



International Philosophers for Peace 2007 Conference Papers

24-27 May 2007, Radford University, Radford Virginia, USA

The Good News: The ICC and the R2P Principle

Ronald J. Glossop

The title of this conference, “Dreams/Nightmares of Empire: Hegemony or Survival in the 21st Century,” along with the list of relevant topics distributed with the call for papers suggests that existing public policy is not promising for the global community’s future. But the third topic listed is “Feasible alternative ways to provide a stable world with planetary peace and human well-being.” In that vein I want to discuss two movements of the last decade which are very promising in terms both of the ideals that motivate them and the progress they have been making in realizing their goals. That is, I want to direct our attention to the good news, that related to the International Criminal Court (ICC) and to the Responsibility to Protect (R2P) principle. I will conclude by noting why these developments are so important for the future of our global community.

The International Criminal Court (ICC)

A. The Establishment, Structure, and Personnel of the ICC.

Less than ten years ago, on July 17, 1998 an international conference in Rome approved by a vote of 120 to 7 (with 21 abstentions) a treaty to create a permanent International Criminal Court (ICC) as an alternative to relying on the *ad hoc* tribunals established by the U.N. Security Council after the crimes were committed in places such as the former Yugoslavia and Rwanda. Unlike the International Court of Justice (ICJ) or “World Court” which deals with disputes between national governments, the ICC can try and prosecute individuals for genocide, war crimes, and crimes against humanity. Support for the treaty was led by the like-minded group which included countries such as Canada, Australia,

Britain, Norway, Germany, and South Africa cheered on by an 800-member international coalition of citizen groups. Opposition was led by the United States, even though up to the time of the Rome Conference it had supported the effort because it had assumed that the ICC would deal only with cases referred to it by the Security Council. With such an arrangement it would have been able to veto any cases involving Americans. The seven countries voting against the ICC treaty were China, Iraq, Israel, Libya, Qatar, Yemen, and the United States.

This treaty, known as the Rome Statute, stipulated that the jurisdiction of the ICC would begin on the first of the month 60 days after the 60th ratification. Enemies of the treaty were confident that it would be 10-25 years before that many ratifications would be acquired. But largely because of the efforts of a coalition of non-government organizations called the Coalition for the International Criminal Court (CICC), the required 60th ratification of the Rome Statute was registered on April 11, 2002, only 45 months after the treaty was adopted. As a result the jurisdiction of the ICC began on July 1, 2002. The CICC can also take a lot of credit for the fact that as of March 21, 2007 the Rome Statute has already been ratified by 104 countries out of the 193 countries in the world. The most recent was Chad, now the home of many refugees from Darfur, Sudan. On March 24, the Yemeni House of Representatives voted to ratify the treaty, so it will soon become the 105th country. That activist coalition, whose office is at 708 Third Avenue, 24th floor, in New York City, now includes over 2,000 civil society organizations. Its website <http://www.iccnw.org> is very useful. It also publishes an informative newspaper, *The International Criminal Court Monitor*. The national coalition of NGOs for the

ICC in the United States is AMICC, and its website is <http://www.amicc.org>.

Representatives of countries which have ratified the treaty make up the Assembly of States Parties (ASP). The first meeting of this governing body for the ICC was held at UN Headquarters in New York September 3-10, 2002. It called for nominations for the Prosecutor and the 18 judges of the Court before the first of December. The 18 judges were elected in February 2003, and they were sworn in on March 11 in the Hague where the ICC will be located. Each Judge must have established competence in criminal law and procedure or in relevant areas of international law. The Judges are divided into three divisions, a Pre-Trial Division, a Trial Division, and an Appeals Division. The rules for electing judges assure that they will come from different parts of the world and that a fair proportion of them will be women. Of the 18 judges selected in the first election, 7 were women. Their normal term of office is nine years, but after this first election they drew lots so that one-third had 3-year terms and one-third had 6-year terms.

Judge Philippe Kirsch of Canada was elected President of the ICC. In April 2003 the Assembly of States Parties elected Luis Moreno-Ocampo of Argentina to be the first Prosecutor, and he was sworn in June 16, 2003. In June the ASP elected Bruno Cathala of France to be the first Registrar of the Court. His swearing-in on July 3, 2003 marked the successful appointment of all the senior officers of the Court, just over a year after its jurisdiction began. In January, 2006, elections were held for the six judges who had three-year terms. Five of the six were re-elected and the sixth was a woman, so for a time there were 8 women judges. But in December 2006 Judge Maureen Harding Clark of Ireland resigned to serve on the High Court of Ireland. Her replacement will be elected at the Fifth Assembly of States Parties to be held in December 2007.

In September 2003 the second Assembly of States Parties met in New York and elected five distinguished persons (two of them Nobel Peace Laureates) for three-year terms to the Board of Directors for the Victims Trust Fund of the ICC. This fund assures that the ICC will not only prosecute those guilty of committing crimes but will also assist those who have been injured. The five original members were Her Majesty Queen Rania Al-Abdullah of Jordan, former President Oscar Arias Sanchez of Costa Rica, former Prime Minister Tadekusz Mazowiecki of Poland, former President of the European Parliament Simone Veil of France, and

Bishop Desmond Tutu of South Africa. The first two have resigned and have been replaced by Bulгаа Altangerel of Mongolia and Arthur Napoleon Raymond Robinson of Trinidad and Tobago.

In July 2004 a new supplemental treaty, the Agreement on the Privileges and Immunities of the ICC (APIC), entered into force. This treaty, which is essential for carrying out the work of the tribunal, gives employees of the ICC the same immunities and privileges granted to employees of the UN and other international organizations. As of February 1, 2007 this treaty providing immunity for ICC employees has been signed by 62 countries and ratified by 48.

One great value of the Rome Statute generally overlooked is the fact that nations which ratify the Statute are committed to bringing their own national laws into conformity with the international norms set up in the treaty. Consequently, many national legal systems are being modified to establish jurisdiction over the crimes of genocide, torture, ethnic cleansing, and rape.

An issue that everyone knew would require attention right from the time of the adoption of the Rome Statute is the matter of defining the crime of aggression as it applies to individuals. The Rome Statute gives the ICC jurisdiction over four kinds of crimes: (1) genocide, (2) war crimes, (3) crimes against humanity (which are clearly described in the statute itself), and (4) aggression. But it was decided in Rome that having jurisdiction on aggression would require a clear delineation of that crime. Discussion of this issue is being carried out by the Special Working Group of the Crime of Aggression (SWGCA) which held its third session June 8-11, 2006 at Princeton University. The aim is to have a proposal ready for action by the Review Council for the Rome Statute to be held in 2009. Issues involve not only defining aggression but also deciding whether jurisdiction of the Court should be restricted to the most clear-cut cases of aggression and determining the extent to which decisions of the UN Security Council, the UN General Assembly, and the International Court of Justice need to be taken into account.

B. The ICC and the U.N. in Africa and in the Rest of the World.

On January 29, 2004 the ICC got its first case when the government of Uganda referred the situation in its northern region to the ICC. On April 19, 2004 the Court got its second case when the government of the

Democratic Republic of the Congo called on the ICC to investigate crimes committed in that country since the Court's jurisdiction began July 1, 2002. Two months later Prosecutor Moreno-Ocampo announced the beginning of formal investigations in both these countries.

One of the most important events in the young history of the ICC occurred on March 31, 2005 when the UN Security Council adopted Resolution 1593 on the situation in the Darfur region of Sudan by a vote of 14-0 with one abstention, that of the United States. It was widely assumed that the U.S. would veto this measure because it included a section calling on the ICC to investigate the alleged crimes being committed in Sudan. Just over 2 months later, Prosecutor Moreno-Ocampo concluded that the requirements for initiating a formal investigation had been satisfied. The Prosecutor has reported to the Security Council on this matter four times, in June and December of 2005 and June and December of 2006. In the last two reports he called for more cooperation from national governments and other organizations.

One of the few times that the mainstream media has really focused attention on the ICC is related to its activity in Darfur. On Sunday, April 2, 2006, the cover story of *The New York Times Magazine* was "The Prosecutor of the World's Worst" by Elizabeth Rubin. The cover boldly presented this message.

The U.N. is not going to stop the genocide in Darfur. The African Union is not going to stop the genocide in Darfur. The U.S. is not going to stop the genocide in Darfur. NATO is not going to stop the genocide in Darfur. The European Union is not going to stop the genocide in Darfur. But someday, Luis Moreno-Ocampo is going to bring those who committed the genocide to justice.

This article provides a great deal of detail about how the leaders in Sudan are well aware of the work of the ICC and are actively doing all they can to prevent it from carrying on its work.

One reason the Sudanese government leaders don't want UN peacekeepers from countries that have ratified the Rome Statute is they might be arrested by them, especially now that as of April 27, 2007 (with the news being made public on May 2, 2007) warrants have been issued for the arrest of the former Minister of State for the Interior of the Government of Sudan Ahmad Mu-

hammad Harun and Janjaweed militia leader Ali Kushbayd (real name Ali Muhammad Al Abd-Al-Rahman). Nevertheless, the statement issued by the Office of the Prosecutor for the ICC notes that the Government of Sudan itself has a legal duty to arrest these defendants. The Sudanese government has refused to accept these judgments of the ICC on grounds that it has not signed or ratified the Rome Statute, but that is irrelevant in this case because the UN Security Council has authorized the ICC to be involved. The question now is whether the U.N. or some countries in the U.N. will take action to back up the ICC judgments.

ICC President Kirsch has given reports to the UN General Assembly in November 2005 and October 2006. The ICC is a separate organization from the UN, but it reports annually to the General Assembly. This gives national representatives at the UN a chance to comment on the work of the ICC, and most of them have praised its work. A major theme of both the report itself and the responses from the General Assembly have focused on the need of national governments to assist the ICC, especially in the arresting of those indicted by the ICC such as Joseph Kony and four other leaders of the Lord's Resistance Army in Uganda. They were indicted October 13, 2005 but have still not been arrested. A ticklish issue at present is whether these indicted leaders are going to be given amnesty as part of a peace agreement being negotiated at Juba, the capital of the regional government of southern Sudan. This possibility has evoked a loud cry of outrage from many human rights leaders.

On March 17, 2006 the ICC announced its first arrest. The defendant is Thomas Lubanga Dyilo, leader of a Congolese militia responsible for ethnic massacres, exploitation of child soldiers, rapes, and torture in the eastern part of the Democratic Republic of the Congo. He was turned over to the ICC by Congolese authorities aided by the French government and the UN Mission in the Congo (MONUC). The public hearing with Lubanga present was held March 20, 2006 in the Hague.

The arrest of Lubanga along with investigations by the ICC resulted in an October 12, 2006 editorial in *The New York Times*. The editorial (available at <http://www.nytimes.com/2006/10/12hu3.html>) reads as follows:

Much good can come from the court's focus on child soldiers. The decision by the international tribunals for Rwanda and Yugoslavia to

treat rape as one of the most serious international crimes has changed legal attitudes and practice worldwide. The International Criminal Court is now drawing attention to another widespread, yet widely ignored, horror. Guerilla leaders in Colombia, Sri Lanka, West Africa and elsewhere, and government officials in Myanmar, should pay close attention.

In fact, at least one has. Elizabeth Rubin in her article in *The New York Times Magazine* of April 2, 2006 mentioned earlier, notes on page 43 that Prosecutor Moreno-Ocampo “holds up Carlos Castaño, one of Colombia’s top paramilitary commanders, as an example of the court’s potential reach. After Colombia ratified the ICC treaty, Castaño laid down his weapons because, according to his brother, he realized that he might become vulnerable to ICC prosecution.”

C. Opposition of the Bush Administration to the ICC

The ICC has been progressing despite the efforts of the Bush administration to undermine it. President Clinton signed the treaty on December 31, 2000, the last day when a government could sign the treaty and not ratify it at the same time, something that would have been impossible in the United States. On May 6, 2002 the Bush administration announced that it had “nullified” the U.S. signature of the treaty, something not permitted by international law. It also launched a campaign against the ICC. A policy was adopted of trying to get other countries to sign Bilateral Immunity Agreements (BIAs) which indicated that no U.S. citizens would ever be sent to the ICC either for prosecution or even to testify. Economic assistance was to be cut off to any country which did not sign such an agreement. According to the U.S. administration 101 nations have signed these BIAs, but many of these cases are just executive agreements. Less than 40% have been ratified by parliaments. In addition 53 governments have publicly announced that they refuse to sign BIAs with the U.S. government. Several national governments in eastern Europe have been squeezed by a U.S. policy threatening to cut off financial assistance to countries that won’t sign a BIA while the European Union has indicated that any country that does sign a BIA can forget about becoming part of the European Union.

Another part of the U.S. campaign against the ICC is the legislation adopted by the U.S. Congress in Au-

gust 2002 known as the American Servicemembers’ Protection Act (ASPA). Its enemies refer to it as “The Hague Invasion Act” since it authorizes “any means necessary” to keep U.S. citizens from ICC custody in the Hague. A third U.S. effort against the ICC is the Nethercutt Amendment to the U.S. Foreign Appropriations Bill of December 2004. This measure goes further than the ASPA because it authorizes the end of Economic Support Funds to any country, including many key allies, that ratifies the Rome Statute but does not sign a BIA. The Nethercutt Amendment was reauthorized in the Joint Appropriations Bill for 2006.

A fourth element of the campaign against the ICC was to try to work through the UN to get immunity for all U.S. personnel involved in international peacekeeping efforts. The first effort in July 2002 succeeded. UN Security Council Resolution 1422 was adopted granting immunity from the ICC during a one-year period for all personnel participating in missions authorized by the United Nations from countries who had not ratified the Rome Statute. Since that resolution stipulated only a one-year period, it came up for renewal the next year as UNSC Resolution 1487. It was passed again but with less support. In 2004 the U.S. wanted to renew this provision again, but withdrew it realizing that it would not be passed again.

On July 23, 2006 *The New York Times* published an op-ed piece by Mark Mazzetti entitled “U.S. Cuts in Africa Aid Said to Hurt War on Terror.” He noted how the ASPA has led to the cutting off of millions of dollars in assistance to countries such as Kenya, Mali, Niger, and Tanzania who had been assisting in efforts against Al Qaeda and other terrorist groups. He also mentioned the situation in Latin America where, as in Africa, the Chinese are moving in as the U.S. is cutting back on its economic assistance. He quoted Secretary of State Condoleezza Rice’s comment in March 2006 that cutting military assistance because of ASPA is “sort of the same as shooting ourselves in the foot.” He noted that the Pentagon’s Quadrennial Defense Review issued in February 2006 called for the government to separate military funding from that anti-ICC law. He cited the opposition to the ASPA voiced by General Bantz J. Craddock of the U.S. Southern Command when testifying before the Senate in March 2006.

Such arguments may be having some effect. Last October President Bush directed Secretary of State Rice to waive the prohibitions in the ASPA with respect to 21 countries. But the anti-ICC Nethercutt Amendment

has not been revoked, and any changes in U.S. policy are motivated by concerns about the expanding influence of China, not by any readiness to support international law. What would be helpful would be a “sense of Congress” resolution saying that the policy of the U.S. government should be to support the International Criminal Court, including ratifying the Rome Statute so that this country can become a member of the Assembly of States Parties and so that U.S. citizens would be eligible to become judges on the Court.

The Responsibility to Protect (R2P) Principle

A. The Origins of the R2P Principle

The second part of the good news is the “Responsibility to Protect” movement, abbreviated as “R2P.” This movement has its origins in the report of the International Commission on Intervention and State Sovereignty published in December 2001 by the International Development Research Centre in Ottawa, Canada, ISBN 0-88936-960-7, <http://www.idrc.ca>. Establishment of this commission was initiated by Lloyd Axworthy, former Foreign Affairs Minister of Canada, as a response to concerns about NATO intervention in Kosovo in 1999 without authorization by the U.N. Security Council on the one hand and the lack of international action to prevent the genocide in Rwanda on the other. U.N. Secretary-General Kofi Annan called for the international community to “forge unity” on the issue of how to deal with gross violations of human rights when international intervention seems to violate the principle of national sovereignty. The commission was appointed by the government of Canada and a group of major foundations, and its composition was announced to the U.N. General Assembly in September 2000. The Co-Chairs were Gareth Evans of Australia and Mohamed Sahnoun of Algeria while the other members were Gis le Cot Harper of Canada, Lee Hamilton of the United States, Michael Ignatieff of Canada, Vladimir Lukin of Russia, Klaus Naumann of Germany, Cyril Ramaphosa of South Africa, Fidel Ramos of the Philippines, Cornelio Sommaruga of Switzerland, Eduardo Stein Barillas of Guatemala, and Ramesh Thakur of India.

The issues to be addressed by the Commission were: Does the international community ever have the right to intervene within the borders of a sovereign nation-state? If so, under what conditions? What theoretical base could possibly justify such outside intervention?

The Commission’s answer in the report calls attention to the need of governments to preserve the “personal security” of their citizens as well as their “national security” in relations with other countries. It is argued that the notion of “state sovereignty implies a dual responsibility” (p. 8). Each state not only has the responsibility “to respect the sovereignty of other states” but also has a responsibility “to respect the dignity and basic rights of people within the state” (p. 8). The Commission says, “We prefer to talk not of a ‘right to intervene’ but of a ‘responsibility to protect’ “ (p. 11). The key point is to shift focus from “sovereignty as control” to “sovereignty as responsibility” (p. 13).

The Commission’s report notes that the term “intervention” can be used to refer not only to military intervention but also to other coercive measures such as sanctions and criminal prosecutions of individuals (p. 8). At the same time the Commission deliberately refrains from using the term “humanitarian intervention” in deference to humanitarian groups who object to using that expression in any situation where military action is being employed (p. 9).

“Sovereignty as responsibility” means that leaders of national governments: (1) must protect their citizens and promote their welfare, (2) are responsible to their citizens and to the international community through the U.N., and (3) can be held accountable for their acts of commission and omission (p. 13). Thus not only do international criminal tribunals have a right to exert jurisdiction, but with regard to crimes like genocide where treaties provide for universal jurisdiction even other national governments can act. But the Commission cautions that “It is only when national systems of justice either cannot or will not act to judge crimes against humanity that universal jurisdiction and other international options should come into play” (p. 14). Furthermore, the responsibility to protect includes (both for national governments and for the international community) not only the responsibility to react to human catastrophes but also to prevent them and to rebuild the community afterwards (p. 17).

A great deal of the Commission’s 85-page report deals with very specific and detailed commentary about specific situations organized in accord with specific topics such as the responsibility to protect individual citizens (pp. 11-18), the responsibility to prevent catastrophes (pp. 19-27) (including how to deal with root causes in order to avoid the need for interventions), the responsibility to react to catastrophes (pp. 29-37), the

responsibility to rebuild the community after interventions (pp. 39-46), the various roles of the U.N. in interventions (pp. 47-55), the issue of how military interventions are to be carried out (pp. 57-67), and what needs to be done in the future (pp. 69-75), all with many references to specific past incidents, e.g. Kosovo, Somalia, Rwanda, Haiti, Iraq, Sierra Leone, Liberia, Cambodia, and East Timor.

This report by the International Commission on Intervention and State Sovereignty aims “to strengthen, not weaken, the sovereignty of states” while also improving “the capacity of the international community to react decisively when states are either unable or unwilling to protect their own people” (p. 75). It does this by proposing a re-interpretation of the notion of “national sovereignty” so that it includes the responsibility of a state to protect the security of its own citizens.

B. Official Adoption of the R2P Principle

Three years later in December 2004 UN Secretary-General Kofi Annan’s High-level Panel on Threats, Challenges, and Change fully embraced and called for implementation of the Responsibility to Protect principle. The following year the Secretary-General’s own report *In Larger Freedom: Towards Development, Security, and Human Rights for All*, presenting recommendations for action to the 60th session of the General Assembly, included a reference to the “emerging norm of the Responsibility to Protect.”

In September 2005 the U.N. General Assembly incorporated the Responsibility to Protect principle into the 2005 World Summit Outcome Document. Paragraph 138 reads: “Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability.”

Paragraph 139 of that document, addressing the issue of international intervention, says: “The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian, and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help pro-

tect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In this context, we are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organizations as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We stress the need for the General Assembly to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and its implications, bearing in mind the principles of the Charter and international law. We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.”

On April 28, 2006 these two key paragraphs of the World Summit Outcome Document were affirmed unanimously by the U.N. Security Council when it adopted Resolution 1674 on the Protection of Civilians in Armed Conflict. It says: “The Security Council reaffirms the provisions of paragraphs 138 and 139 of the World Summit Outcome Document regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”

In March 2007 a report by the UN High-Level Mission of the Human Rights Commission concerning the situation in Darfur, led by Nobel Prize winner Jody Williams, disturbed by the failure of the May 2006 Darfur Peace Agreement to do much to improve the situation, called on the international community to take action, noting that the Responsibility to Protect principle required it. But the government of Sudan refused to allow the Mission to enter Sudan to carry on its investigation and objected to the use of the R2P framework in the report. The Human Rights Commission then appointed a new working group to work with the African Union and the Sudanese government on this issue.

As in the case of the ICC, civil society is pushing the national governments to act responsibly. In fact, the coordination of the NGOs in this effort is again in the hands of the World Federalist Movement-Institute for Global Policy (WFM-IGP) in New York. On this occasion they were asked to fulfill that task by the Canadian

government which had sponsored the original report on the Responsibility to Protect. This coordination is being done under the name “Responsibility to Protect-Engaging Civil Society” or simply “r2p-cs” (“cs” is for “civil society”). The website is <http://www.responsibilitytoprotect.org> and the e-mail address is r2p-cs@wfm.org. One success for this civil society effort was the March 14, 2007 adoption by the Board of Supervisors of the City and County of San Francisco of a “Resolution Endorsing the United Nations Principle of the Responsibility to Protect.” (http://r2pcoalition.org/index.php?option=com_events&task=view_detail&Itemid=&agid=15&year=2007)

The results of a global public opinion poll released on April 5, 2007 by <http://www.WorldPublicOpinion.org> and the Chicago Council on Global Affairs showed worldwide support for applying the R2P principle to the Darfur tragedy. Referring to that poll Andrew Strohlein and Gareth Evans noted: “On the ... question of whether the UN Security Council has the ‘responsibility to authorize the use of military force to prevent severe human rights violations such as genocide, even against the will of their own government,’ strong majorities in many countries replied favorably: 74% of Americans agreed, along with 69% of Palestinians, 66% of Armenians, 64% of Israelis, 54% of French and Poles, and 51% of Indians. And all populations polled were more in favor than opposed. ... [T]he most surprising result emerged from China. Though its government has long been considered a staunch defender of state sovereignty under just about all circumstances, a full 76% of Chinese citizens agreed the Security Council had a responsibility to intervene when such mass crimes were taking place.” ([#">http://www.opendemocracy.net/globalizationinstitutions_government/protect_people_4505.jsp/#](http://www.opendemocracy.net/globalizationinstitutions_government/protect_people_4505.jsp))

Speaking April 9, 2007 on the 13th anniversary of the Rwanda genocide UN Secretary-General Ban Ki-Moon said: “All the world’s governments have agreed in principle to the responsibility to protect. Our challenge now is to give real meaning to the concept, by taking steps to make it operational.” (<http://www.un.org/News/Press/docs/2007/sgsm10934.doc.htm>) The Secretary-General then indicated that he was making his special adviser for the prevention of genocide (Juan Mendez of Argentina) a full-time post and that he was upgrading the UN Advisory Committee on Genocide

Prevention. (http://www.upi.com/International_Intelligence/Briefing/2007/04/09/un_genocide_prevention_post_to_full_time)

The situation is that there is plenty of theoretical support for the Responsibility to Protect principle both among national governments and the public, but how to implement it in particular circumstances has yet to be worked out. One relevant proposal is to establish a U.N. Emergency Peace Force made up of individuals employed directly by the United Nations which could be quickly moved into difficult situations like those in Darfur until the typical peacekeeping forces can be assembled and put in place. (See Robert Johansen [ed.], *A United Nations Emergency Peace Service to Prevent Genocide and Crimes against Humanity* [New York: World Federalist Movement-Institute for Global Policy, 2006].)

Why These Two Developments Are So Important

Let me conclude by noting why the creation and development of the ICC and the adoption of the Responsibility to Protect principle are so important. Both of them eliminate the notion of the unlimited sovereignty of national governments, a principle which has been used by ruthless national rulers to justify campaigns of violence against both other nations and those labeled “enemies” in their own country. The International Criminal Court establishes a permanent international institution to prosecute those individual high-ranking government officials and military officers responsible for genocide, war crimes, and crimes against humanity no matter where these are committed, while the Responsibility to Protect principle makes it clear that those committing these crimes can’t hide behind the old notion of national sovereignty, the now rejected view that national governments can do whatever they want within their own borders.

The creation of an International Criminal Court is a giant step forward in spreading the rule of law in the world. Professor Robert Johansen of Notre Dame University has noted that the creation of the ICC “could well be the most important institutional innovation [for the world] since the founding of the United Nations.” (“A Turning Point in International Relations: Establishing a Permanent International Criminal Court,” Report of Joan B. Kroc Institute for International Peace Studies for Fall 1997 [No. 13], p. 2.) The adoption of the

Responsibility to Protect principle is a gigantic step forward in protecting people from the murderous inhuman actions of their own national governments, something that in the last century has caused as many deaths as wars. (See R. J. Rummel, *Death by Government: Genocide and Mass Murder Since 1900* [New Brunswick NJ: Transaction Publishers, 1994].) Human history shows that establishing judicial institutions and principles of law is an effective way of promoting peace and justice in the human community, just as important as repeated appeals to individuals to be more loving and less violent. We can be grateful that during our lifetimes the institutions and principles of law are being extended beyond the national level to the international level.

©2007 Ronald J. Glossop. All rights reserved.

Dr. Ronald Glossop is Professor Emeritus of Philosophy at Southern Illinois University at Edwardsville where he was also Coordinator of Peace Studies. He has authored over 50 articles in professional journals and three books: *Philosophy: An Introduction to Its Problems and Vocabulary* (1974); *Confronting War* (1983; 4th ed. 2001); and *World Federation? A Critical Analysis of Federal World Government*, (1993). He is active in *Citizens for Global Solutions* locally and nationally. He is VP of UNA-St. Louis and Director of the Esperanto organization "Children around the World." He is a member of Phi Beta Kappa and Phi Kappa Phi.