

Copyright 1998 Globe Newspaper Company
The Boston Globe

July 31, 1998, Friday, City Edition

SECTION: OP-ED; Pg. A19

LENGTH: 646 words

HEADLINE: New international court fulfills a UN dream that began in 1948;
KOFI ANNAN;
Kofi Annan is secretary general of the United Nations.

BYLINE: By **Kofi Annan**

BODY:

One week ago, standing in the Campidoglio in Rome, it was my privilege to hand to the Italian government the statute of the future International Criminal Court. It was a historic day.

Two millennia before in that same city, one of most famous of all Romans, Marcus Tullius Cicero, declared that "in the midst of arms, law stands mute."

From Cicero's time to our own, his bleak statement has largely held true. But in the future it should be less true than in the past.

Until now, when powerful men committed crimes against humanity, they knew that so long as they remained powerful, no earthly court could judge them. Even when they were judged - as, happily, some of the worst criminals were in 1945 - they could claim that this was happening only because others proved more powerful and so were able to sit in judgment over them. Fair verdicts intended to uphold the rights of the weak and helpless could be impugned as "victors' justice."

Such accusations can also be made, however unjustly, when courts are set up only ad hoc, like the tribunals in The Hague and in Arusha, Tanzania, to deal with crimes committed in specific conflicts or by specific regimes. That is certainly better than nothing, but such arrangements can be taken by some to imply that the same crimes committed by different people or at different times and places will go unpunished.

Now, at last, we shall have a permanent court to judge those accused of genocide and other comparable crimes, wherever and whenever they may be committed.

For the United Nations, this is especially important. We never forget that our organization was founded as part of a global struggle against regimes that were guilty of mass murder on a horrendous scale. And unhappily, in Bosnia and Rwanda we have had

to deal all too recently with new crimes of the same appalling nature, if not quite of the same magnitude.

The idea of an International Criminal Court has been on the UN agenda since 1948, when the General Assembly decided to move beyond the Nuremberg and Tokyo tribunals, asking the International Law Commission to study the possibility of establishing a permanent court.

In this area, as in so many, the Cold War for a long time prevented further progress. Even when the Cold War ended, there were many legal and political problems to be overcome. Right up to the last day of the Rome conference, painful compromises had to be thrashed out - and even then the result was not unanimous.

Many of us would have liked a court with even farther-reaching powers. And many of us would have liked it to enjoy the full support of all the great powers from its inception. But I am confident that in time even those who now have misgivings will come to realize the value of this great new instrument of international justice.

Meanwhile, let us not minimize the breakthrough that has been achieved. Only a few years ago no one would have thought it possible. The court that is now to be established will have its own independent prosecutor who will not be beholden to any state, however powerful. Such a court should serve the overriding interest of the victims and of the international community as a whole.

In this year of the 50th anniversary of the Universal Declaration of Human Rights, we have taken a monumental step forward in the march toward universal human rights and the rule of law. It is a gift of hope to future generations, that they may be spared the terrible crimes from which earlier ones have suffered.

The statute is now open for signature, and some states have already signed it. (The United States has not.) It will remain open until Dec. 31, 2000. I hope that by then a large majority of UN member states will have ratified it so that the court will have unquestioned authority and the widest possible jurisdiction.

May it serve mankind well in generations to come.

LOAD-DATE: August 1, 1998