Statute for an International Criminal tribunal to the Commission in 1993 (Working Group Report, 1993). ILC forwarded the report to the General Assembly for consideration and comment without adopting the text (Crawford, 1995: 405). The 1993 Draft Statute was in general terms compatible with the general approach adopted in 1992, "but with a number of modifications and refinements and with much further detail." (Crawford, 1995: 405-406). The General Assembly noted the Draft Statute "with appreciation, and invited the Commission to continue its work "as a matter of priority." The Assembly also expressed its anticipation for the preparation of a final draft at its 1994 session (General Assembly Resolution, 1993).

In 1994, considering the comments made in the Sixth Committee and the forwarded comments and views by a number of states and other bodies, ILC adopted a Draft Statute for an International Criminal Court. Even though the draft "followed closely the proposals of the working group as reconstituted in 1994," "there were important refinements and modifications to the 1993 draft." (Crawford, 1995: 406; Williams, 2000: 309). The Commission also recommended a diplomatic conference to be conveyed to discuss the establishment of an international criminal court. However, instead of calling on states to convene a diplomatic conference, the General Assembly decided to create an ad hoc committee to review the draft (General Assembly Resolution, 1997).

The Ad Hoc Committee submitted its report in 1995. Because "there was consensus that the Draft Statute needed further work," (Nanda, 1995: 416) in 1995, the U.N. General Assembly established a committee to consider the Draft Statute for a permanent ICC the ILC prepared in 1994 (ILC Report, 1994).

The Committee was charged with "preparing a widely acceptable consolidated text of a convention for an international criminal court as a next step towards consideration by a conference of plenipotentiaries." It convened its first two sessions, and submitted its reports to the General Assembly in 1996 (Preparatory Committee Report, 1996).

The UN General Assembly reaffirmed the mandate of the Committee and decided that the committee would meet in four more sessions "in order to complete the drafting of a widely acceptable consolidated text of a convention, to be submitted to a diplomatic conference," and that "a diplomatic conference of plenipotentiaries will be held in 1998, with a view to finalizing and adopting a convention on the establishment of an international criminal court." The Assembly also urged extensive participation in the committee "by the largest number of States so as to promote universal support for an international criminal court." (General Assembly Resolution, 1996). In its resolution 52/160, the General Assembly further requested the Secretary-General "to prepare the text of the draft rules of procedure of the Conference, to be submitted to the Preparatory Committee for its consideration and for recommendations to the Conference."

Subsequently, four more PrepComI sessions were held.²⁴ At the third session, the Committee decided to continue its discussions in two informal working groups open to all states: a working group focused on the definition of crimes, and a working group on general principles of criminal law and penalties. At its last session, the PrepComI agreed to conduct its work through the following subjects: procedural matters; composition and administration of the court; establishment of the court and its relationship with the United Nations; applicable law; *ne bis in idem*; jurisdictional issues; and enforcement (Preparatory Committee Report, 1998). At its 57th meeting, the Committee adopted the reports submitted by the aforesaid working groups. On April 3, 1998, the Committee adopted the text of a draft statute on the establishment of an international criminal court and the draft final act. Pursuant to the UN General Assembly resolution 52/160, the Committee also adopted the draft rules of procedure of the Conference at its 61st meeting on April 3, 1998. In addition, it also "took note of the draft organization of work prepared by the Secretariat and decided to transmit it to the Conference."

At the same meeting, the Committee agreed to transmit to the Conference the Draft statute for

the International Criminal Court, the Draft Final Act of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, the Draft rules of procedure for the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, and the Draft organization of work of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court.

The Preparatory Committee completed its official business on April 14, 1998. As mandated by the UN General Assembly, the Committee was able to produce a text to be discussed at the upcoming Conference; so, looked at this way, it was a success. This success notwithstanding, there were still many contentious issues that needed to be addressed effectively. The Draft Statute, the most important document the Committee forwarded to the Conference, contained 116 articles with approximately 1700 brackets, which indicated areas of contention and disagreement. From another perspective, it could be asserted that the PrepComI sessions were not so successful, as instead of a consolidated text, it "produced a report compiling various proposals, so that when delegates arrived in Rome, virtually every major issue was open for debate" (Davenport, 2002-2003: 24).

However, it should be noted that no matter whether the outcome of PrepComI sessions was a success or a failure, it is certain that the NGO presence during the Committee's proceedings had a substantial impact. The NGOs were not only able to take part in the informal and formal sessions, but also provided extensive expertise. In addition, they managed to create a strong alliance with the government delegations as well as deepening the ties between the coalition members.

A brief survey on the level of NGO participation in the PrepComI sessions will reveal that both their presence and influence has enhanced over the time. However, it should be noted that NGOs' impact and areas of activity were limited to producing of expert documents during the first two PrepComI meetings. On the other hand, given the Coalition was at its early stages, the NGO presence during these meetings was also somehow modest. Moreover, the alliance between the NGOs and LMG was narrow, and largely ineffective. Despite this limited presence, however, their impact could not be ignored. The Coalition was able to establish "excellent working relationship between nongovernmental organizations

and government delegations," and "supplied delegations with extensive commentary on the ILC draft statute" (Hall, 1997: 184).

The third and fourth sessions saw an important achievement of the NGOs. The Committee decided that the sessions would not only be open, but also "informal working groups would be open to NGOs." This decision enabled the governments favoring a strong ICC and the NGOs to work closely on their common agenda. NGOs also continue providing with the participant government delegations with extensive expertise. The NGO recommendations not only "had a significant impact on governments' proposals concerning the drafting of a consolidated text," but also will help in understanding "the history and meaning of many provisions of the statute," given that the PrepComI sessions were not recorded.

The NGO presence at the sessions also changed the overall atmosphere. While there was little hope during the first two meetings that a permanent international criminal court would be created, now "it was likely that a statute would finally be adopted in 1998 and a court established soon afterwards, possibly before the end of the century" (Hall, 1998a: 134). The role of the NGOs in changing the atmosphere was affirmed by the UN General Assembly resolution 52/160, which provides the invitation of the NGOs accredited by the PrepComI by the Secretary-General to the conference to be convened to discuss the ICC.

The fifth PrepComI session too was marked by the increasing effectiveness of the well coordinated NGO members of the CICC. The four groups formed by the Coalition to focus on such particular issues as prohibited weapons and the rights of children, victims and women were particularly significant and noteworthy. During the sixth session too were the coalition members quite successful. Even though some of the Committee's works took place in closed sessions, "which made it very difficult for many small governmental delegations to follow and participate and for nongovernmental organizations (NGOs) to provide timely advice and expert legal advice," (Hall, 1998c: 550) the CICC was still able to have a great deal of impact on the proceedings (Hall, 1998c: 555).

Among others, the most important and striking contribution of the NGO Coalition to the draft statute that emerged out of the discussions and negotiations at the PrepComI sessions was arguably the dramatic change in the contents of the articles regu-

lating the gender issues. Given that the gender issues were barely on the agenda during the early stages of drafting the Rome Statute (Martinez and Bedont, 1999: 75), the input of the NGOs in the proceedings is something that needs to be appreciated and openly acknowledged. In recognition of the necessity for generating a coordinated and stronger influence, women groups formed the Women's Caucus whose efforts created positive results in a very short time. Because of its lobbying, at the December 1997 PrepComI session, "the draft statute was changed to create a separate category for rape, sexual slavery, enforced prostitution, enforced pregnancy, enforced sterilization, and any other form of sexual violence" (Martinez and Bedont, 1999: 77).

8. Conclusion

NGO presence during the preparatory works for a permanent international criminal court was influential on the outcome throughout the process. Their visible involvement in the making of the groundwork of the ICC Statute was acknowledgeable considering their efforts to make the idea of a fair, independent and strong ICC a reality.

Before the Rome Conference where the treaty establishing the ICC was adopted, the NGOs dedicated to the promotion of a permanent Court assembled a loosely organized principled network to exert the maximum possible influence. The outcome of this action was the NGO Coalition for an ICC which subsequently encouraged the gathering of states to discuss the creation of a permanent criminal court. It also assumed roles regarding disseminating information about the ICC. In this vein, the CICC members have held numerous conferences, organized various activities aimed at informing ordinary sections of world society, and sought to raise public awareness for pursuit of global justice.

The undeniable influence by the NGOs over the states to adopt a different approach towards the idea of a permanent ICC implies that role of the non-state actors in the making of international law is incredibly growing. Creation of international law may not be considered domain of states alone simply because the NGOs have greater voice to be heard of in the complex global affairs. While the impact of civil society actors in political affairs was more easily acceptable, that they have determinative impact in the creation of international law will require substantial revisions in the paradigms employed to explain nature of world politics. ■

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NOTES

1 Preparatory Committee should not be confused with Preparatory Commission. To avoid any possible misunderstanding and confusion, Preparatory Committee is hereby abbreviated as PrepComI, whereas Preparatory Commission is shortened as PrepComII. However, it should be noted that those are completely different.

2 The report also recommends "the establishment of a permanent International Criminal Court (ICC) by multilateral treaty in order to prosecute and punish individuals who commit the most serious crimes under international law," and that the US Government should continue to play an active role in the process of negotiating and drafting a treaty establishing the ICC." P. 1.

3 USA for the International Criminal Court, <http://www.usaforicc.org/wicc/index.html>. The working group was created based on the decision taken by the CICC founding members that "a group of American NGOs in Washington should begin at once to advocate for the ICC in Congress." Established as a free-standing body, the WICC has primarily focused on convincing the US administration to adopt a policy regarding the ICC consistent with the demands of international community. Comprising of nearly forty members, WICC still works within the initially stated mandate.

4 It is "a coalition of non-governmental organizations committed to achieving through education, information, promotion and an aroused public opinion full United States support for the International Criminal Court (ICC) and the earliest possible US ratification of the Court's Rome Statute." "Mission Statement," AMICC webpage, <http://www.amicc.org/mission.html>.

5 The Council major goal is "to promote scholarship, discourse, and engagement in international policy and deepen the commitment of America and Americans to fulfilling our obligations as a leader in the international community." "What is CASIN?" at <http://www.americanstudents.us/whatiscasin.shtml>.

6 "Regional Reports" section, *The International Criminal Court Monitor*, Issue 7, 1997, p. 9. The Group has over the time developed strategies that broadened its scope and reach.

7 "United Methodist Bishops Call Support for the Creation of an International Criminal Court," 1998, p. 1.

8 "Regional reports" section, *The International Criminal Court Monitor*, Issue 6, 1997, p. 9.

9 *Ibid.*, p. 9.

10 "Regional reports" section, *The International Criminal Court Monitor*, Issue 7, 1997, p. 9.

11 "Regional reports" section, *The International Criminal Court Monitor*, Issue 8, 1998, p. 10.

12 *Ibid.*, p. 10.

13 *Ibid.*, p. 10.

14 "Reports from around the world" section, *The International Criminal Court Monitor*, Issue 7, 1998, p. 12.

15 *Ibid.*, p. 9.

16 "Reports from around the world" section, *The International Criminal Court Monitor*, Issue 7, 1998, p. 12.

17 *Ibid.*, p. 9.

18 *Ibid.*, p. 12-13.

19 *Ibid.*, p. 13.

20 "Regional reports" section, *The International Criminal Court Monitor*, Issue 6, 1997, p. 8.

21 *Ibid.*, p. 8.

22 The framework of the partnership between the NGOs and African countries was laid down ahead of the participation of those countries in the sessions. First, NGOs and a number of African countries organized under the title of the Southern African Development Community adopted principles of consensus in 1997. Principles of Consensus, Regional Consultative Meeting on the Establishment of an International Criminal Court, The Farm Inn, Pretoria (Sept. 14, 1997). Later in 1998, NGOs and African governments adopted the Dakar Declaration in the regional conference held in Senegal. Dakar Declaration for the Establishment of the International Criminal Court in 1998, February 6, Dakar, Senegal. Available online at CICC website, www.iccnw.org. The conference was organized by No Peace Without Justice and the Government of Senegal to raise awareness among African governments and people on the ICC. Twenty-five African states were represented. The conference was also attended by the European Commissioner Emma Bonino, M. Cherif Bassiouni, vice president of the UN Preparatory Committee on the ICC, and representatives of a number of African and International NGOs. "Governments and Civil Society Meet in Dakar on the Court," *The International Criminal Court Monitor*, Issue 7, 1998, p. 13.

23 "August Preparatory Committee Tentatively Calls for a Diplomatic Conference in 1998," *The International Criminal Court Monitor*, Issue 2, 1996, p. 2.

24 The PrepComI met 11 to 21 February, 4 to 15 August and 1 to 12 December 1997, and from 16 March to 3 April 1998.